RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
July 20, 2010

The City Council convened in Regular Session on Tuesday, July 20, 2010, 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 Michael Klinghammer, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Laurie Feldman, Bob Kneemiller, Larry Muench, Bridget Ohmes, Jerry Reese, and Ron Stivison. Absent: Michael Weller. Councilmember Richard Veit arrived during the Administrative hearing as reported in the record. City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.
File #47279

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

ADMINISTRATIVE HEARING
The President of the Council Michael Klinghammer announced that the following Administrative Hearing would now be held. At the conclusion of the hearing, the Regular Session continued with the order of business:

Appeal of Landmarks Decision Regarding a Sign for Alexander's Grill and Bar at 2865 Veterans Memorial Parkway

AWARDS/PROCLAMATIONS

Proclamation Congratulating United Services on the Celebration of Their 35th Anniversary

The Honorable Mayor Patricia M. York read a Proclamation congratulating United Services on the celebration of their 35th anniversary. Jeanne Palombo, Development Manager, accepted the Proclamation on behalf of United Services Early Childhood Center.

Introduction of Recently Hired IT Director Brick Morff

The Honorable Mayor Patricia M. York introduced recently hired IT Director Brick Morff. Director of IT Brick Morff provided a brief bio of himself; and thanked the Mayor and Council for the opportunity to serve the residents of the City of St. Charles.

PUBLIC COMMENT RELATIVE TO AGENDA ITEMS

Council Bill 10230 Relative to Establishing a Residential Permit Parking District at 701 South Sixth Street

John H. Keck, 701 South Sixth Street, spoke in favor of Council Bill 10230.

BILLS FOR FINAL PASSAGE

Bill 10167

An Ordinance Amending Section 150.001 Pertaining to Responsibility for Enforcement of Chapter 150; Amending Section 150.085 Pertaining to Fees to the Board of Appeals; Creating Section 150.004 Pertaining to Board of Appeal Authority; Creating Section 150.005 Pertaining to Building Permit Expiration; Amending Sections 150.015 and 150.016 to Adopt the 2006 Edition of the *International Building Code*; Amending

Sections 150.020 and 150.021 to Adopt the 2006 Edition of the *International Residential Code For One- And Two- Family Dwellings*; Amending Sections 150.025 and 150.026 to Adopt the 2006 Edition of the *International Energy Conservation Code*; Amending Sections 150.030 and 150.031 to Adopt the 2006 Edition of the *International Property Maintenance Code*; Amending Sections 150.035 and 150.036 to Adopt the 2006 Edition of the *International Existing Building Code*; Amending Sections 150.040 and 150.041 to Adopt the 2006 Edition of the *International Mechanical Code*; Amending Sections 150.045 and 150.046 to Adopt the 2006 Edition of the *International Fuel Gas Code*; Amending Sections 150.055 and 150.056 to Adopt the 2005 Edition of the *National Electrical Code*; Amending Sections 150.075 and 150.076 to Adopt the 2006 Edition of the of the *International Plumbing Code*; to Make Local Amendments Thereto; and to Provide an Effective Date Thereof *(Sponsor: Larry Muench)*

Passed "Aye": Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Beckering, and Feldman
"Nay": None
Absent: Weller

Approved by the Honorable Mayor on July 21, 2010, and is known as **Ordinance 10-152**

Bill 10171

An Ordinance Amending Sections 95.01 and 95.02 of the Code of Ordinances of the City of Saint Charles Missouri, to Adopt the *International Fire Code*, 2006 Edition *(Sponsor: Larry Muench)*

Passed "Aye": Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Beckering, and Feldman
"Nay": None
Absent: Weller

Approved by the Honorable Mayor on July 21, 2010, and is known as **Ordinance 10-153**

Bill 10225 ***(Withdrawn)***

An Ordinance Approving the Record Plat for The Streets of St. Charles, a Subdivision of the City of Saint Charles, Missouri *(Sponsor: Laurie Feldman)*

Council Bill 10225 was withdrawn by Sponsor Laurie Feldman.
File #47423

Bill 10230 ***(Withdrawn)***

An Ordinance Amending Chapter 156 of the Code of Ordinances by Zoning a Portion of South Sixth Street - 701 South Sixth Street - Residential Permit Parking District or RPPD *(Sponsor: Larry Muench)*

Discussion was held relative to the process of establishing a Residential Permit Parking District; and its appropriateness for establishment for one property address. Council Bill 10230 was withdrawn by Sponsor Larry Muench.
File #47424

Bill 10243 ***(Amended)***
An Ordinance Amending Chapter 36 of the Code of Ordinances by Creating a New Section Designated Section 36.16 Related to Department Directors Residency *(Sponsor: Michael Klinghammer)*

A motion was made by MICHAEL KLINGHAMMER to amend Council Bill 10243, to read as follows: "Section 36.16 Department Directors; Residency. After [insert effective date of ordinance], a person appointed to a Department Director position shall become a city resident by a date established by the Council at the time of appointment. The Council may waive this requirement by an affirmative vote of the entire Council." JERRY RESSSE seconded the motion. All voted in favor, motion passed.

Bill 10244 ***(Held)***
An Ordinance Authorizing a Cooperation Agreement Between the City of St. Charles, Missouri and the Oakmont Homeowners Association For Repair or Replacement of the Retaining Wall in Oakmont Subdivision in an Amount Not To Exceed $20,000 *(Sponsor: Jerry Reese)*

Council Bill 10244 was held by Sponsor Jerry Reese.

Bill 10245
An Ordinance to Repeal Section 124.01 of the Code of Ordinances Prohibiting Fortunetelling *(Sponsor: Michael Klinghammer)*

Passed "Aye": Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Beckering, and Feldman
"Nay": None
Absent: Weller

Approved by the Honorable Mayor on July 21, 2010, and is known as **Ordinance 10-154**

Bill 10246
An Ordinance Approving the Record Plat for a Resubdivision Plat for Lots 1, 2, 3 and Common Ground of Governor Place Plat 1, a Subdivision of the City of Saint Charles, Missouri *(Sponsor: Michael Klinghammer)*

Passed "Aye": Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Beckering, and Feldman
"Nay": None
Absent: Weller

Approved by the Honorable Mayor on July 21, 2010, and is known as **Ordinance 10-155**

Bill 10247
An Ordinance Authorizing the Mayor and City Clerk to Execute an Assignment of the Buyer's Interest in a Residential Sale Contract between Linda M. Dalton as Seller and Cal Schneider as Buyer for the Purchase of Property Addressed 3016 Thrush Drive, St. Charles, Missouri, 63301, and Authorizing the Purchase of the Real Property at 3016

Thrush Drive under the Terms Negotiated by Cal Schneider, for a Total Amount Not To Exceed $170,000 *(Sponsor: Bridget Ohmes)*

Passed "Aye": Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Beckering, and Feldman
"Nay": None
Absent: Weller

Approved by the Honorable Mayor on July 21, 2010, and is known as **Ordinance 10-156**

Bill 10248

An Ordinance Authorizing a Contract with N.B. West Contracting Company for the for the Hawthorne Sidewalk Construction Project in an Amount Not to Exceed $148,862.50 *(Sponsor: Dave Beckering)*

Passed "Aye": Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Beckering, and Feldman
"Nay": None
Absent: Weller

Approved by the Honorable Mayor on July 21, 2010, and is known as **Ordinance 10-157**

Bill 10249

An Ordinance Authorizing an Easement Encroachment License Agreement with Frank and Gwen Scorfina for the Maintenance of an Existing Deck on a Utility Easement Located at or Near 2 Shasta Point Court in Summit Pointe Subdivision *(Sponsor: Michael Klinghammer)*

Passed "Aye": Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Beckering, and Feldman
"Nay": None
Absent: Weller

Approved by the Honorable Mayor on July 21, 2010, and is known as **Ordinance 10-158**

Bill 10251

An Ordinance Authorizing the Issuance, Sale and Delivery of not to Exceed $8,000,000 City of Saint Charles, Missouri Neighborhood Improvement District Limited General Obligation Bonds, (Streets of St. Charles at Noah's Ark Infrastructure and Site Improvement Project-Phase One Improvements) Series 2010A; Prescribing the Form and Details of said Bonds and the Covenants and Agreements made by the City to Facilitate and Protect the Payment Thereof; and Authorizing Certain Other Documents and Actions and Prescribing other Matters Relating Thereto *(Sponsors: Bob Kneemiller, Laurie Feldman)*

The Honorable Mayor Patricia M. York noted that the bond rate was secured at 3.40%. A brief discussion was held relative to the Council Bill 10251. A separate vote was taken on Council Bill 10251, with the following results:

Passed "Aye": Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Feldman, and Klinghammer
"Nay": Beckering
Absent: Weller

Approved by the Honorable Mayor on July 21, 2010, and is known as **Ordinance 10-151**

Bill 10252
An Ordinance Authorizing an Agency Agreement with MoEMSAC Granting Authority to MoEMSAC to Act as an Agent to Receive and Distribute Mo HealthNet Payments and to Carry Out Administrative Tasks Related to the Ambulance Service Reimbursement Allowance (ARA) on Behalf of the Ambulance Service *(Sponsor: Michael Klinghammer)*

Passed "Aye": Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Beckering, and Feldman
"Nay": None
Absent: Weller

Approved by the Honorable Mayor on July 21, 2010, and is known as **Ordinance 10-159**

BILLS FOR INTRODUCTION

The following Council Bills were introduced:

Bill 10254
An Ordinance Approving the Record Plat for Collier Corporate Center Plat 101 Amended Plat, a Subdivision of the City of St. Charles, Missouri *(Sponsor: Bob Kneemiller)*

Bill 10255
An Ordinance Suspending the Prohibition Against Drinking in Public Places of Alcoholic Beverages at the Location and During the Hours of Operation of the Boats on Main Event to be Held on September 9, 2010 *(Sponsors: Larry Muench and Richard Veit)*

Bill 10256
An Ordinance Authorizing a Contract with Wright Express Financial Services Corporation to Provide Unleaded Gasoline and Diesel Fuel Services from September 1, 2010 Through August 31, 2011 for the City of St. Charles in an Annual Amount Not to Exceed $606,850.00 *(Sponsor: Michael Klinghammer)*

Bill 10257
An Ordinance Extending the Date for Validity of the Approval of the Final Development Plan for Hineman Woods Estates from January 3, 2011 to January 3, 2013 *(Sponsor: Bridget Ohmes)*

ITEMS FOR DISCUSSION AND/OR COUNCIL ACTION

Discussion Relative to Allocating Funding from Council Directives for the Purchase of Fourteen (14) City Flags to Present to the St. Charles School District

A motion was made by DAVE BECKERING to approve up to $1,500 out of Council Directives to purchase City Flags for the public and private schools located within the City of St. Charles. LARRY MUENCH seconded the motion. All voted in favor, motion passed.
File #47436

CONSENT AGENDA

Councilmember Bob Kneemiller removed *Item 10.E.1 First Renewal Contract with Sprint Solutions, Inc. for City-Wide Cellular Phone Service and Equipment in an Amount not to Exceed $74,475.00* and *Item 10.E.2 First Renewal Contract with AT&T Mobility National Accounts, LLC for City-Wide Cellular Phone Service and Equipment in an Amount not to Exceed $31,550.00* from the Consent Agenda. A motion was made by LARRY MUENCH to approve the balance of the Consent Agenda. LAURIE FELDMAN seconded the motion. A roll call vote was taken, with the following results: "Aye": Muench, Ohmes, Reese, Stivison, Veit, Beckering, Feldman, Klinghammer, and Kneemiller. "Nay": None. Absent: Weller. Motion passed.

A. Approval of Council Minutes
   1. Regular Council Meeting of July 6, 2010
   2. Public Hearing of July 6, 2010

File #47425

B. Approval of Council Committee Reports
   1. Approval of Council Committee Minutes
      a. Council Work Session of July 6, 2010

File #47292

   2. Approval of Council Committee Motions/Actions/Recommendations
      a. Council Work Session of July 6, 2010 ***(None)***

C. Receipt of Reports from Boards, Commissions or Committees
   1. St. Charles Park & Recreation Work Session Meeting of April 8, 2010

File #47333

   2. St. Charles Park & Recreation Board Meeting of April 22, 2010

File #47333

   3. St. Charles Park & Recreation Work Session Meeting of May 6, 2010

File #47333

   4. St. Charles Park & Recreation Board Meeting of May 20, 2010

File #47333

5. Greater St. Charles Convention & Visitors Bureau Commission Meeting of April 22, 2010
   a. Motion to Approve the Following Advertising/Public Relations Funding:
      i. Group Travel Leader (July & Oct) - $7,106.00
      ii. Bank Travel - $2,358.75
      iii. St. Charles Convention Center (MML) - $7,746.70
      iv. Embassy Suites – Readerboard - $2,599.92
      v. KDNL-TV – 15 Weekly Spots During Selected Weeks – May 11 – Aug 28 - $14,000.00

File #47335

6. Greater St. Charles Convention & Visitors Bureau Commission Meeting of May 27, 2010
   a. Motion to Accept a Resolution to Support Seeking Federal Funding for the Harbor of San Carlos Project
   b. Motion to Approve the Following Advertising Funding:
      i. Community News (through 12/31) - $14,620.00
      ii. Lamar Companies (Billboard) - $3,120.00

File #47335

7. Planning and Zoning Commission Meeting of May 24, 2010

File #47334

8. Community Freedom Center Oversight Committee Meeting of November 30, 2009

File #47426

9. Fair Housing Commission Meeting of January 21, 2010

File #47427

10. Human Relations Commission Meeting of May 6, 2010

File #47315

D. Receipt of Reports of the Director of Administration
   1. Request for Additional Compensation for Employee in the Convention & Visitors Bureau Temporarily Assigned to a Position above the Employee's Current Position

File #47428

   2. Request to Fill Vacant Position in the Public Works Department

File #47429

E. Approval of Contracts and Easements from $30,001 - $99,999
   1. First Renewal Contract with Sprint Solutions, Inc. for City-Wide Cellular Phone Service and Equipment in an Amount not to Exceed $74,475.00

REMOVED FROM THE CONSENT AGENDA

2. First Renewal Contract with AT&T Mobility National Accounts, LLC for City-Wide Cellular Phone Service and Equipment in an Amount not to Exceed $31,550.00

REMOVED FROM THE CONSENT AGENDA

3. Contract Amendment No. 2 with Gannett Co., Inc, dba KSDK for CVB Advertising for the Months of July – October 2010 in an Additional Amount not to Exceed $20,000; Total Contract Amount $40,113.00\

File #47430

4. Contract with Holloran Contracting, Inc. for the 3524 Old Elm Point Road Storm Sewer and Pavement Repair Project in an Amount not to Exceed $39,514.98

File #47431

5. Contract with Madden Media for CVB Advertising in Various Publications in an Amount not to Exceed $63,040.00

File #47432

F. Preliminary Plats
None

G. Miscellaneous

1. Report of Court Administrator of Monies Collected and Deposited During the Month of June 2010

File #47320

2. Update on the Creekbank Stabilization Projects

File #47303

3. Investment Report for June 2010

File #47321

4. Authorization to Negotiate with Oates Associates, Inc. for Design Services for the Sidewalk Transition and Inventory Project

File #47433

5. Approval of an On-Premise Electronic Message Center Sign at 2195 First Capitol Drive

File #47434

6. Street Status Report as of June 30, 2010

File #47435

ITEMS REMOVED FROM CONSENT AGENDA

Item 10.E.1 First Renewal Contract with Sprint Solutions, Inc. for City-Wide Cellular Phone Service and Equipment in an Amount not to Exceed $74,475.00

A motion was made by BOB KNEEMILLER to hold Item 10.E.1 pending receipt of additional information relative to the renewal contracts. LARRY MUENCH seconded the motion. All voted in favor, motion passed.

Item 10.E.2 First Renewal Contract with AT&T Mobility National Accounts, LLC for City-Wide Cellular Phone Service and Equipment in an Amount not to Exceed $31,550.00

A motion was made by BOB KNEEMILLER to hold Item 10.E.2 pending receipt of additional information relative to the renewal contracts. LARRY MUENCH seconded the motion. All voted in favor, motion passed.

REPORT OF THE MAYOR

Written and/or Verbal Messages from the Mayor

I-70 Bridge (Blanchette Bridge) Advisory Commission. The Honorable Mayor Patricia M. York provided an update on the activities of the Commission.

Norb Wapelhorst. The Honorable Mayor Patricia M. York expressed sympathy for the family of former Parks & Recreation Director Norb Wapelhorst in his recent passing away.

Missouri 340 Kayak Races. The Honorable Mayor Patricia M. York announced that the Kayak Races will be held July 27, 2010 through July 30, 2010.

Hot Summer Nights. The Honorable Mayor Patricia M. York announced that Hot Summer Nights is scheduled for Saturday, July 31, 2010.

St. Charles Municipal Band. The Honorable Mayor Patricia M. York announced that the St. Charles Municipal Band performs in Frontier Park every Thursday night.

Music on Main. The Honorable Mayor Patricia M. York announced that Music on Main is scheduled for Wednesday, July 21, 2010, on North Main Street.

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Update from Council Liaisons on Board/Commission/Committee

Board of Public Works. As liaison to the Board of Public Works, President of the Council Michael Klinghammer announced that the bids received for the improvements at the Sewage Treatment Plants are significantly lower than anticipated.

Written and/or Verbal Messages from the Councilmembers

Michael Spurgeon's Mother-in-Law. Councilmember Laurie Feldman expressed sympathy for the family of Director of Administration Michael Spurgeon in the recent passing away of his mother-in-law.

Tea Town USA. Councilmember Ron Stivison announced that McAllister's Deli is participating in the Tea Town USA Promotion by offering free tea on July 29, 2010; and encouraged residents to vote for St. Charles for the title of Tea Town USA by visiting www.teatownusa.com.; the winner of which will receive a $5,000 prize courtesy of McAllister's for new shade trees or park improvements for their community.

TABLED BILLS/PUBLIC HEARINGS

Bill 10162
An Ordinance Amending Section 40.23 of the Code of Ordinances Requiring Competitive Bidding with Contract Extensions and Renewals *(Sponsor: Bob Kneemiller)* ***(Tabled on June 1, 2010)***

There was no action taken on Council Bill 10162.

APPROVAL OF CLOSED MINUTES

A motion was made by DAVE BECKERING to approve the following Closed Session Minutes. BOB KNEEMILLER seconded the motion. A roll call vote was taken, with the following results: "Aye": Ohmes, Reese, Stivison, Veit, Beckering, Feldman, Klinghammer, Kneemiller, and Muench. "Nay": None. Absent: Weller. Motion passed.

A. Regular Council Meeting of May 4, 2010, relative to leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2)

B. Council Work Session of May 11, 2010, relative to legal action, 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); hiring, firing, disciplining or promotion of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)

C. Regular Council Meeting of May 18, 2010, relative to legal action, 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); hiring, firing, disciplining or promotion of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12)

D. Special Council Meeting of May 25, 2010, relative to sealed proposals and related documents or any documents related to a negotiated contract (RSMo. 610.021.12)

E. Council Work Session of June 1, 2010, relative to legal action, 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 hiring, firing, disciplining or promotion of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3)

F. Council Work Session of June 8, 2010, relative to leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2)

CLOSED SESSION

A roll call vote was taken to adjourn into closed 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 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), with the following results: "Aye": Reese, Stivison, Veit, Beckering, Feldman, Klinghammer, Kneemiller, Muench, and Ohmes. "Nay": None. Absent: Weller. Motion passed.

The Open Portion of the Regular Council Meeting was adjourned at 8:20 p.m.

August 3, 2010
Date Approved

Marilyn K. McCoy
City Clerk

Michael Klinghammer
Michael Klinghammer, Presiding Officer