

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
April 4, 2023

The City Council convened in a Regular City Council Meeting on Tuesday, April 4, 2023, at 7:00 p.m. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Vince Ratchford, presiding and Members of the Council present as follows: Tom Besselman, Michael Flandermeyer, Justin Foust, Michael Galba, Bart Haberstroh, Christopher Kyle, Denise Mitchell, Bridget Ohmes and Mary West. Absent: None. City Clerk Laura Whitehead was present and performed the duties of that office.

File #49226

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

At 7:03 p.m. a motion was made by MICHAEL GALBA to advance to Agenda Item No. 16 and adjourn into closed session pursuant to 610.021(1) and (3) RSMo, as amended. MICHAEL FLANDERMEYER seconded the motion. A roll call vote was taken with the following results: “Aye”: Flandermeyer, Foust, Galba, Haberstroh, Kyle, Mitchell, Ohmes, Ratchford, West and Besselman. “Nay”: None. Absent: None. Motion passed.

At 7:11 p.m. the Council reconvened into open session with the following Councilmembers present: Galba, Haberstroh, Kyle, Mitchell, Ohmes, Ratchford, West, Besselman, Flandermeyer and Foust.

PRESENTATIONS/AWARDS/PROCLAMATIONS

Proclamation: Animal Control Officer Week

Due to the absence of Mayor Daniel J. Borgmeyer, Council President Vince Ratchford read and presented the Proclamation declaring April 10 – 17 as Animal Control Week in the City of Saint Charles, Missouri, to the employees of the Division of Animal Control and thanked them for their service.

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CITIZEN COMMENTS

Kip Barber, owner of the new Jersey Mike's Sub Shop, introduced himself and explained how excited they are to be in the City of Saint Charles, Missouri. Opening date is scheduled for April 26th.

REPORT OF THE MAYOR

A motion was made by MICHAEL GALBA to approve the following appointments:

Special Business District Advisory Board

The appointment of Lydia Crespo, who is replacing Greg VanWyk who submitted his resignation November 7, 2022, and Mrs. Crespo's term will expire October 15, 2025.

BRIDGET OHMES seconded the motion. A roll call vote was taken with the following results:

"Aye": Haberstroh, Kyle, Mitchell, Ohmes, Ratchford, West, Besselman, Flandermeyer, Foust and Galba. "Nay": None. Absent: None. Motion passed.

File #49234

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Councilmember Michael Flandermeyer announced the St. Charles Municipal & Big Band first event of the year is scheduled for April 16 and the event is free to the public. Event is being held at the Foundry Art Centre.

Councilmember Christopher Kyle thanked Public Works Director Nick Galla and Engineering Director Dan Mann for picking up signage.

Councilmember Bridget Ohmes announced the next St. Charles County Municipal League Meeting is being held on April 25 at 6:00 p.m. at the Lake Forest Country Club.

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PUBLIC HEARING

Council President Vince Ratchford announced the Public Hearing will now be held. At the conclusion of the Public Hearing, the regular order of business continued.

- A. Case No. CU-2022-55. (MJ Property Holdings LLC) An application for a Conditional Use Permit from §400.150(D)(1)(n) for a Short Term Rental (specifically for an existing Short Term Rental) within R-1E/CPD Single-Family Residential District within the Commons Preservation District located at 556 Morgan Street. The subject property is located in Ward 1. ***This item to be held until the May 2, 2023 Regular City Council Meeting. (RCA Attached)***

- B. Case No. CU-2023-19. (Jack Roddy) An application for a Conditional Use Permit from §400.150(D)(1)(n) for a Short Term Rental (specifically for an existing Short Term Rental) within R-1E Single-Family Residential District located at 807 Boschert Drive. The subject property is located in Ward 1. ***Application Withdrawn. No City Council Action Required. (RCA Attached)***

- C. Case No. CU-2023-24. (Erica Land) An application for a Conditional Use Permit from §400.290(C)(2) specifically for liquor sales associated with a permitted restaurant use within FD/FHP Frenchtown District/Frenchtown Historic Preservation District located at 1125 N. 2nd Street. The subject property is located in Ward 1. ***(RCA Attached)***

- D. Case No. LL-2023-05. Approval of Liquor License Application for Erica Land d/b/a The Landing located at 1125 North Second Street. ***(Ward One) (RCA Attached)***

- E. Case No. Z-2023-02. (City of St. Charles) An application to rezone approximately 18,500 square feet of land located at 1800 N. 3rd Street from R-1E/FPD Single-

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Family Residential District/Frenchtown Preservation District to FD/FPD Frenchtown District/Frenchtown Preservation District for a proposed public parking lot. The property is located in Ward 1. ***(Council Bill 13650)***

- F. Case No. PDA-2023-03. (Olympus-St. Charles LLC) An application to initiate a major amendment to an existing Planned Development, specifically amending the Preliminary Development Plan, Development Standards and the Development Agreement. The subject property is zoned PD-MU Planned Development-Mixed Use, contains 5.01 acres of land and is located at 1406 & 1410 S. 5th Street. The property is located in Ward 2. ***(Council Bill 13653)***
- G. Case No. Z-2023-03. (Porterhouse Development, LLC) An application to establish zoning upon annexation for an overall 7.8 acres tract (more or less) from St. Charles County R-1E Single-Family Residential District to City of St. Charles C-2 General Business District. The property is generally located north and south of Arena Pkwy, east of the intersection with Hwy 364 (Page Ave.) and will be located in Ward 4 upon annexation. ***To be held until the June 6, 2023 Regular City Council Meeting. (RCA Attached)***
- H. Case No. Z-2023-04. (Porterhouse Development, LLC) An application to rezone an overall 7.8 acre tract of land (more or less) from C-2 General Business District to PD-C Planned Development – Commercial. The property is generally located north and south of Arena Pkwy, east of the intersection with Hwy 364 (Page Ave.) and will be located in Ward 4 upon annexation. ***To be held until the June 6, 2023 Regular City Council Meeting. (RCA Attached)***
- I. Case No. CU-2023-26. (Connie & Jarett Lyons) An application for a Conditional Use Permit from §400.150(D)(1)(n) for a Short Term Rental (specifically for a new Short Term Rental) within the R-1C/CPD Single-Family Residential District

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located at 5 Paula Drive. The subject property is located in Ward 9. ***Application Withdrawn. No City Council Action Required. (RCA Attached)***

- J. Case No. CU-2023-27. (Kendra King) An application for a Conditional Use Permit from §400.270(C)(1) for accessory liquor use associated with a permitted Salon land use within CBD/HDD Central Business District and within the Historic Downtown District located at 315 N. Main Street. The subject property is located in Ward 1. ***(RCA Attached)***
- K. Case No. LL-2023-03. Approval of Liquor License Application for Kendra King d/b/a James on Main LLC located at 315 North Main Street ***(Ward One) (RCA Attached)***
- L. Case No. CU-2023-28. (KC Main Street Bistro, LLC) An application for a Conditional Use Permit from §400.200(C)(1)(i) for liquor sales associated with a permitted restaurant use within the HCD/SMPD Historic Commercial District and within the South Main Preservation District located at 500 S. Main Street. The subject property is located in Ward 2. ***(RCA Attached)***
- M. Case No. LL-2023-06. Approval of Liquor License Application for Kye Pietoso d/b/a KC Main Street Bistro LLC located at 500 South Main Street. ***(Ward Two) (RCA Attached)***
- N. Case No. CU-2023-29. (Robert Schowengerdt) An application for a Conditional Use Permit from §400.240(C)(1)(a) for a microbrewery within the I-1 Light Industrial District located at 745 Friedens Road. The subject property is located in Ward 3. ***(RCA Attached)***

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- O. Case No. CU-2023-30. (Gregory Gettman) An application for a Conditional Use Permit from §400.150(D)(1)(b) for an Adult Day Care Facility within the R-1E Single-Family Residential District located at 2424 Muegge Road. The subject property is located in Ward 6. ***(RCA Attached)***
- P. Case No. Z-2023-05. (Matthew Kesler) An application to rezone approximately 5,600 square feet of land located at 2024 N. 3rd Street from C-3 Highway Business District to R-1E Single-Family Residential District. The subject property is located in Ward 1. ***(Council Bill 13651)***
- Q. Case No. CU-2023-31. (Matthew Kesler) An application for a Conditional Use Permit from §400.150(D)(1)(n) for a proposed Short Term Rental (specifically for an new Short Term Rental) upon rezoning to R-1E Single-Family Residential District located at 2024 N. 3rd Street. The subject property is located in Ward 1. ***(RCA Attached)***
- R. Case No. CU-2023-32. (Wine Garden, LLC) An application for a Conditional Use Permit from §400.200(C)(1)(b) for a Meeting Facility, §400.200(C)(1)(d) for a Winery and §400.200(C)(1)(i) for Liquor Sales associated with a these uses within the HCD/LMPD Historic Commercial District and within the Landmarks Preservation District located at 1219 S. Main Street. The subject property is approximately 2.4 acres in size and is located in Ward 2. ***(RCA Attached)***
- S. Case No. LL-2023-04. Approval of Liquor License Application for John Donnelly d/b/a The Wine Garden LLC located at 1219 South Main Street. ***(Ward Two) (RCA Attached)***

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CONSENT AGENDA

A motion was made by DENISE MITCHELL to approve the consent agenda. MICHAEL FLANDERMEYER seconded the motion. A roll call vote was taken with the following results: “Aye”: Besselman, Flandermeyer, Foust, Galba, Haberstroh, Kyle, Mitchell, Ohmes, Ratchford and West. “Nay”: None. Absent: None. Motion passed.

A. Approval of Council Minutes and Reports

1. Street Committee Meeting of February 28, 2023

File #49247

2. Council Work Session of March 14, 2023

File #49236

3. Council Work Session of March 21, 2023

File #49236

4. Regular Council Meeting of March 21, 2023

B. Receipt of Reports from Boards, Commissions and Committees

1. Special Business District Advisory Board Meeting of February 2, 2023

File #49248

2. Landmarks Board Meeting of February 13, 2023

File #49249

3. Senior Citizens Advisory Commission Meeting of February 14, 2023

File #49250

4. Senior Citizens Advisory Commission Meeting of January 10, 2023

File #49250

5. Parks and Recreation Board Meeting of January 18, 2023

File #49251

6. Parks and Recreation Board Work Session of February 1, 2023

File #49251

7. Human Relations Commission Meeting of January 19, 2023

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File #49252

8. Veterans Commission Meeting of October 10, 2022

File# 49199

9. Veterans Commission Meeting of November 14, 2022

File #49199

C. Receipt of Director of Administration Reports (*none*)

D. Approval of Contracts and Easements

1. Authorization to Execute a Contract with the St. Charles Lions Club for Operation of a Farmers Market for the City of St. Charles in an Amount Not to Exceed \$30,000.00
2. Contract with Unnerstall Contracting Co., LLC for the Boschertown Road Project Phase II in an Amount Not to Exceed \$5,477,722.70

Director of Engineering Dan Mann provided a brief power point on the Boschertown Road Project, Phase II.

C23-112

3. Agreement with Sievers Equipment Co. for the Purchase of One (1) New 4CX-14 Backhoe and Related Equipment, and Disposal by Trade-In of the Existing 2010 JD 410J Backhoe, for an Amount Not to Exceed \$147,701.97

C23-113

E. Preliminary Plats (*none*)

F. Miscellaneous

1. Report of the City Clerk Relative to Disposal of Records Pursuant to the Missouri Records Manual and State Records Retention Law (Parks)

File #49231

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2. Report of the City Clerk Relative to Disposal of Records Pursuant to the Missouri Records Manual and State Records Retention Law (PD)

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3. Report of the City Clerk Relative to Disposal of Records Pursuant to the Missouri Records Manual and State Records Retention Law (Legal)

File #49231

4. Report of the City Clerk Relative to Disposal of Records Pursuant to the Missouri Records Manual and State Records Retention Law (FD)

File #49231

RESOLUTIONS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. CHARLES, MISSOURI APPROVING THE FACILITATION GUIDE IDENTIFYING MAYOR AND CITY COUNCIL EXPECTATIONS; AND APPROVING A 2023 AND 2024 STRATEGIC PLAN SET FORTH IN THE PROJECT CHARTS CONTAINED THEREIN (*SPONSORS: ALL MEMBERS OF THE CITY COUNCIL*)

Passed “Aye”: Flandermeyer, Foust, Galba, Haberstroh, Kyle, Mitchell, Ohmes, Ratchford, West and Besselman

 “Nay”: None

 Absent: None.

Approved by the Honorable Mayor on April 7, 2023 and is known as Resolution **23-005**

BILLS FOR FINAL PASSAGE

BILL 13636

AN ORDINANCE AUTHORIZING AN AMENDMENT TO COOPERATIVE AGREEMENT FOR THE LEASE OF A POLICE EQUESTRIAN FACILITY AND SURROUNDING LAND BY AND AMONG THE CITY OF ST. CHARLES, MISSOURI, FHRA, LLC AND CHARLESTOWNE CROSSING, LLC, SAID LAND

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“Nay”: None

Absent: None

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BILL 13639

AN ORDINANCE AUTHORIZING TWO ADDITIONAL STOP SIGNS AT THE INTERSECTION OF SILVERTRAIL DRIVE AND SADDLERIDGE DRIVE TO CONVERT THE INTERSECTION TO A THREE-WAY STOP (*SPONSOR: CHRISTOPHER KYLE*)

Passed “Aye”: Foust, Galba, Haberstroh, Kyle, Mitchell, Ohmes, Ratchford, West, Besselman and Flandermeyer

“Nay”: None

Absent: None

Approved by the Honorable Mayor on April 7, 2023 and is known as Ordinance **23-036**

BILL 13640

AN ORDINANCE AUTHORIZING A SURFACE TRANSPORTATION BLOCK GRANT (STBG) PROGRAM AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TO RECEIVE SURFACE TRANSPORTATION BLOCK GRANT PROGRAM FEDERAL FUNDS FOR THE REGENCY PARKWAY RECONSTRUCTION PROJECT (*SPONSOR: JUSTIN FOUST*)

Passed “Aye”: Foust, Galba, Haberstroh, Kyle, Mitchell, Ohmes, Ratchford, West, Besselman and Flandermeyer

“Nay”: None

Absent: None

Approved by the Honorable Mayor on April 7, 2023 and is known as Ordinance **23-037**

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BILL 13641

AN ORDINANCE AUTHORIZING AN AGREEMENT BY AND BETWEEN ST. CHARLES COUNTY, MISSOURI, AND THE CITY OF ST. CHARLES FOR USE OF ST. CHARLES COUNTY TRANSPORTATION SALES TAX FUNDS FOR PROPOSED IMPROVEMENTS TO REGENCY PARKWAY, IN AN AMOUNT NOT TO EXCEED \$504,000.00 IN COUNTY FUNDS (THE COUNTY CONTRIBUTION AMOUNT) (*SPONSOR: JUSTIN FOUST*)

Passed “*Aye*”: Foust, Galba, Haberstroh, Kyle, Mitchell, Ohmes, Ratchford, West, Besselman and Flandermeyer
 “*Nay*”: None
 Absent: None

Approved by the Honorable Mayor on April 7, 2023 and is known as Ordinance **23-038**

BILL 13642

AN ORDINANCE AUTHORIZING AN AGREEMENT BY AND BETWEEN ST. CHARLES COUNTY, MISSOURI, AND THE CITY OF ST. CHARLES FOR USE OF ST. CHARLES COUNTY TRANSPORTATION SALES TAX FUNDS FOR DESIGN OF THE FRENCHTOWN GREAT STREETS: MAIN STREET EXTENSION, IN AN AMOUNT NOT TO EXCEED \$300,000.00 IN COUNTY FUNDS (THE COUNTY CONTRIBUTION AMOUNT) (*SPONSOR: CHRISTOPHER KYLE*)

Councilmember Michael Flandermeyer & Councilmember Christopher Kyle requested to hold Council Bill 13642 until the April 18, 2023 Regular City Council meeting.

Director of Administration Larry Dobrosky reported Council Bills 13642 and 13644 will be discussed at next week’s Council Work Session.

BILL 13643

AN ORDINANCE AUTHORIZING THE CITY OF ST. CHARLES TO ENTER INTO A FUNDING AGREEMENT WITH THE MISSOURI DEPARTMENT OF

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ECONOMIC DEVELOPMENT TO RECEIVE STATE AMERICAN RESCUE PLAN
ACT (ARPA) FUNDS FOR THE RIVERPOINTE DEVELOPMENT (*SPONSORS: ALL
MEMBERS OF THE CITY COUNCIL*)

Passed “Aye”: Foust, Galba, Haberstroh, Kyle, Mitchell, Ohmes, Ratchford,
West, Besselman and Flandermeyer

 “Nay”: None

 Absent: None

Approved by the Honorable Mayor on April 7, 2023 and is known as Ordinance **23-039**

BILL 13644

AN ORDINANCE AUTHORIZING AN AGREEMENT BY AND BETWEEN ST.
CHARLES COUNTY, MISSOURI, AND THE CITY OF ST. CHARLES FOR USE OF
ST. CHARLES COUNTY TRANSPORTATION SALES TAX FUNDS FOR THE
FRENCHTOWN GREAT STREETS: NORTH SECOND STREET IMPROVEMENTS,
IN AN AMOUNT NOT TO EXCEED \$960,000.00 IN COUNTY FUNDS (THE
COUNTY CONTRIBUTION AMOUNT) (*SPONSOR: CHRISTOPHER KYLE*)

Councilmember Michael Flandermeyer & Councilmember Christopher Kyle requested to hold
Council Bill 13642 until the April 18, 2023 Regular City Council meeting.

Director of Administration Larry Dobrosky reported Council Bills 13642 and 13644 will be
discussed at next week’s Council Work Session.

BILL 13645

AN ORDINANCE AMENDING ORDINANCE NUMBER 22-162 BY AMENDING
CERTAIN REVENUE, EXPENDITURE, AND FUND BALANCE ACCOUNTS FOR
THE BUDGET FOR THE FISCAL YEAR 2023 (BUDGET AMENDMENT #5)
(*SPONSOR: BRIDGET OHMES*)

Passed “Aye”: Foust, Galba, Haberstroh, Kyle, Mitchell, Ohmes, Ratchford,
West, Besselman and Flandermeyer

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“Nay”: None

Absent: None

Approved by the Honorable Mayor on April 7, 2023 and is known as Ordinance **23-040**

BILLS FOR INTRODUCTION

The following Council Bills were introduced.

BILL 13646

AN ORDINANCE AMENDING SECTION 500.080 OF THE CODE OF ORDINANCES, PERTAINING TO THE RECENTLY ADOPTED 2021 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO-FAMILY DWELLINGS, TO CORRECT SCRIVENER’S ERRORS AND OTHER MINOR MODIFICATIONS (*SPONSOR: VINCE RATCHFORD*)

BILL 13647

AN ORDINANCE AUTHORIZING THE ACQUISITION OF RIGHT-OF-WAY AND EASEMENTS REQUIRED FOR THE SECOND STREET RECONSTRUCTION PROJECT BY PURCHASE, DONATION OR EMINENT DOMAIN; AND AUTHORIZING AND PROVIDING FOR CONTINUING AUTHORITY TO EXECUTE ALL DOCUMENTS NECESSARY FOR THE ACQUISITION OF SAID RIGHT-OF-WAY AND EASEMENTS (*SPONSORS: TOM BESSELMAN AND CHRISTOPHER KYLE*)

BILL 13648

AN ORDINANCE AUTHORIZING THE ACQUISITION OF EASEMENTS REQUIRED FOR THE CMAQ PARKING UNDER I-70 PROJECT BY PURCHASE, DONATION OR EMINENT DOMAIN; AND AUTHORIZING AND PROVIDING FOR CONTINUING AUTHORITY TO EXECUTE ALL DOCUMENTS NECESSARY

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FOR THE ACQUISITION OF SAID EASEMENTS (*SPONSOR: VINCE RATCHFORD*)

BILL 13649

AN ORDINANCE AUTHORIZING A LEASE OF PREMISES, AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ST. CHARLES, MISSOURI AND THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION (MODOT), FOR THE LEASE OF MODOT'S PROPERTY UNDER INTERSTATE 70 (I-70) BY THE CITY OF ST. CHARLES, MISSOURI FOR A TERM OF FIVE (5) YEARS AT A TOTAL RENT OF ONE DOLLAR (\$1.00) FOR THE CMAQ PARKING UNDER I-70 PROJECT (*SPONSOR: VINCE RATCHFORD*)

BILL 13650

AN ORDINANCE REZONING TO ST. CHARLES CITY ZONING DISTRICT FD/FPD FRENCHTOWN DISTRICT / FRENCHTOWN PRESERVATION DISTRICT FROM ST. CHARLES CITY ZONING DISTRICT R-1E/FPD SINGLE-FAMILY RESIDENTIAL DISTRICT / FRENCHTOWN PRESERVATION DISTRICT AN APPROXIMATE 18,500 SQUARE FOOT TRACT OF LAND LOCATED AT 1800 NORTH THIRD STREET (*SPONSOR: CHRISTOPHER KYLE*)

BILL 13651

AN ORDINANCE REZONING TO ST. CHARLES CITY ZONING DISTRICT R-1E SINGLE-FAMILY RESIDENTIAL DISTRICT FROM ST. CHARLES CITY ZONING DISTRICT C-3 HIGHWAY BUSINESS DISTRICT AN APPROXIMATE 5,600 SQUARE FOOT TRACT OF LAND LOCATED AT 2024 NORTH THIRD STREET (*SPONSOR: CHRISTOPHER KYLE*)

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BILL 13652

AN ORDINANCE APPROVING THE RECORD PLAT FOR SPRING DRIVE SUBDIVISION PLAT TWO, A SUBDIVISION OF THE CITY OF SAINT CHARLES, MISSOURI (*SPONSOR: JUSTIN FOUST*)

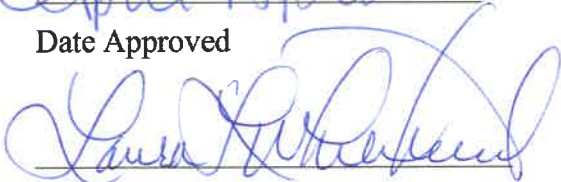
BILL 13653

AN ORDINANCE TO AUTHORIZE A MAJOR AMENDMENT TO AN EXISTING PLANNED DEVELOPMENT ON A 5.01 ACRE TRACT OF LAND ZONED PD-MU PLANNED DEVELOPMENT-MIXED USE LOCATED AT 1406 & 1410 SOUTH FIFTH STREET, AND SPECIFICALLY TO AMEND THE PRELIMINARY DEVELOPMENT PLAN, DEVELOPMENT STANDARDS, AND DEVELOPMENT AGREEMENT APPROVED BY ORDINANCE NO. 19-193, AS SUBSEQUENTLY AMENDED BY ORDINANCE NO. 20-138 FOR TIME EXTENSIONS (*SPONSOR: TOM BESSELMAN*)

The Regular Council Meeting adjourned at 9:24 p.m.

April 18, 2023

Date Approved



Laura L. Whitehead, City Clerk



Vince Ratchford, Presiding Officer

