

BOARD OF ALDERMEN
REGULAR MEETING
TUESDAY, FEBRUARY 18, 2020
(JOURNAL AND MINUTES)

The Board of Aldermen for the City of Lake Saint Louis, Missouri met in regular session on Tuesday, February 18, 2020 at 7:00 p.m. in the Board Room at City Hall, 200 Civic Center Drive, Lake Saint Louis, Missouri.

ROLL CALL:

Mayor Kathy Schweikert was present and presided over the meeting. Aldermen present were: Mike Potter, Ward II; Karen Vennard, Ward II; Jason Law, Ward III; Gary Torlina, Ward I; and Gary Turner, Ward I. Alderman John Pellerito, Ward III, was absent. Alderman Mike Potter and Alderman Gary Turner attended via teleconference. Also present were: Paul Markworth, City Administrator; Donna Daniel, City Clerk; Matthew Reh, City Attorney; Louis Clayton, Community Development Director; George Ertle, Assistant City Administrator; Chris DiGiuseppi, Police Chief; and Derek Koestel, Public Works Director.

Matthew Reh, City Attorney, advised the Mayor she had a quorum for the meeting.

INVOCATION: Deacon Bernie Buckman, St. Patrick's Catholic Church, offered the invocation.

ANNOUNCEMENTS:

COMMITTEE REPORTS:

Planning and Zoning Commission – Mayor Schweikert gave a report on the meeting.

Administrative/Finance/Public Works Committee – Alderman Vennard gave a report on the February 18, 2020 meeting.

Alderman Vennard gave a report on the Missouri Municipal League Legislative Conference.

PUBLIC HEARINGS:

- **South Ridge Shoppes Amended Development Standards:** Consideration of a request by Mark Harriman, BFA, Inc. for TAUC Properties LLC, applicant on behalf of Neil Kersten, Manager for SR Development, LLC, owner, to amend the adopted Development Standards for the South Ridge Shoppes Planned Development District as it relates to allowable signage.

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

Mayor Schweikert said the Planning and Zoning Commission's motion to recommend approval for an amendment to the Development Standards that would apply to the entire South Ridge Shoppes Planned Development District failed.

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

- **4009 Highway 40/61; 100 and 110 Freymuth Lane Amended Preliminary Subdivision Plat:** Consideration of a request by Skip Stone, Pinnacle Land Development, LLC, applicant, on behalf of KAPB, L.L.C.-Land Series, owner, for multiple amendments to the approved Preliminary Subdivision Plat for the Windsor Park Subdivision, consisting of 80 single-family residential lots.

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

Dale Bax, Bax Engineering, representing the applicant Skip Stone, Pinnacle Land Development, LLC, gave a brief presentation and offered to answer questions about their application for amendments to the approved Preliminary Subdivision Plat for the Windsor Park Subdivision.

Alderman Turner noted he appreciated the reconfiguration and that blasting will not be necessary. Blasting is a big concern for the adjacent property owners.

Paul Markworth, City Administrator, said the previous owner/developer, Bill Leutkenhaus, agreed to provide a \$10,000 Escrow for Freymuth Road. Mr. Leutkenhaus said he would inform the new owner/developer about the agreement.

Skip Stone, Pinnacle Land Development, LLC, said he was not aware of the previous agreement but it seemed reasonable.

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

CALENDAR:

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

- Father/Daughter Dance – February 21, 2020
- Park Board Special Meeting – February 26, 2020
- Board of Aldermen Work Session – March 2, 2020
- Board of Aldermen Meeting – March 2, 2020

MINUTES: February 3, 2020 Regular Meeting

MOTION TO APPROVE THE MINUTES FROM THE FEBRUARY 3, 2020 REGULAR BOA MEETING.

Alderman Torlina made a motion to waive the reading of the minutes from the February 3, 2020 Regular BOA Meeting and approve same as submitted. The motion was seconded by Alderman Vennard and passed unanimously.

THE MINUTES FROM THE FEBRUARY 3, 2020 REGULAR BOA MEETING STAND APPROVED AS SUBMITTED.

CONSENT AGENDA:

MOTION TO APPROVE THE CONSENT AGENDA:

Alderman Torlina made a motion to approve the Consent Agenda. The motion was seconded by Alderman Vennard and passed unanimously. The following items were approved:

Warrant dated February 18, 2020 in the amount of \$379,631.55
January 2020 Balance Sheet and Financial Statement
New Liquor License

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- Justin Grey – **Game On Arcade and Axe Throwing – Beer Only By The Drink**

APPOINTMENTS:

PUBLIC COMMENT:

John Weber, 315 Rustic Oaks Drive, informed the Board that as a resident of Mill Creek he is concerned that Benton Homes sold the property in their subdivision to McBride Homes. Mr. Weber said he believes that McBride Homes will not build to the same standards as the homes previously built or offered by Benton Homes. Mr. Weber went on to say that the City's Architectural Review Board tabled their review of McBride's application to allow the Mill Creek residents the opportunity to speak with the Board of Aldermen. Mr. Weber said he and the other residents in the audience were being proactive by bringing this issue to the Board of Aldermen. We care about our neighborhood.

John Jones, 407 Country Downs Drive, and Stacy Zykan, 11 Pelican Court, representing Zykan & Son's Homes informed the Board that they own approximately 16-lots in the Mill Creek subdivision. They build the same types of homes with the same features that were previously built by Benton Homes, i.e. brick exterior, architectural shingles, siding to grade, coach lights, etc. Mr. Jones and Ms. Zykan discussed the difference between the base home models and options offered by their company (and previously by Benton Homes) and those offered by McBride Homes. Mr. Jones cited Municipal Code 410.020, which reads as follows:

Section 410.210. Intent and Purpose.

This Section contains the regulations for "SR1" and "SR2" Single-Family Districts. The "SR" Districts are intended to provide criteria for the development of those portions of the planned community of Lake Saint Louis designated for single-family detached residences. Further, the "SR" Districts are intended to preserve the character of existing predominantly single-family residences while at the same time allowing for the in-fill construction of new units if in substantial conformance with surrounding residences.

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Mr. Jones stated McBride Homes are not in substantial conformance with surrounding residences.

Ms. Zykan said she believes McBride should uphold the standard set by Benton Homes and their company (Zykan & Son's Homes). They should build homes that are cohesive with the surrounding residences. Ms. Zykan said McBride Homes behaved unprofessionally when they ripped out her company's sign for the subdivision. She noted a telephone call would have been nice.

Alderman Turner asked if there are defined "standards" that the City can enforce. He asked if the standards include architectural designs or floor plans.

Paul Markworth, City Administrative, replied, the Municipal Code defines criteria/requirements for the SR2 Zoning District.

Matthew Reh, City Attorney, noted there is nothing before the Board of Aldermen this evening that would require the Board to make a decision or take action.

Lauri Carr, informed the Board she has a home under construction in the Mill Creek subdivision. Ms. Carr expressed her concern about Benton Homes selling their lots in the Mill Creek subdivision to McBride Homes. She said she is worried that everything she has worked for to build her dream home will be negatively impacted by the new builder, McBride Homes. Ms. Carr said this is wrong and she hopes the Board of Aldermen will make it right. She asked the Board to help fix this problem.

Ellen Brumbach, 294 Laurens Spring Court, said, although some were notified by email, she was not notified that Benton Homes sold the property in their subdivision to McBride. Ms. Brumbach said she was disappointed to learn this information. Ms. Brumbach said McBride Homes' base price was \$100,000 less than the homes offered by Benton Homes and/or Zykan & Son's Homes. Ms. Brumbach said she was not impressed with McBride Homes and wants to keep their beautiful enclave the same.

Alderman Law said the Board is trying to determine if they have a role or options to consider.

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Alderman Turner suggested the Mill Creek residents write the standards for their subdivision, noting there have been problems with McBride in the past. Alderman Turner went on to say HHR had four (4) different builders, they had to build to the same set of standards. Alderman Torlina agreed.

Alderman Potter said he needs more information.

Matthew Reh, City Attorney, said this is not a decision for the Board of Aldermen. It is a decision for the Architectural Review Board.

TABLED:

OLD BUSINESS:

NEW BUSINESS:

Bill No. 4290 – An ordinance to repeal Ordinance No. 4035 and enact an ordinance to authorize the Mayor and/or City Administrator to enter into a First Amendment to the Agreement between the City of Lake Saint Louis, Missouri and St. Charles County for use of Saint Charles County Transportation Sales Tax Funds for Reconstruction of Lake Saint Louis Boulevard, Phase 3.

FIRST READING:

Alderman Law made a motion to authorize the first reading of Bill No. 4290. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 4290 was read.

SECOND READING:

Alderman Law made a motion to authorize the second reading of Bill No. 4290. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 4290 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 4290 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 4080.

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Alderman Law made a motion to approve the second reading of Bill No. 4290 and pass same by assigning Ordinance No. 4080. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Vennard, Law, Turner, Torlina and Potter. Nays, none. Alderman Pellerito was absent. The motion passed.

Bill No. 4291 – An ordinance approving an amended Preliminary Subdivision Plat for the Windsor Park Subdivision consisting of 80 single-family lots.

FIRST READING:

Alderman Vennard made a motion to authorize the first reading of Bill No. 4291. The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 4291 was read.

Bill No. 4292 – An ordinance to authorize the purchase of a 2020 Ram 3500 truck from Behlmann Automotive with Upfit provided by Kranz for the City of Lake Saint Louis' Parks Department.

FIRST READING:

Alderman Torlina made a motion to authorize the first reading of Bill No. 4292. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 4292 was read.

SECOND READING:

Alderman Torlina made a motion to authorize the second reading of Bill No. 4292. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 4292 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 4292 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 4081.

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Alderman Torlina made a motion to approve the second reading of Bill No. 4292 and pass same by assigning Ordinance No. 4081. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Vennard, Law, Turner, Torlina and Potter. Nays, none. Alderman Pellerito was absent. The motion passed.

Bill No. 4293 – An ordinance amending the Development Standards for the South Ridge Shoppes Planned Development District related to signage requirements.

DISCUSSION:

Joe Godfrey, Total Access Urgent Care (TAUC), said he was okay with either bill, the one that amends the Development Standards that designate their sign as the standard for the entire center or the one that amends the standards for Lot 1.

FIRST READING:

Alderman Law made a motion to authorize the first reading of Bill No. 4293. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 4293 was read.

SECOND READING:

Alderman Law made a motion to authorize the second reading of Bill No. 4293. The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 4293 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 4293 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 4082.

Alderman Law made a motion to approve the second reading of Bill No. 4293 and pass same by assigning Ordinance No. 4082. The motion was seconded by Alderman Torlina; the poll of the Board being ayes: Vennard, Law, Turner, Torlina and Potter. Nays, none. Alderman Pellerito was absent. The motion passed.

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Bill No. 4294 – An ordinance amending the Development Standards for Lot 1 of the South Ridge Shoppes Planned Development District related to signage requirements.

MOTION TO REMOVE FORM THE AGENDA:

Alderman Vennard made a motion to remove Bill No. 4294 from the agenda. The motion was seconded by Alderman Law and passed unanimously. Bill No. 4294 was removed the agenda.

Resolution No. 02-18-20 (1) – A resolution authorizing destruction of certain records that no longer have any value and have exceeded their retention requirement.

Mayor Schweikert read Resolution No. 02-18-20 (1).

MOTION TO APPROVE RESOLUTION NO. 02-18-20 (1):

Alderman Vennard made a motion to approve Resolution No. 02-18-20 (1). The motion was seconded by Alderman Torlina; the poll of the Board being ayes: Vennard, Law, Turner, Torlina and Potter. Nays, none. Alderman Pellerito was absent. The motion passed.

Resolution No. 02-18-20 (2) – A resolution to authorize the acceptance of the donation of a \$100.00 gift card from Wal-Mart.

Mayor Schweikert read Resolution No. 02-18-20 (2).

MOTION TO APPROVE RESOLUTION NO. 02-18-20 (2):

Alderman Torlina made a motion to approve Resolution No. 02-18-20 (2). The motion was seconded by Alderman Law; the poll of the Board being ayes: Vennard, Law, Turner, Torlina and Potter. Nays, none. Alderman Pellerito was absent. The motion passed.

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BOARD COMMENTS:

Alderman Potter said in regard to ARB's review of McBride Home's application, we need to figure out if there is a role for the Board of Aldermen.

Alderman Torlina said he hoped there was a good resolution.

Alderman Vennard said the Police Department worked a terrible automobile accident that took several lives. She asked everyone to remember the employees who, while in the performance of their work, encounter such distressing events. Alderman Vennard thanked the audience members for their attendance.

Mayor Schweikert concurred. Mayor Schweikert noted our Police Officers often have to deal with tragedy in the performance of their duties.

STAFF COMMENTS:

Chris DiGiuseppi, Police Chief, thanked the Mayor and Board for their support.

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

MOTION TO RECESS REGULAR SESSION AND CONVENE EXECUTIVE SESSION:

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

Regular Session recessed, Executive Session convened at approximately 8:20 p.m.

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

RECONVENE:

The regular meeting reconvened at approximately 8:32 p.m.

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