

**Revised February 6, 2012*

AGENDA

**Regular Session of the City Council of the City of Saint Charles, Missouri
Council Chambers - 4th floor - City Hall - 200 North Second Street
Tuesday, February 7, 2012
7:00 P.M.**

1. ROLL CALL
2. INVOCATION AND PLEDGE OF ALLEGIANCE
3. PUBLIC HEARINGS/ADMINISTRATIVE HEARINGS
 - A. Case No. CU-01-12. (Krystal Rapp). An application for a Conditional Use Permit from §400.480(C) (*formerly §156.094(C)*) for a Temporary Retail Sales Use within the C-2 General Business District, specifically to operate an outdoor produce stand at 920 South Fifth Street. This request is to continue operating the previously approved stand for an extended period of time. The subject property is 0.46 acres and is located in Ward 2 (***RCA Attached***)
 - B. Case No. CU-02-12. (Martin & Maria Hopfenzitz). An application for a Conditional Use Permit from §400.270(C)(1) (*formerly §156.033(C)(1)(g)*) for Secondhand Sales within the CBD Central Business District, specifically to permit a resale and consignment store (clothing, home goods, etc.) at 323 North Main Street. The subject property is 0.08 acres and is located in Ward 1 (***RCA Attached***)
 - C. Case No. CU-03-12. (Emmaus Homes – David Kramer). An application for a Conditional Use Permit from §400.150(D)(1)(l) (*formerly §156.026(D)(1)(l)*) for a group living arrangement within the R-1E Single Family Residential District, specifically to approve a group home for no more than three (3) developmentally disabled individuals at 209 Canary Lane. The current application has been submitted to bring an existing group home into conformance with current city code. The subject property is 0.21 acres and is located in Ward 10 (***RCA Attached***)
 - D. Case No. CU-04-12. (Emmaus Homes – David Kramer). An application for a Conditional Use Permit from §400.150(D)(1)(l) (*formerly §156.026(D)(1)(l)*) for a group living arrangement within the R-1E Single Family Residential District, specifically to approve a group home for no more than three (3) developmentally disabled individuals at 2812 Park Avenue. The current application has been submitted to bring an existing group home into conformance with current city code. The subject property is 0.23 acres and is located in Ward 7 (***RCA Attached***)
 - E. Case No. CU-05-12. (Emmaus Homes – David Kramer). An application for a Conditional Use Permit from §400.150(D)(1)(l) (*formerly §156.026(D)(1)(l)*) for a group living arrangement within the R-1E Single Family Residential District, specifically to approve a group home for no more than four (4) developmentally disabled individuals at 1016 Washington Street. The current application has been submitted to bring an existing group home into conformance with current city code. The subject property is 0.18 acres and is located in Ward 1 (***RCA Attached***)
 - F. Case No. CU-06-12. (Emmaus Homes – David Kramer). An application for a Conditional Use Permit from §400.150(D)(1)(l) (*formerly §156.026(D)(1)(l)*) for a group living arrangement within the R-1E Single Family Residential District, specifically to approve a group home for no more than six (6) developmentally

disabled individuals at 905 South Sixth Street. The current application has been submitted to bring an existing group home into conformance with current city code. The subject property is 0.25 acres and is located in Ward 2 (**RCA Attached**)

- G. Case No. CU-07-12. (Emmaus Homes – David Kramer). An application for a Conditional Use Permit from §400.150(D)(1)(l) (*formerly §156.026(D)(1)(l)*) for a group living arrangement within the R-1E Single Family Residential District, specifically to approve a group home for no more than four (4) developmentally disabled individuals at 2907 Droste Road. The current application has been submitted to bring an existing group home into conformance with current city code. The subject property is 0.31 acres and is located in Ward 9 (**RCA Attached**)
- H. Case No. CU-08-12. (Emmaus Homes – David Kramer). An application for a Conditional Use Permit from §400.150(D)(1)(l) (*formerly §156.026(D)(1)(l)*) for a group living arrangement within the R-1E Single Family Residential District, specifically to approve a group home for no more than three (3) developmentally disabled individuals at 116 Briarcliff Drive. The current application has been submitted to bring an existing group home into conformance with current city code. The subject property is 0.21 acres and is located in Ward 10 (**RCA Attached**)
- I. Case No. Z-01-12. (City of St. Charles Parks Department) An application to annex and rezone approximately 9.173 acres of land known as 100 Wildwood Court from St. Charles County R-1E Single-Family Residential District to City of St. Charles R-1E Single-Family Residential District. The property will be located in Ward 3 upon annexation (**Council Bill 10683**)
- J. Case No. DR-01-12. An application to amend Chapter 400 (*formerly Chapter 156*): Zoning Code of the Code of Ordinances of the City of St. Charles, Missouri, by amending §400.150(D)(1)(l) Group Living Arrangements within the R-1C/R-1D/R-1E Single Family Residential Districts (*formerly §156.026(D)(1)(l)*) to adopt a minimum distance requirement between existing and proposed group homes (**Tabled at Planning & Zoning; therefore the Public Hearing should be tabled until March 6, 2012**) (**RCA Attached**)
- K. Adoption of the City of St. Charles Comprehensive Plan Update 2012. This amendment to the comprehensive plan has been drafted by city staff, and it is intended to act as an addendum to the current comprehensive plan dated 2002. According to city ordinance §400.980(A), the comprehensive plan “shall show the (Planning and Zoning) Commission’s recommendations for the physical development and uses of land, and may include, among other things, the general location, character and extent of streets and other public ways, grounds, places and spaces; the general location and extent of public utilities and terminals, whether publicly or privately owned, the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment or change of use of any of the foregoing; the general character, extent and layout of the replanning of blighted districts and slum areas.” (**Tabled at Planning & Zoning; therefore the Public Hearing should be tabled until March 2, 2012**) (**RCA Attached**)

4. AWARDS/PROCLAMATIONS/ PRESENTATIONS

- A. Recognition of Recent Retiree Rich Oestreich (Police Department)
- B. Recognition of Recent Retiree Paul Butts (Media Department)

5. PUBLIC COMMENT

- A. Reading of Written Petitions, Memorials and Remonstrances

B. Public Comment Relative to Agenda Items

C. Public Comment Relative to City Issues

NOTE: To address the Council, please complete a speaker card and present to the City Clerk prior to the meeting.

6. RESOLUTIONS

- A. A Resolution Declaring Certain Property of the City of St. Charles to be Surplus Property and Authorizing the Sale Thereof (*Sponsor: Michael Klinghammer*)
- B. A Resolution Calling a Special Election for November 6, 2012 for the Purpose of Conducting an Election for the Office of Councilmember for Ward 4 (*Sponsors: All Members of the City Council*)
- C. A Resolution Declaring a Certain City Fire Department Smeal/Spartan Pumper Fire Truck to be Surplus Property, and Authorizing the Salvage of the Truck for Parts and or Supplies (*Sponsor: Michael Klinghammer*)
- D. A Resolution Declaring Certain Property of the City of St. Charles to be Surplus Property and Authorizing the Donation Thereof (*Sponsor: Ron Stivison*)

7. BILLS FOR FINAL PASSAGE

Bill 10666 (Proposed Substitute Bill No. 1)

An Ordinance Repealing Ordinance No. 11-095 and Enacting a New Ordinance: (1) Authorizing the Establishment of Checking Accounts with Commerce Bank, N.A., and Designating Persons Authorized to Sign Checks; (2) Designating Enterprise Bank & Trust a Depository of the City of St. Charles, Missouri, Authorizing the Establishment of a Joint Bank Account Titled “The City of St. Charles, Missouri and St. Charles County Convention and Sports Facilities Authority” at Enterprise Bank & Trust, and Designating Persons Authorized to Initiate Wire Transfers or Sign Checks on Behalf of the City; and (3) Establishing Accounts with New Frontier Bank for Convention Center Operations and Designating Persons Authorized to Sign Checks for the Purpose of Revising the Authorized Persons (*Sponsor: Michael Klinghammer*)

Bill 10667

An Ordinance Approving the Delivery of Not to Exceed \$29,750,000 Aggregate Principal Amount of Certificates of Participation (City of St. Charles, Missouri, Lessee), Series 2012, the Proceeds of Which will be Used to (1) Refund Outstanding Lease Obligations Relating to the St. Charles Convention Center, (2) Pay the Cost of Renovating and Improving the St. Charles Convention Center Parking Lot, and (3) Pay Costs Related Thereto; and Authorizing the Execution of Certain Documents and Actions in Connection Therewith (*Sponsors: Laurie Feldman, Jerry Reese, Michael Klinghammer, and Ron Stivison*)

Bill 10668

An Ordinance Authorizing Acceptance of the Storm Sewers and Streets and Their Appurtenances at the Manors of Wynnebrooke for Only that Portion of Said Plat Completed by Frontenac Bank; and Authorizing Release of Security Related Thereto (*Sponsors: Michael Klinghammer and Bridget Ohmes*)

Bill 10669

An Ordinance Vacating Approximately 4,326 Square Feet of Unneeded Right-of-Way Commonly Referred to as French Street Between North Fourth Street and the Wabash Railroad Spur to the West and Authorizing the Conveyance of the City’s Interest in

2,230 Square Feet of the Unneeded Right-of-Way by Quit Claim Deed to the Record Owner of the Real Property located at 1501 North Fourth Street (*Sponsors: Jerry Reese, Ron Stivison, Mary Ann Ohms, and Tom Besselman*)

Bill 10670 (To be Held)

An Ordinance Repealing Ordinance No. 11-233 Which Authorized a Contract with Millstone Bangert, Inc. and Enacting a New Ordinance Authorizing a Contract with Gershenson Construction Company, Inc. for the Elm Street Widening Project in an Amount Not to Exceed \$865,220.00 (*Sponsor: Michael Klinghammer*)

Bill 10671

An Ordinance Authorizing a Contract with Plocher Construction Company, Inc. for the Adams Street Lift Station Modifications Project in an Amount Not to Exceed \$2,275,000.00 (*Sponsor: Michael Klinghammer*)

Bill 10672

An Ordinance Amending Chapter 125 of the Code of Ordinances By Amending Article XI, Sections 125.500 and 125.210, To Reflect that the Cable Television Commission Is Now Known As the Digital Media Commission (*Sponsor: Ron Stivison*)

Bill 10673 (To be Tabled)

An Ordinance Designating a Portion of the City of St. Charles, Missouri, as a Redevelopment Area; Approving the West Clay Extension Tax Increment Financing (TIF) Redevelopment Plan and the RPA 1 Redevelopment Project Described Therein; Making Findings Related Thereto; Adopting Tax Increment Financing with Respect Thereto; and Authorizing Certain Actions by City Officials (*Sponsors: Michael Klinghammer, Mary Ann Ohms, Bridget Ohmes and Mary West*)

Bill 10674

An Ordinance Declaring One 2001 Central States Metro Star Pumper and One 2003 Smeal Pumper Truck as Surplus Property and Authorizing Disposal of Both by Trade-In; Authorizing the Purchase of Two Pierce Dash CF Side Mount PUC Pumper Trucks from Pierce Manufacturing, Inc. through the HGAC Cooperative Purchasing Program; Authorizing a Master Lease Purchase Agreement with Oshkosh Capital for the Lease/Purchase of Two Pierce Pumper Trucks in the Amount Not to Exceed \$1,170,593.08; and Authorizing and Granting Continuing Authority to the Mayor and City Clerk (*Sponsor: Michael Klinghammer*)

Bill 10675 (Amended) (Supplemental RCA Attached)

An Ordinance Approving an Amendment to the Development Plan for Charlestowne Plat 1 to Consolidate Seventy-Eight Townhome Lots to Forty-Eight Detached Single Family Lots (*Sponsor: Michael Klinghammer*)

Bill 10676

An Ordinance Authorizing a Software Maintenance Agreement with SunGard Public Sector, Inc., for Four (4) Years of Software Support and Maintenance for the Computer Aided Dispatch System, Records Management System, Mobile Computing and Related Systems for the Police Department in an Amount Not to Exceed \$441,574.00 (*Sponsors: Michael Klinghammer and Michael Weller*)

8. BILLS FOR INTRODUCTION

Bill 10677

An Ordinance Authorizing the City of St. Charles to Enter Into a Medical Director Agreement with SSM Health Care St. Louis and St. Charles Emergency Group, LLC
(Sponsor: Michael Klinghammer)

Bill 10678

An Ordinance Authorizing an Affiliation Agreement Between Montgomery County Ambulance District and the City of St. Charles Fire Department to Provide Practical Learning and/or Clinical Experiences for Emergency Medical Services for Properly Enrolled Students of the Montgomery County Ambulance District (Sponsor: Michael Klinghammer)

Bill 10679

An Ordinance Amending Chapter 205 of the Code of Ordinances by Creating a New Article to be known as Article III, Life Support Vehicles, and a New Section to be known as Section 205.90, Establishing Transportation Fees and Mileage Charges for Life Support Vehicle (Ambulance) Transportation; and an Effective Date Thereof (Sponsor: Michael Klinghammer)

Bill 10680

An Ordinance Authorizing an Intergovernmental Cooperation Agreement Between the City of St. Charles and REJIS Commission to Provide 2012 Law Enforcement Services for the Police Department for Communications and Computer Service in an Amount Not to Exceed \$47,099.12 (Sponsor: Michael Klinghammer)

Bill 10681

An Ordinance Amending Chapter 145 of the Code of Ordinances by Creating a New Section to be Known as Section 145.330 Pertaining to Lobbyist Services (Sponsor: Jerry Reese)

Bill 10682

An Ordinance Annexing Certain Adjacent Contiguous Land into the City of Saint Charles, Missouri, and Assigning the Land to a Designated Ward of the City Being Petitioned for Annexation by the City of St. Charles (9.173 Acres of Land Located Along Wildwood Court, Known as Heatherbrook Park) (Sponsor: Laurie Feldman)

Bill 10683

An Ordinance Rezoning to City Zoning District R-1E (Single-Family Residential District) from County Zoning District R-1E (Single-Family Residential District), 9.173 Acres of Land Located Along Wildwood Court, Known as Heatherbrook Park (Sponsor: Laurie Feldman)

Bill 10684

An Ordinance Authorizing a Contract with Karrenbrock Construction Inc. for the South Main Street Roadway Improvement Project in an Amount Not to Exceed \$1,286,388.25 (Sponsor: Laurie Feldman)

Bill 10685

An Ordinance Authorizing Change Order Number 3 to the Contract with Tramar Contracting, Inc. for the Diekamp Lane Reconstruction Project in an Amount of \$34,582.33, for a Total Amount Not to Exceed \$504,765.59 (*Sponsor: Mary West*)

Bill 10686

An Ordinance Amending Ordinance Number 11-255 by Amending Certain Revenue, Expenditure, and Fund Balance Accounts for the Budget for the Fiscal Year 2012 (Budget Amendment #1) (*Sponsor: Michael Klinghammer*)

Bill 10687

An Ordinance Repealing Ordinance No. 11-196 and Enacting a New Ordinance to Adopt Positions, Salary, Wages and Other Compensation for Unrepresented Employees and to Reclassify the Accounting Supervisor Position from Grade J to Grade I, to change the title of the Manager Retail Business Development to Economic Development Coordinator, to Establish a New Position of and Salary for Director of Economic Development and Tourism and to eliminate separate Director positions for Economic Development and Convention and Visitor’s Bureau, to Establish a New Position of Assistant Director of Tourism, and to eliminate the Director of Sales position (*Sponsors: Dave Beckering, Mary West, and Bridget Ohmes*)

Bill 10688

An Ordinance Authorizing a Contract with Mick Mehler and Sons, Inc. for the Friedens Road and Arena Parkway Water and Sanitary Sewer Relocation in an Amount Not to Exceed \$241,772.00 (*Sponsors: Laurie Feldman and Michael Klinghammer*)

9. ITEMS FOR DISCUSSION AND/OR COUNCIL ACTION

- A. Selection of Council Liaison to Boards, Commissions, and Committees; and Membership of Council Committees (*referred by Council President Michael Klinghammer*)
- B. Establishment of the Public Works Street Facility Design Task Force and Appointment of Councilmembers (*referred by President of the Council Michael Klinghammer*)
- C. Discussion Relative to Future Lobbyist Services Contracts (*referred by Councilmember Jerry Reese*)

10. CONSENT AGENDA

- A. Approval of Council Minutes
 - 1. Regular Council Meeting of January 17, 2012
- B. Approval of Council Committee Reports
 - 1. Approval of Council Committee Minutes
 - a. Council Work Session (Closed) of January 17, 2012
 - b. Council Work Session of January 24, 2012
 - 2. Approval of Council Committee Motions/Actions/Recommendations
 - a. Council Work Session (Closed) of January 17, 2012 (*None*)
 - b. Council Work Session of January 24, 2012
 - i. Consensus of the full Council to have another OPEB study

completed for FY 2012. Once the OPEB study is completed bring item back to the Council for further discussion.

- ii. Consensus of the full Council legislation is presented to the full Council relative to creating a new position that would combine the positions of the Convention and Visitors Bureau Director and the Economic Development Director

C. Receipt of Reports from Boards, Commissions or Committees

1. Planning & Zoning Commission Meeting of December 19, 2011
2. Board of Adjustment Meeting of January 9, 2012
3. Landmarks Board Meeting of December 12, 2011
4. Parks & Recreation Board Meeting of August 3, 2011
5. Parks & Recreation Board Meeting of December 21, 2011
6. Parks & Recreation Board Meeting of January 4, 2012
7. Board of Public Works Board Meeting of December 12, 2011
 - a. Motion to recommend approval of the changes in the scope of services to the Cole Creek Stream Stabilization (Droste to Ruth) Project
 - b. Motion to recommend authorization to acquire easements necessary for the Missouri Flood Gates Improvement Project
8. Beautification Commission Meeting of September 7, 2011
 - a. Motion to approve the fence location and the \$2,463.30 cost for installation
 - b. Motion to forward the information relative to the 2012 Curb Appeal Grant and Resolution to the City Council on October 4, 2011 with the noted amendments
9. Citizens with Disabilities Advisory Board Meeting of October 26, 2011
10. Arts & Culture Commission Meeting of December 5, 2011
 - a. Motion to request from Council that remaining funds from 2011 be rolled over into in the 2012 budget
 - b. Motion to approve the final payment of \$1,000.00 to Crescendo Concert Series
 - c. Motion to approve the final payment of \$1,000.00 to St. Charles County Symphony
 - d. Motion to approve the final payment of \$300.00 to Riverside Shakespeare
 - e. Motion to approve the final payment of \$2,373.61 to St. Charles Municipal Band
 - f. Consensus of Commission staff liaison could issue final payment to groups once determined the final accounting was in order
 - g. Motion to withdraw the Commission's previous recommendation for a grant in the amount of \$9,000.00 from the Arts and Culture Commission

D. Receipt of Reports of the Director of Administration

1. Request to Fill Vacant Position(s) in Police Department
2. Request to Fill Vacant Position in Finance Department
3. Request to Fill Vacant Position in Fire Department

- E. Approval of Contracts and Easements from \$30,001 - \$99,999
 - 1. Contract with Rose International, Inc. for Temporary GIS Support Staff for the Informational Technology Department in an Amount Not to Exceed 38,720.00
 - 2. Contract with Motorola Solutions, Inc. for the Annual City Wide 800 MHz Radio System and Related Components Maintenance Agreement in the Amount Not to Exceed \$91,928.40
 - 3. Contract with CDW Government LLC for Sixteen (16) MDT Toughbooks CF16 in an Amount Not to Exceed \$61,808.16
 - *4. ~~Contract Amendment #1 with Lewis Rice Fingerish Labor Negotiations~~
- F. Preliminary Plats (*none*)
- G. Miscellaneous
 - 1. Repeal of Rule Prohibiting a Festival or Event from Receiving Special Business District Funding and Funding from another City Source and Adopting a New Rule Regarding Funding from the Art & Culture Commission
 - 2. Approval of a Regional Commercial Use Overlay District and an Accompanying Sign Package for the Streets of St. Charles
 - 3. Approval of Two (2) Electronic Message Signs for the Mobil Service Station and Mini-Mart at the corner of Duchesne and Droste
 - 4. Report of the City Clerk Relative to Disposal of Various Records Pursuant to the Missouri Records Manual and State Records Retention Law
 - 5. Receipt of November and December Investment Reports

11. ITEMS REMOVED FROM CONSENT AGENDA

12. REPORT OF THE MAYOR

- *A. Report on Budget Amendment No. 1 (*Council Bill 10686*)
- B. Written and/or Verbal Messages from the Mayor

13. ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

- A. Update from Council Liaisons on Board/Commission/Committee
- B. Written and/or Verbal Messages from the Councilmembers

14. EMERGENCY ORDINANCES

15. TABLED BILLS/PUBLIC HEARINGS

16. APPROVAL OF CLOSED MINUTES

17. CLOSED SESSION, if requested, relative to:

- A. Legal actions, causes of action, or litigation (RSMo 610.021.1)
- B. Leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2)
- C. Hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is

- discussed or recorded (RSMo 610.021.3)
- D. Preparation, including any discussions or work product, on behalf of the Council or its representatives for negotiations with employee groups (RSMo 610.021.9)
- E. Sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)
- F. Confidential or privileged communications between a public governmental body and its auditor (RSMo 610.021.17)

THE CITY OF ST. CHARLES OFFERS ALL INTERESTED CITIZENS THE OPPORTUNITY TO ATTEND PUBLIC MEETINGS AND COMMENT ON PUBLIC MATTERS. IF YOU WISH TO ATTEND THIS PUBLIC MEETING AND REQUIRE AN ACCOMODATION DUE TO A DISABILITY, PLEASE CONTACT THE OFFICE OF THE CITY CLERK TO COORDINATE AN ACCOMODATION AT LEAST TWO (2) BUSINESS DAYS IN ADVANCE OF THE SCHEDULED MEETING AT 636-949-3282 OR 636-949-3289 (TTY – FOR THE HEARING IMPAIRED).

Posted: Monday, February 6, 2012 – 5:00 p.m.