

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
September 25, 2018

The City Council convened in a Regular City Council Meeting on Tuesday, September 25, 2018, 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 John Hanneke, presiding, and the Honorable Mayor Sally A. Faith and Members of the Council present as follows: Dave Beckering, Tom Besselman, Bart Haberstroh, Rod Herrmann, Bridget Ohmes, Mary Ann Ohms, Vince Ratchford, and Mary West. Absent: Jerry Reese. City Clerk Laura Whitehead was present and performed the duties of that office.

File # 48782

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

Councilmember ROD HERRMANN made a motion to excuse the absence of Councilmember Jerry Reese. Councilmember BRIDGET OHMES seconded the motion. All voted in favor, motion passed.

PUBLIC HEARING (*none*)

REPORT OF THE MAYOR/AWARDS/PROCLAMATIONS/PRESENTATIONS

Verbal Update from the Festival of the Little Hills Committee

Chairman Mark Stubblefield and Vice Chairman Brent Schulz and Members of the Festival of the Little Hills Committee provided a brief update on the 2018 Event, distributed an informational paper regarding this year's event and reported their 2019 Event will have an encampment added to the festivities in recognition of the City's 250th birthday. Mr. Stubblefield and Mr. Schulz thanked the Mayor and City Councilmembers for their assistance and cooperation with this year's event.

Check Presentation to Mid-East Area Agency on Aging for the Meals on Wheels Program (Councilmember Jerry Reese)

City Clerk Laura Whitehead reported Councilmember Jerry Reese has requested this item be held and placed on the October 2, 2018 Regular City Council Meeting agenda.

Appointments to Boards/Commissions/Committees

A motion was made by DAVE BECKERING to approve the following appointments:

Subdistrict Directors of the New Town at St. Charles Theater, Cultural Arts and Entertainment District

Appointment of JoAnne Menke to Subdistrict 1 for a 4 year term ending September 2022

Appointment of Brigid Elam to Subdistrict 2 for a 4 year term ending September 2022

Appointment of Jeff Haynes to Subdistrict 3 for a 4 year term ending September 2022

Appointment of Jason McCartney to Subdistrict 7 for a 4 year term ending September 2022

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MARY ANN OHMS seconded the motion. A roll call vote was taken with the following results: “Aye”: Besselman, Haberstroh, Hanneke, Herrmann, Ohmes, Ohms, Ratchford, West, and Beckering. “Nay”: None. Absent: Reese. Motion passed.

Written and/or Verbal Messages from the Mayor

The Honorable Mayor Sally Faith announced several upcoming events “happening” in the City of Saint Charles. For more information on “What’s Happening” in St. Charles, visit www.discoverstcharles.com

The Honorable Mayor Sally Faith announced the City of Saint Charles has been named as the 32nd Best Places to Live by Money Magazine.

PUBLIC COMMENT

Dale Bax, 221 Point West Blvd., St. Charles, Missouri, representing Pinnacle Development, announced he was here to answer any questions in reference to Council Bills 12633, 12634 and 12635. There were no questions from the Council Members.

Tom Maurerer, spoke in opposition to Council Bill 12622.

Curtis Wilcoxon, 208 North Main Street, representing Lloyd & Harry’s, spoke in opposition to Council Bill 12622.

Diana Neigel, 208 North Main Street, representing Lloyd & Harry’s, spoke in opposition to Council Bill 12622.

Gus Page, spoke in opposition to Council Bill 12622.

Derek Smith, spoke on City Council Policy.

Dawn Dulle, 2784 Kettering Drive, representing Shelter Friends, spoke on a request/proposal to build a new animal control building.

Penny Pitman, 105 North Main Street, spoke in favor of Council Bill 12622.

Randy Schilling, 119 South Main Street, spoke in favor of Council Bill 12622.

RESOLUTIONS

A Resolution Declaring Equipment Assigned to the Parks and Recreation Department as Surplus Property and Authorizing Disposal by On-Line Auction Service GovDeals or Recycling (*Sponsor: Mary Ann Ohms*)

Passed “Aye”: Haberstroh, Hanneke, Herrmann, Ohmes, Ohms, Ratchford, West, Beckering and Besselman
 “Nay”: None

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Absent: Reese

Approved by the Honorable Mayor on September 27, 2018 and is known as **Resolution 18-044**

BILLS FOR FINAL PASSAGE

Bill 12622 (Substitute Bill No. 1)

An Ordinance Enacting New Code of Ordinance Sections to be Known as Sections 600.015 and 600.148; Amending Sections 600.010, 600.150, 600.180, 600.240, 600.260 and 600.280 Pertaining to Liquor Control; Providing a Severability and Savings Clause; and Providing for an Effective Date (*Sponsors: Dave Beckering, Mary West, Bart Haberstroh, John Hanneke, Rod Herrmann and Bridget Ohmes*)

Councilmember MARY ANN OHMS requested a separate vote on Council Bill 12622.

Councilmember DAVE BECKERING provided a brief overview of the amended bill as outlined on the RCA.

Councilmember MARY ANN OHMS stated she appreciates those who spoke in support of the bill; however, she cannot agree with removing the \$200,000 requirement that would apply to the current restaurant/bar owners – this would be okay if this were being applied to new business owners or transfer of ownership.

Councilmember TOM BESSELMAN voiced concerns with removing the \$200,000 from the ordinance and requested the bill be amended to keep the \$200,000 language for the existing businesses and new businesses at these locations will be required to meet the 50/50 requirement.

Passed “Aye”: Herrmann, Ohmes, Ratchford, West, Beckering, Haberstroh and Hanneke
 “Nay”: Ohms and Besselman
 Absent: Reese

Approved by the Honorable Mayor on September 27, 2018 and is known as **Ordinance 18-201**

Bill 12623

An Ordinance Fixing and Establishing the Rate and Levying the Taxes for the General Revenue Funds and for the Various Special Funds of and for the City of Saint Charles, Missouri, for the Year Two Thousand and Eighteen (*Sponsor: John Hanneke*)

Passed “Aye”: Hanneke, Herrmann, Ohmes, Ohms, Ratchford, West, Beckering, Besselman and Haberstroh
 “Nay”: None
 Absent: Reese

Approved by the Honorable Mayor on September 25, 2018 and is known as **Ordinance 18-202**

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Bill 12632

An Ordinance Authorizing the Vacation of a Utility Easement Located at 2300 First Capitol Drive, Also Known As Lot One of Energy Marketing 1226, LLC Consolidated Plat (*Sponsor: Tom Besselman*)

Passed “Aye”: Hanneke, Herrmann, Ohmes, Ohms, Ratchford, West, Beckering, Besselman and Haberstroh

 “Nay”: None

 Absent: Reese

Approved by the Honorable Mayor on September 27, 2018 and is known as **Ordinance 18-210**

Bill 12633

An Ordinance Amending the Regulating Plan for the New Town at St. Charles by Removing a Tract of Land Consisting of Approximately 35.3 Acres Located at 3445 North Highway 94 from the New Town at St. Charles (*Sponsor: Mary Ann Ohms*)

Passed “Aye”: Hanneke, Herrmann, Ohmes, Ohms, Ratchford, West, Beckering, Besselman and Haberstroh

 “Nay”: None

 Absent: Reese

Approved by the Honorable Mayor on September 27, 2018 and is known as **Ordinance 18-211**

Bill 12634

An Ordinance Rezoning to City Zoning District R-1D (Single-Family Residential District) from City Zoning District PD-MU (Planned Development – Mixed Use) Approximately 35.3 Acres of Land Located at 3445 North Highway 94 (*Sponsor: Mary Ann Ohms*)

Passed “Aye”: Hanneke, Herrmann, Ohmes, Ohms, Ratchford, West, Beckering, Besselman and Haberstroh

 “Nay”: None

 Absent: Reese

Approved by the Honorable Mayor on September 27, 2018 and is known as **Ordinance 18-212**

Bill 12635

An Ordinance Rezoning to City Zoning District PD-R (Planned Development - Residential District) from City Zoning District R-1D (Single-Family Residential District) Approximately 35.3 Acres of Land Located at 3445 North Highway 94; Approving the Preliminary Development Plan of River Breeze Estates in Connection Therewith and Approving and Authorizing Execution of a Development Agreement (*Sponsor: Mary Ann Ohms*)

Passed “Aye”: Hanneke, Herrmann, Ohmes, Ohms, Ratchford, West, Beckering, Besselman and Haberstroh

 “Nay”: None

 Absent: Reese

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Passed “Aye”:
 Hanneke, Herrmann, Ohmes, Ohms, Ratchford, West, Beckering,
 Besselman and Haberstroh
 “Nay”:
 None
 Absent:
 Reese

Approved by the Honorable Mayor on September 27, 2018 and is known as **Ordinance 18-216**

BILLS FOR INTRODUCTION

The following council bills were introduced:

Bill 12639

An Ordinance Authorizing an Intergovernmental Cooperation Agreement Between the City of St. Charles, Missouri and the City of St. Peters, Missouri for the Acquisition of Easements Across Certain Tracts of Land for Design and Construction of Public Storm Sewer Improvements and Maintenance of Said Improvements Associated with the P-31 Hermitage Storm Sewer Improvement Project (*Sponsor: Rod Herrmann*)

Bill 12640

An Ordinance Authorizing a Contract with WEX Bank for a Fleet Fuel Card Program to Facilitate the Purchase of Unleaded Gasoline and Diesel Fuel for the Term of January 1, 2019 through December 31, 2019 in an Amount Not to Exceed \$666,400 (*Sponsor: John Hanneke*)

Bill 12641

An Ordinance Authorizing One Stop Sign and One Sign that Reads “Cross Traffic Does Not Stop” on Hilltop Drive at the Intersection of Ken Drive (*Sponsors: Bridget Ohmes, Rod Herrmann, Tom Besselman, Dave Beckering and Vince Ratchford*)

Bill 12642

An Ordinance Authorizing Amendment Number 1 to the Professional Services Contract with Woodard & Curran, Inc. for Fountain Lakes Lift Station Low Flow Evaluation Project in an Amount of \$86,370.00, for a Total Contract Amount Not to Exceed \$110,170.00 (*Sponsor: Rod Herrmann*)

Bill 12643

An Ordinance Authorizing a Contract with TGB, Inc. for the Elm Point Water Treatment Plant Filter Control Modifications Project in an Amount Not to Exceed \$597,622.00 (*Sponsor: Rod Herrmann*)

Bill 12644

An Ordinance Authorizing Amendment Number 6 to the Agreement with Woodard & Curran, Inc. for Contract Wastewater Operations in an Amount of \$26,465.46, for a Total Contract Amount Not to Exceed \$2,090,591.92 (*Sponsor: Rod Herrmann*)

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Bill 12645

An Ordinance Authorizing Amendment Number 2 to the Engineering Services Contract with Crawford, Murphy & Tilly, Inc. for the Water Hammer and Surge Tank Study in the Amount of \$8,180.00 for a Total Amount Not to Exceed \$112,820.00 (*Sponsor: Rod Herrmann*)

Bill 12646

An Ordinance Authorizing a Contract with the City of Kirkwood, Missouri for the Purchase of Approximately 1,000 Tons of Bulk Road Salt for the 2018/2019 Winter Season in an Amount Not to Exceed \$56,740.00 (*Sponsor: John Hanneke*)

ITEMS FOR DISCUSSION AND/OR COUNCIL ACTION (*none*)

CONSENT AGENDA

A motion was made by DAVE BECKERING to approve the Consent Agenda. ROD HERRMANN seconded the motion. A roll call vote was taken with the following results: "Aye": Ohmes, Ohms, Ratchford, West, Beckering, Besselman, Haberstroh, Hanneke and Herrmann. "Nay": None. Absent: Reese. Motion passed.

- A. Approval of Council Minutes
 - 1. Regular City Council Meeting of September 4, 2018
 - 2. Public Hearing of September 4, 2018

File #48858

- B. Approval of Council Committee Reports
 - 1. Approval of Council Committee Minutes
 - a. Council Work Session (Closed) of September 4, 2018
 - b. Street Committee Meeting of September 11, 2018

File #48790

- 2. Approval of Council Committee Motions/Actions/Recommendations
 - a. Council Work Session (Closed) of September 4, 2018 (*none*)
 - b. Street Committee Meeting of September 11, 2018
 - i. Motion to install one stop sign on Hilltop Drive at the intersection of Ken Drive and Bellevaux Place including signage "Cross Traffic Does Not Stop"
 - ii. Suggestion was made by Councilmember Beckering and Councilmember Besselman to check with the Parks Department relative to using their equipment instead of renting

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C. Receipt of Reports from Boards, Commissions, or Committees

1. Greater Saint Charles Convention & Visitors Commission Meeting of June 28, 2018
File #48805
2. Planning and Zoning Commission Meeting of July 23, 2018
File #48810
3. Public Facilities Authority Board Meeting of September 27, 2017
File #48859
4. Board of Adjustment Meeting of August 13, 2018
File #48797
5. Housing Authority Commission Meeting of July 18, 2018
File #48814
6. Citizens with Disabilities Advisory Board Meeting of July 25, 2018
File #48808
7. Special Business District Advisory Board Meeting of August 2, 2018
File #48799

D. Receipt of Reports of the Director of Administration

1. Monthly Report on Requests for Intra-Departmental Transfer of Appropriations > \$10,000 – August 2018
 2. Report of the Planning Manager John Boyer Relative to Adoption of New Flood Maps for the Seclusion Area North of Highway 370 (*Ward 8*)
- Director of Community Development Bruce Evans announced a meeting with FEMA officials and City officials is being held on Monday, October 15 at 1:30 p.m. here at City Hall in Conference Room A and all Councilmembers are invited to attend.
File #48860

E. Approval of Contracts and Easements from \$30,001 - \$99,999

1. Contract with Gerstner Electric for Street and Traffic Signal Installation in an Amount Not to Exceed \$38, 031.50
C18-383

F. Preliminary Plats (*none*)

G. Miscellaneous

1. Report of the City Clerk Relative to Disposal of Various Records Pursuant to the Missouri Records Manual and State Records Retention Law (*Clerk's Office*)
File #48787
2. Report of the Court Administration Relative to Monies Collected and Deposited – August 2018
3. Approval of Liquor License Application for Keyurkumar J. Patel dba Royal's Liquor located at 1813 Zumbahl Road

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ITEMS REMOVED FROM THE CONSENT AGENDA

There were no items removed from the Consent Agenda.

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Councilmember Mary Ann Ohms announced former Councilmember Laurie Feldman has been appointed to the Parks Foundation Board.

TABLED BILLS

Bill 12547

An Ordinance Amending Section 600.020 of the Code of Ordinances to Prohibit Disposal of Intoxicating Liquor During Certain Hours in the Historic Downtown District
(Sponsors: Dave Beckering, Mary West and Bart Haberstroh)

Councilmember Dave Beckering inquired of City Attorney Michael Valenti if Council Bill 12547 can be removed from the table and withdrawn this evening. Mr. Valenti explained notification would need to be made on the October 2 council meeting agenda that the bill is being removed from the table and then the bill can be withdrawn at the October 16 council meeting.

APPROVAL OF CLOSED MINUTES

A motion was made by DAVE BECKERING to approve the following closed session minutes:

- A. August 21, 2018 Council Work Session relative to Legal actions, causes of action, or litigation (RSMo 610.021.1) and Preparation, including any discussions or work product, on behalf of the Council or its representatives for negotiations with employee group (RSMo 610.021.9) at 6:00 p.m. in Conference Room A, Fourth Floor, 200 N. Second Street, St. Charles, Missouri
- B. August 21, 2018 Regular City Council Meeting relative to Legal actions, causes of action, or litigation (RSMo 610.021.1) and Preparation, including any discussions or work product, on behalf of the Council or its representatives for negotiations with employee group (RSMo 610.021.9) at 9:00 p.m. in Conference Room A, Fourth Floor, 200 N. Second Street, St. Charles, Missouri
- C. September 4, 2018 Council Work Session relative to legal actions, causes of action, or litigation (RSMo 610.021.1), leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2) and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12) at 6:00 p.m. in Conference Room A, Fourth Floor, 200 N. Second Street, St. Charles, Missouri

ROD HERRMANN seconded the motion. A roll call vote was taken with the following results: "Aye": Ohms, Ratchford, West, Beckering, Besselman, Haberstroh, Hanneke, Herrmann and Ohmes. "Nay": None. Absent: Reese. Motion passed.

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The Regular Council Meeting adjourned at 8:03 p.m.

Date Approved

City Clerk

John Hanneke, Presiding Officer