

BOARD OF ALDERMEN
REGULAR MEETING
MONDAY, APRIL 20, 2020
(JOURNAL AND MINUTES)

The Board of Aldermen for the City of Lake Saint Louis, Missouri met in a regular session via teleconference on Monday, April 20, 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; Jason Law, Ward III; Gary Torlina, Ward I; Gary Turner, Ward I; John Pellerito, Ward III; and Karen Vennard, Ward II. 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; Derek Koestel, Public Works Director; and Adam Cole, IT Administrator.

INVOCATION: Mayor Schweikert asked for a moment of silent prayer for our healthcare workers, first responders and other essential workers.

ANNOUNCEMENTS:

Mayor Schweikert read two (2) emails, attached hereto and made a part hereof, that were submitted for the Board's review and or consideration. The Board held a brief discussion about the written comments.

- The Public Works Director will address the request for more street signs in the Wyndstone subdivision.
- Alderman Torlina and Alderman Turner said they will schedule a meeting with the developer of the home under construction in the Brookfield Commons subdivision.

COMMITTEE REPORTS:

Administrative/Finance/Public Works Committee – Alderman Torlina gave a report on the April 20, 2020 meeting.

Development Review Board – Mayor Schweikert gave a report on the meeting.

Mayor Schweikert said the rescheduled date is still to be determined for the postponed St. Charles County Municipal League meeting.

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Mayor Schweikert said she expects the St. Charles County Executive to announce a plan to reopen the County. She believes the date will fall sometime between the State's re-opening date and the dates for re-opening St. Louis City and St. Louis County.

PUBLIC HEARINGS:

CALENDAR:

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

- Board of Adjustment Meeting at 5 p.m.– April 28, 2020
- Next Regular Board of Aldermen Work Session – May 4, 2020
- Next Regular Board of Aldermen Meeting – May 4, 2020

MINUTES: March 16, 2020 Regular Meeting

MOTION TO APPROVE THE MINUTES FROM THE MARCH 16, 2020 REGULAR BOA MEETING.

Alderman Torlina made a motion to waive the reading of the minutes from the March 16, 2020 Regular BOA Meeting and approve same as submitted. The motion was seconded by Alderman Vennard and passed unanimously.

THE MINUTES FROM THE MARCH 16, 2020 REGULAR BOA MEETING STAND APPROVED AS SUBMITTED.

CONSENT AGENDA:

MOTION TO APPROVE THE CONSENT AGENDA:

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

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Warrant dated April 20, 2020 in the amount of \$394,710.12
Balance Sheet and Income Statement March 31, 2020
Delinquent Tax List dated April 14, 2020

APPOINTMENTS:

PUBLIC COMMENT:

TABLED:

OLD BUSINESS:

NEW BUSINESS:

Bill No. 4309 – An ordinance to award a bid to Gershenson Construction Co., Inc. for services related to the Parking Lot Resurfacing and Sidewalk Replacement Project for the City of Lake Saint Louis, Missouri.

FIRST READING:

Alderman Turner made a motion to authorize the first reading of Bill No. 4309. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 4309 was read.

SECOND READING:

Alderman Turner made a motion to authorize the second reading of Bill No. 4309. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 4309 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 4309 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 4098.

Alderman Turner made a motion to approve the second reading of Bill No. 4309 and pass same by assigning Ordinance No. 4098. The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Torlina, Pellerito, Potter, Vennard, Law and Turner. Nays, none. The motion passed.

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Bill No. 4310 – An ordinance to adopt a budget revision for the City of Lake Saint Louis' budgets for the fiscal year beginning July 1, 2019 and ending June 30, 2020.

FIRST READING:

Alderman Pellerito made a motion to authorize the first reading of Bill No. 4310. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 4310 was read.

SECOND READING:

Alderman Pellerito made a motion to authorize the second reading of Bill No. 4310. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 4310 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 4310 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 4099.

Alderman Pellerito made a motion to approve the second reading of Bill No. 4310 and pass same by assigning Ordinance No. 4099. The motion was seconded by Alderman Torlina; the poll of the Board being ayes: Torlina, Pellerito, Potter, Vennard, Law and Turner. Nays, none. The motion passed.

Bill No. 4311 – An ordinance to award a contract to Horner & Shifrin, Inc., for design consultant services for the Old Highway N Phase 2 Improvement Project for the City of Lake Saint Louis, Missouri.

FIRST READING:

Alderman Torlina made a motion to authorize the first reading of Bill No. 4311. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 4311 was read.

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SECOND READING:

Alderman Torlina made a motion to authorize the second reading of Bill No. 4311. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 4311 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 4311 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 4100.

Alderman Torlina made a motion to approve the second reading of Bill No. 4311 and pass same by assigning Ordinance No. 4100. The motion was seconded by Alderman Pellerito; the poll of the Board being ayes: Torlina, Pellerito, Potter, Vennard, Law and Turner. Nays, none. The motion passed.

Bill No. 4312 – An ordinance authorizing the acceptance of the streets and stormwater collection systems located in the Mill Creek – Plat 1 subdivision.

FIRST READING:

Alderman Potter made a motion to authorize the first reading of Bill No. 4312. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 4312 was read.

SECOND READING:

Alderman Potter made a motion to authorize the second reading of Bill No. 4312. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 4312 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 4312 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 4101.

Alderman Potter made a motion to approve the second reading of Bill No. 4312 and pass same by assigning Ordinance No. 4101. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Torlina, Pellerito, Potter, Vennard, Law and Turner. Nays, none. The motion passed.

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Bill No. 4313 – An ordinance authorizing the Mayor and/or City Administrator to execute an Escrow Agreement with McBride 76b, LLC, providing for continued maintenance of the streets and storm sewer system to be dedicated to the City in the Mill Creek – Plat 1 subdivision.

FIRST READING:

Alderman Law made a motion to authorize the first reading of Bill No. 4313. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 4313 was read.

SECOND READING:

Alderman Law made a motion to authorize the second reading of Bill No. 4313. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 4313 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 4313 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 4102.

Alderman Law made a motion to approve the second reading of Bill No. 4313 and pass same by assigning Ordinance No. 4102. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Torlina, Pellerito, Potter, Vennard, Law and Turner. Nays, none. The motion passed.

Bill No. 4314 – An ordinance authorizing the Mayor and/or City Administrator to execute an Escrow Agreement with Windsor Park, LLC, guaranteeing completion of grading and installation and maintenance of erosion control measures for the Windsor Park subdivision.

FIRST READING:

Alderman Turner made a motion to authorize the first reading of Bill No. 4314. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 4314 was read.

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SECOND READING:

Alderman Turner made a motion to authorize the second reading of Bill No. 4314. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 4314 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 4314 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 4103.

Alderman Turner made a motion to approve the second reading of Bill No. 4314 and pass same by assigning Ordinance No. 4103. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Torlina, Pellerito, Potter, Vennard, Law and Turner. Nays, none. The motion passed.

Bill No. 4315 – An ordinance authorizing the Mayor and/or City Administrator to execute an Escrow Agreement with Windsor Park, LLC, providing for maintenance, repair and restoration of street improvements for a portion of Freymuth Lane.

FIRST READING:

Alderman Vennard made a motion to authorize the first reading of Bill No. 4315. The motion was seconded by Alderman Turner and passed unanimously. Bill No. 4315 was read.

SECOND READING:

Alderman Vennard made a motion to authorize the second reading of Bill No. 4315. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 4315 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 4315 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 4104.

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Alderman Vennard made a motion to approve the second reading of Bill No. 4315 and pass same by assigning Ordinance No. 4104. The motion was seconded by Alderman Torlina; the poll of the Board being ayes: Torlina, Pellerito, Potter, Vennard, Law and Turner. Nays, none. The motion passed.

Bill No. 4316 – An ordinance authorizing the acceptance of the streets and stormwater collection systems located in the Wyndstone Plat One and Wyndstone Plat Two subdivisions.

FIRST READING:

Alderman Pellerito made a motion to authorize the first reading of Bill No. 4316. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 4316 was read.

SECOND READING:

Alderman Pellerito made a motion to authorize the second reading of Bill No. 4316. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 4316 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 4316 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 4105.

Alderman Pellerito made a motion to approve the second reading of Bill No. 4316 and pass same by assigning Ordinance No. 4105. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Torlina, Pellerito, Potter, Vennard, Law and Turner. Nays, none. The motion passed.

Bill No. 4317 – An ordinance authorizing the Mayor and/or City Administrator to execute an Escrow Agreement with McBride Duello, LLC, providing for continued maintenance of the streets and storm sewer system to be dedicated to the City in the Wyndstone Plat One subdivision.

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FIRST READING:

Alderman Torlina made a motion to authorize the first reading of Bill No. 4317. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 4317 was read.

SECOND READING:

Alderman Torlina made a motion to authorize the second reading of Bill No. 4317. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 4317 was read.

MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 4317 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 4106.

Alderman Torlina made a motion to approve the second reading of Bill No. 4317 and pass same by assigning Ordinance No. 4106. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Torlina, Pellerito, Potter, Vennard, Law and Turner. Nays, none. The motion passed.

Bill No. 4318 – An ordinance authorizing the Mayor and/or City Administrator to execute an Escrow Agreement with McBride Duello, LLC, providing for continued maintenance of the streets and storm sewer system to be dedicated to the City in the Wyndstone Plat Two subdivision.

FIRST READING:

Alderman Potter made a motion to authorize the first reading of Bill No. 4318. The motion was seconded by Alderman Pellerito and passed unanimously. Bill No. 4318 was read.

SECOND READING:

Alderman Potter made a motion to authorize the second reading of Bill No. 4318. The motion was seconded by Alderman Vennard and passed unanimously. Bill No. 4318 was read.

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MOTION TO PASS AND ADOPT THE SECOND READING OF BILL NO. 4318 AND ADOPT SAME BY ASSIGNING ORDINANCE NO. 4107.

Alderman Potter made a motion to approve the second reading of Bill No. 4318 and pass same by assigning Ordinance No. 4107. The motion was seconded by Alderman Vennard; the poll of the Board being ayes: Torlina, Pellerito, Potter, Vennard, Law and Turner. Nays, none. The motion passed.

Bill No. 4319 – An ordinance approving a Pre-Annexation Agreement to annex certain territory as a voluntary annexation, in accordance with section 71.014 of the RSMo, as amended, of property owned by Purpose Investments LLC (the fee owner).

MOTION TO TABLE:

Alderman Pellerito made a motion to table Bill No. 4319. The motion was seconded by Alderman Torlina and passed unanimously. Bill No. 4319 was tabled.

BOARD COMMENTS:

Alderman Law suggested we evaluate the social distancing measures related to COVID-19 pandemic during the next two (2) weeks to determine where we will hold the next Board of Aldermen meeting, in-person at City Hall or via teleconference.

Alderman Vennard noted it will be nice to get out of the house. She said, "God bless first responders".

Alderman Pellerito thanked Paul for the information about the business closings impact on the budget. I know it was a hard job. Alderman Pellerito also thanked staff for their efforts which help to make the Board's decisions easier. He specifically thanked Adam Cole, IT Administrator, who has been supporting the technically challenged amongst us.

Alderman Potter agreed, staff did great job.

Mayor Schweikert commented on the Wayfair Tax case, explaining why now, more than ever, it is important that e-commerce use tax legislation is passed in Jefferson City.

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STAFF COMMENTS:

Chris DiGiuseppi, Police Chief, explained the Police Department's reasons for relaxing their response to temporary signs in the Hawk Ridge Shopping District and specifically at Starbucks.

EXECUTIVE SESSION:

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

From: [Gary Shepard](#)
To: [Donna Daniel](#)
Subject: Question for Board Meeting - 4/20/2020
Date: Friday, April 17, 2020 9:43:17 AM

Hello,

Regarding Bill # 4316, does this include the signage along the streets within Wyndstone? If so, my concern is that the current signage that indicates 'no parking' on one side of the street is inadequate. By that I mean: 1) the distance between signs is too far; and 2) that there are some posts intended for these signs that don't actually have signage.

Consequently we periodically have situations where residents and visitors park on both sides of the street along Hidden Bluffs Drive making it difficult to pass through. Since Hidden Bluffs Drive is the only access to Wyndstone, emergency vehicles would have a problem gaining access should vehicles be parked on both sides.

Could you please request that McBride resolve the signage issue and/or open a second access route via Creek Bend Drive?

Thanks,
Gary

Gary Shepard

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From: [Harry Maier](#)
To: [Donna Daniel](#)
Cc: [Paul Markworth](#); [Kathy Schweikert](#); gmtumers@gmail.com; [Gary Torlina](#); [Karen Vennard](#); [Mike Potter](#); [Jason Law](#); [John Pellerito](#); hmaier@charter.net
Subject: Protecting Adjoining Homeowners from Homebuilder-Inflicted Damages
Date: Monday, April 20, 2020 7:29:32 AM

With no meaningful response to my recent numerous emails to you, I request that this email be read in its entirety and discussed at the Aldermen Work Session and to-follow Full Meeting under "Public Comments", and then made publicly available, including the attached photos. They starkly illustrate the damages caused by the city's ineffective zoning regulataddressions and building permit review and approval procedures.

Apparently, neither the PGVA consultants, city managers, nor aldermen are concerned about the impact on taxpayers of the one-sided protections for homebuilders in these regulations or their application. Conversely, they virtually ignore protecting adjoining homeowners from the homebuilder's inflicting loss of value, decreased sale potential, loss of enjoyable use of their homes and lots, and decreased values of numerous surrounding homes.

Per information provided, the Building Department apparently considers only whether a homebuilder's proposed house model next to an existing adjoining homeowner has been approved by the city (perhaps years earlier), and whether an engineer-stamped plot plan with the required setbacks has been submitted. Apparently, no Building Department employee visits the lot before permit approval or even considers the proposed house placement, orientation, total height in relation to the adjoining house height, loss of view, and destructive ugly aesthetics of the size or appearance of the raw poured concrete basement wall(here-14' high-50' long) on the side or back--on which a 2 1/2 story home will be built. Sadly, the homeowner has no effective appeal rights at any stage in this entire process—particularly in our case as the apparent only example of such a damaging zoning-building permit approval anywhere else in new developments(or the entire city?).

Worst of all, the city essentially permits a homebuilder to effectively "ambush" the adjoining property owner by not even notifying (a 35 cent postcard?) this owner of the proposed building permit. This could alert the homeowner to obviously-foreseeable damages the homebuilder's new house will inflict. With no appeal rights, this forces the adjoining house owner to sue the homebuilder or, perhaps, the city, for relief from the homebuilder's intentional infliction of totally-foreseeable damages and the owners' loss of enjoyment of their home.

Ironically, Lake St. Louis then apparently summarily refuses to grant a variance from its restrictive exterior standards so that the owner can personally pay for a large privacy screen or environmentally-friendly live plant screen is to block this horrendous wall view. Keeping "open views" with strict fence restrictions is apparently much more a priority than an owner's view blocked by an improperly-placed house.

These foreseeable abuses of and damages to Lake St. Louis citizens can easily be eliminated if city managers and aldermen take seriously one of their primary responsibilities to provide even minimal protections for taxpayers from such abuse and damages. How? By assuring a more-competent multi-factor review of a homebuilder's proposed construction(elevation, blocked view, compatible heights, siding over concrete walls, etc.)

before permit approval, notifying adjoining owners of the building permit application, and providing some even minimal appeal rights. These would not be expensive for any homebuilder or for Building Department personnel.

Finally, since no aldermen have accepted my prior invitations, perhaps my wife's frequently-repeated question applies — "Why don't the mayor and aldermen care enough about us to come out here, look at this mess, and answer only one question — if a homebuilder did this to you in your neighborhood, would you even for a second consider tolerating it?"

Harry Maier





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