

BOARD OF ALDERMEN
REGULAR MEETING
MONDAY, AUGUST 15, 2016
(JOURNAL AND MINUTES)

The Board of Aldermen for the City of Lake Saint Louis, Missouri met in regular session on Monday, August 15, 2016, at 7:00 p.m. in the Board Room at City Hall, 200 Civic Center Drive, Lake Saint Louis, Missouri.

ROLL CALL:

Mayor Schweikert was present and presided over the meeting. Aldermen present were Mike Potter, Ward II; Gary Turner, Ward I; Gary Torlina, Ward I; Jason Law, Ward III; John Pellerito, Ward III; and Karen Vennard, Ward II. Also present were: Paul Markworth, City Administrator; Donna Daniel, City Clerk; Matthew Reh, City Attorney; Derek Koestel, Public Works Director; Mike Force, Police Chief; and Mike Pavlakes, Chief Building Inspector.

INVOCATION: Mark Dumas, Pastor, Wentzville United Methodist Church, offered the invocation.

ANNOUNCEMENTS:

COMMITTEE REPORTS:

Planning and Zoning Commission – Alderman Law gave a report on the Planning and Zoning Commission meeting.

Administrative/Finance/Public Works Committee – Alderman Law gave a report on the August 15, 2016 meeting.

Green Environmental Advisory Committee – Alderman Pellerito gave a report on the July 27, 2016 meeting.

Mayor Schweikert noted Lake Saint Louis will host the next St. Charles County Municipal League meeting Tuesday, August 30, 2016, at 6:00 p.m. at the Lake Saint Louis Community Association.

PUBLIC HEARINGS:

THREE MINUTE LIMIT FOR COMMENTS – Residents who wish to speak will be limited to no more than three (3) minutes for their comments. The Board of Aldermen will hold their comments or responses until after the close of the Public Comment section of the agenda.

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Application for proposed Amendments to Municipal Code Section 410.110 and/or other appropriate sections of the Code allowing basketball goals. Application submitted by City of Lake Saint Louis.

Mayor Schweikert opened the meeting to a Public Hearing as duly advertised in a legal publication on the above topic.

Hearing no comment, Mayor Schweikert stated the Public Hearing will be continued.

Application for a proposed Amendment to Municipal Code Section 405.240 Procedures for the Review of a Preliminary Plat to modify subparagraph 3. Regarding Commission members visiting a proposed site during the application process. Application submitted by City of Lake Saint Louis.

Mayor Schweikert opened the meeting to a Public Hearing as duly advertised in a legal publication on the above topic.

Sherry Doney, 740 Harrier Court, read an excerpt from the Board of Aldermen February 16, 2016 minutes, relating to her concern about the Planning and Zoning Commission's review of the proposed McBride development, "Wyndstone". She asked why Bill No. 3767 was proposed and if it is retroactive to the McBride Preliminary Plat review. Ms. Doney asked the Board members to vote "no" on the passage and adoption of this bill.

Hearing no further comment, Mayor Schweikert stated the Public Hearing will be closed.

Application for a proposed Amendment to Municipal Code Section 405.420 Site Plan Review for Telecommunication Antennas and Towers to modify Paragraphs F and G to reflect rights of way, federal and state law, and fall zone. Application submitted by City of Lake Saint Louis.

Mayor Schweikert opened the meeting to a Public Hearing as duly advertised in a legal publication on the above topic.

Hearing no comment, Mayor Schweikert stated the Public Hearing will be closed.

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Application for a proposed Preliminary Development Plan for a 6-unit apartment building with improvements to be known as Prospect Place Apartments Phase Two. The parcel is 1 acre and zoned PR (Planned Residential). The property is located at the northeast corner of Woodlake Court and Prospect Road, west of Freymuth Road. Application submitted by DeVault Lands, L.L.C.

Mayor Schweikert opened the meeting to a Public Hearing as duly advertised in a legal publication on the above topic.

Marvin Glore, Bax Engineering, representing the applicant DeVault Lands, L.L.C., gave a presentation and offered to answer questions about the proposed Preliminary Development Plan for a six-unit apartment building to be known as Prospect Place Apartments Phase Two.

Ralph Barrale, 1603 Prospect Village Drive, expressed his opposition to the proposed Preliminary Development Plan for a six-unit apartment building to be known as Prospect Place Apartments Phase Two. Mr. Barrale said he has been told this is a done deal. He went on to say he is a longtime resident – if you place this development on the vacant lot behind the single family homes, the values of the single family homes in this area, including his home, will go down. He asked the Board to keep apartments on the other side of the road. If the Board permits this, it is opening “Pandora’s Box” – allowing anyone to put apartments next to any single family home in the City. He said, “Don’t approve this project; right the wrong created by the Planning and Zoning Commission’s recommendation to approve the development.”

Mayor Schweikert noted the property was zoned PR (Planned Residential). The proposed development is an appropriate use for the zoning district.

Jim Zest, DeVault Lands, L.L.C., asked the Board to consider two readings this evening because: (1) he already has the equipment mobilized across the street and, (2) the owner is scheduled to close on the property. Thank you for your consideration.

Hearing no further comment, Mayor Schweikert stated the Public Hearing will be closed.

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DISCUSSION:

In response to Ms. Doney's questions about Bill No. 3767 being retroactive, Matthew Reh, City Attorney, noted that most laws are not retroactive.

Alderman Potter noted the Code says Planning and Zoning Commission members are responsible (not required) for visits to the site. Will this amendment effect their decision? The City Attorney reiterated that most laws are not retroactive, but he couldn't speak specifically about this case without knowing all of the details.

Alderman Pellerito said most of the information the Planning and Zoning Commission members rely on when they review submittals comes from the information they receive from staff and other experts, i.e., engineers, etc.

Lawrence Marten, 587 Owls Perch Drive, said he understands the Commissioners rely on the experts for their information, but they should look at other things – the aesthetics and whether the project will add to community and/or surrounding neighborhood. He stated it was his opinion that they should be required to visit the site and thought the amendment "encouraged to visit" was inadequate.

CALENDAR:

Paul Markworth, City Administrator, identified dates of interest on the City calendar including:

- Tree Board – Meeting cancelled
- City Image Advisory Committee – August 19, 2016
- Municipal Court – August 23, 2016
- Architectural Review Board – August 16, 23 and 30, 2016
- Green Environmental Advisory Committee – August 31, 2016
- Planning and Zoning Commission Meeting – September 1, 2016
- City Hall closed on Labor Day – September 5, 2016
- Board of Aldermen Work Session – Tuesday, September 6, 2016
- Board of Aldermen Meeting – Tuesday, September 6, 2016

MINUTES: August 1, 2016 Regular Meeting

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MOTION TO APPROVE THE MINUTES FROM THE AUGUST 1, 2016 REGULAR BOA MEETING AS SUBMITTED:

Alderman Turner made a motion to waive the reading of the minutes from the August 1, 2016 Regular BOA Meeting and approve same as submitted. The motion was seconded by Alderman Pellerito and passed unanimously.

THE MINUTES FROM THE AUGUST 1, 2016 REGULAR BOA MEETING STAND APPROVED AS SUBMITTED.

CONSENT AGENDA:

Warrant dated August 15, 2016 in the amount of \$620,231.15

MOTION TO AMEND THE CONSENT AGENDA:

Alderman Vennard made a motion to amend the Consent Agenda by adding the detail of expenses for the Purchasing Card Statement (credit card) ending August 3, 2016 with a payment due date of August 28, 2016 to the warrant. The motion was seconded by Alderman Law and passed unanimously. The Consent Agenda was amended.

MOTION TO APPROVE THE AMENDED CONSENT AGENDA:

Alderman Turner made a motion to approve the Consent Agenda as amended. The motion was seconded by Alderman Pellerito and passed unanimously. The following items were approved:

Warrant dated August 15, 2016 in the amount of \$620,231.15
Purchasing Card Statement (credit card) ending August 3, 2016 with a payment due date of August 28, 2016

APPOINTMENTS:

PUBLIC COMMENT:

Ralph Barralle, 1603 Prospect Village Drive, questioned the location for the proposed development's trash pick-up. Mr. Barralle suggested moving the trash

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pick-up location so that it was further from his home. Mr. Zest, DeVault Lands, L.L.C., noted they did not think a trash container at the entrance to the street was attractive.

Mary Jean Murphy, 675 Falconcrest Drive, complained about men working in her and her neighbors' backyards. She questioned whether the City was aware that these men were going to be on their property, and if so, why the City did not notify them.

There was a general discussion concerning who was working in the area and what type of work was being done.

Derek Koestel, Public Works Director, said it was not employees from the Public Works Department, and permits were not issued for work in that location. He presumed surveyors (working for the utility company) were working to locate the existing sewer force main to prepare documents for the sewer alignment for the Wyndstone Development. He explained that utility companies do not need permission from the City or the property owner to work in the utility easement. It would be nice if they notified the property owner or the City, but they typically don't give notice to the City.

Mr. Koestel noted the lift station or force main sewer alignment on the latest set of plans we have are not improvement plans for construction, they are still planning level drawings. These plans show the alignment for the sewer paralleling the Heritage of Hawk Ridge property lines in an easement for an existing force main. He noted these drawings are available for review.

Steve Strubel, 644 Falconcrest Drive, asked about the process going forward if Bill No. 3767 is passed. The City Attorney replied, generally speaking, ordinances and laws are not retroactive. Mayor Schweikert noted it was her opinion that it did not change anything in regard to the project. Mr. Strubel noted there was a lot of discussion about a six-foot buffer on the west side; he questioned the plan for the property on the north side. He said the people did not know about the plan, the City did not notify them. Their association knew about the plan but they did not notify them – it was a surprise to these residents. The people are worried about the loss of trees and want their property protected too. Mr. Strubel asked the City to help them learn if more of the trees on the north side could be saved.

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A general discussion continued about workers in the backyards of Heritage of Hawk Ridge subdivision.

John Murphy, 675 Falconcrest Drive, said he thought an easement was forever. Mr. Murphy questioned why the stakes the surveyors put in his yard are not in the same place as the stakes that were on his property when it was surveyed at an earlier date. What changed? Alderman Vennard suggested the change could be that the workers (maybe surveyors) were staking the utility easement which is not the same as the property boundaries. Utility easements could be inside the property boundary lines.

TABLED:

OLD BUSINESS:

Bill No. 3763 – An ordinance amending the Municipal Code of the City of Lake Saint Louis, Missouri, Title II; Public Health, Safety and Welfare, Chapter 235: Solid Waste, Section 235.030: Collection of Solid Waste.

SECOND READING:

Alderman Law made a motion to authorize the second reading of Bill No. 3763. The motion was seconded by Alderman Turner and passed unanimously. Bill No. 3763 was read.

DISCUSSION:

Alderman Potter asked how many are grandfathered (exempt from trash service). Paul Markworth, City Administrator, replied 200 or less. Mr. Markworth noted if a resident has an exemption letter, we are not going to take that exemption status away from them; but this bill will remove the exemption option, no new exemptions will be issued from this day forward.

Alderman Pellerito spoke in favor of the Code amendment proposed in Bill No. 3763.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3763 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3569.

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Alderman Law made a motion to approve the second reading of Bill No. 3763 and pass same by assigning Ordinance No. 3569. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Law, Turner, Torlina, Pellerito, Potter and Vennard. Nays, none. The motion passed.

MOTION TO AMEND THE AGENDA:

Alderman Vennard made a motion to amend the Agenda by adding Bill No. 3770 as the last item under New Business. The motion was seconded by Alderman Torlina and passed unanimously. The Agenda was amended.

NEW BUSINESS:

Bill No. 3766 – An ordinance to authorize the first year renewal option of the contract with Reinhold Electric, Inc. for services related to the Traffic Signal Repair & Maintenance Project for the City of Lake Saint Louis, Missouri.

FIRST READING:

Alderman Pellerito made a motion to authorize the first reading of Bill No. 3766. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 3766 was read.

SECOND READING:

Alderman Pellerito made a motion to authorize the second reading of Bill No. 3766. The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 3766 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3766 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3570.

Alderman Pellerito made a motion to approve the second reading of Bill No. 3766 and pass same by assigning Ordinance No. 3570. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Law, Turner, Torlina, Pellerito, Potter and Vennard. Nays, none. The motion passed.

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Bill No. 3767 – An ordinance amending Title IV. Land Use, Chapter 405: Development Regulations and General Provisions, Article IV: Application Procedures, Section 405.240 Procedures for the Review of a Preliminary Plat, of the Lake Saint Louis Municipal Code modifying Subparagraph 3. changing the language from “responsible for visiting” to “encouraged to visit” for the Commission on site reviews regarding applications submitted for proposed subdivision.

FIRST READING:

Alderman Torlina made a motion to authorize the first reading of Bill No. 3767. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3767 was read.

SECOND READING:

Alderman Torlina made a motion to authorize the second reading of Bill No. 3767. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3767 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3767 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3571.

Alderman Torlina made a motion to approve the second reading of Bill No. 3767 and pass same by assigning Ordinance No. 3571. The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Law, Torlina, Pellerito, Potter and Vennard. Nays, Turner. The motion passed.

Bill No. 3768 – An ordinance amending Title IV. Land Use, Chapter 405: Development Regulations and General Provisions, Article IV: Application Procedures, Section 405.420 Site Plan Review for Telecommunication Antennas and Towers, of the Lake Saint Louis Municipal Code.

FIRST READING:

Alderman Turner made a motion to authorize the first reading of Bill No. 3768. The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 3768 was read.

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Bill No. 3769 – An ordinance adopting a Preliminary Development Plan for an approximate one acre tract of land currently having a zoning district designation of PR Planned Residential), said property being located north of Prospect Road, west of Freymuth Road and east of Civic Center Drive, within the City of Lake Saint Louis, Missouri.

FIRST READING:

Alderman Law made a motion to authorize the first reading of Bill No. 3769. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3769 was read.

DISCUSSION:

Alderman Turner asked how long the property was zoned PR (Planned Residential). Was it before the single family homes were built? Alderman Potter didn't know the date when the zoning was approved, but he knew it was before 1992. Paul Markworth, City Administrator, said the existing apartments were built before the single family homes were built.

Alderman Turner said he empathized with constituents from the single family homes who were opposed to the development, but the single family homes were built after the apartments were built, and the proposed development is an appropriate use for the zoning district. It wouldn't be legal or fair to the property owner to refuse his request to develop his property.

SECOND READING:

Alderman Law made a motion to authorize the second reading of Bill No. 3769. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 3769 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3769 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3572.

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Alderman Law made a motion to approve the second reading of Bill No. 3769 and pass same by assigning Ordinance No. 3572. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Law, Turner, Torlina, Pellerito, Potter and Vennard. Nays, none. The motion passed.

Bill No. 3770 – An ordinance to authorize the Mayor and/or City Administrator to issue a change order for the Citywide Comprehensive Planning Services Agreement with the i5 Group, LLC.

FIRST READING:

Alderman Vennard made a motion to authorize the first reading of Bill No. 3770. The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 3770 was read.

SECOND READING:

Alderman Vennard made a motion to authorize the second reading of Bill No. 3770. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 3770 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 3770 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 3573.

Alderman Vennard made a motion to approve the second reading of Bill No. 3770 and pass same by assigning Ordinance No. 3573. The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Law, Turner, Torlina, Pellerito, Potter and Vennard. Nays, none. The motion passed.

BOARD COMMENTS:

Alderman Potter noted the last Bill No. 3770 is part of the City's Comprehensive Planning. The Plan will help us look at City issues like zoning districts. He encouraged the audience members to attend and participate in the City's comprehensive planning process. It's an opportunity for you to provide input for your vision and priorities for the future.

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Mayor Schweikert agreed with Alderman Potter's comments and explained how the residents can learn more about the planning process and the schedule of events for public input.

Alderman Pellerito asked about the recent board discussions relating to an amendment to the City's Sign Code. Staff replied the proposed amendment only pertained to real estate open house signs. Alderman Pellerito also noted he is receiving a ridiculous amount of "spam" emails.

Alderman Vennard thanked audience members for attending and participating in the meeting.

Alderman Turner concurred; he thanked audience members for attending and participating in the meeting. He suggested the residents look at their plat to determine where the utility easements are located on their property.

Mayor Schweikert reminded everyone about the St. Charles Municipal League dinner meeting on Tuesday, August 30, 2016.

STAFF COMMENTS:

Mike Force, Police Chief, informed the Board the Lake Saint Louis Police Department has a secure drop box where residents now have a convenient and safe way of disposing of unused or expired medications they no longer need. The drop box will be available to residents around the clock in the police department lobby located at 200 Civic Center Drive.

Derek Koestel, Public Works Director, reported the annual asphalt overlay project came in under budget, due to low asphalt prices. We were able to add Fox Hound and may be able to fix the road entering Heritage at Hawk Ridge. Mr. Koestel also noted that the City has placed traffic counters that register speed on some of the City streets.

EXECUTIVE SESSION: Real Estate RSMO 610.021.2, Legal RSMO 610.021.1 and Personnel RSMO 610.021.3 exemptions.

MOTION TO RECESS REGULAR SESSION AND CONVENE EXECUTIVE SESSION:

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Alderman Potter made a motion to recess Regular Session to convene an Executive Session, pursuant to the legal 610.021.1 and personnel 610.021.3 exemptions in the RSMo 610.021. The motion was seconded by Alderman Law; the poll of the Board being ayes: Law, Turner, Torlina, Pellerito, Potter and Vennard. Nays, none. The motion passed.

Regular Session recessed, Executive Session convened at approximately 8:41 p.m.

Having no further legal or personnel matters to come before the Board in Executive Session, Alderman Potter made a motion to adjourn Executive Session and reconvene Regular Session. The motion was seconded by Alderman Turner the poll of the Board being ayes: Law, Turner, Torlina, Pellerito, Potter and Vennard. Nays, none. The motion passed.

GENERAL DISCUSSION:

ADJOURNMENT:

There being no further business to come before the Board in regular session, the meeting was, on motion duly made, seconded and unanimously voted on, adjourned.

Donna F. Daniel, City Clerk