

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
August 1, 2023

The City Council convened in a Regular City Council Meeting on Tuesday, August 1, 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: Michael Galba, Bart Haberstroh, Mark Hollander, Denise Mitchell, Bill Otto, and Mary West. Absent: Justin Foust, Michael Flandermeyer, Bridget Ohmes and Mayor Daniel J. Borgmeyer. City Clerk Laura Whitehead and City Clerk (In Training) Kimberly Hudson 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.

A motion was made by MICHAEL GALBA to excuse the absence of Councilmembers Michael Flandermeyer, Justin Foust and Bridget Ohmes. DENISE MITCHELL seconded the motion. All voted in favor, motion passed.

PRESENTATIONS/AWARDS/PROCLAMATIONS

Recognition of Sergeant Deven Falzone's Recent Promotion

Police Chief Ray Juengst introduced Sergeant Deven Falzone and congratulated him on his recent promotion. Sergeant Falzone's wife had the honor of pinning Sergeant Falzone with his new badge.

A motion was made by MICHAEL GALBA to advance to Resolutions. MARY WEST seconded the motion. All voted in favor. Motion passed.

RESOLUTIONS

Council President Vince Ratchford read and presented the following Resolution to retiring City Clerk Laura Whitehead.

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A RESOLUTION OF THE CITY OF SAINT CHARLES, MISSOURI, RECOGNIZING THE RETIREMENT OF LAURA WHITEHEAD, CITY CLERK (SPONSORS: BILL OTTO, MARK HOLLANDER, VINCE RATCHFORD, MARY WEST, DENISE MITCHELL, JUSTIN FOUST, MICHAEL FLANDERYMEYER, MICHAEL GALBA, BART HABERSTROH AND BRIDGET OHMES)

Passed “Aye”: Galba, Haberstroh, Hollander, Mitchell, Otto, Ratchford and West
 “Nay”: None
 Absent: Flandermeyer, Foust and Ohmes

Approved by the Honorable Mayor on August 8, 2023 and is known as Resolution **R23-009**

Presentation of Plaque to Retiring City Clerk Laura Whitehead

City Clerk (In Training), Kimberly Hudson presented a plaque to retiring City Clerk Laura Whitehead on behalf of the City Councilmembers and thanked Ms. Whitehead for her dedication and hard work to the City of St. Charles during her 25 years of service.

Administration of the Oath of Office to Newly Appointed City Clerk Kimberly Hudson

Retiring City Clerk Laura Whitehead administered the oath of office to newly appointed City Clerk Kimberly Hudson.

Recess of Regular Meeting, and Reconvene with Newly Sworn In City Clerk Kimberly Hudson

A motion was made MICHAEL GALBA to recess the meeting. MARK HOLLANDER seconded the motion. All voted in favor, motion passed.

The Regular City Council Meeting reconvened with the following Councilmembers present: Michael Galba, Bart Haberstroh, Mark Hollander, Denise Mitchell, Bill Otto, Vince Ratchford and Mary West.

CITIZEN COMMENTS

There were no citizen comments.

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REPORT OF THE MAYOR

Update on Fire Station No. 3

Assistant Director of Administration Brad Temme reported the construction on Fire Station No. 3 is coming along and is anticipated to be open this fall (October-November). Mr. Temme further reported that Fire Station No. 2 is progressing on schedule and occupation by the Fire Department personnel is expected by the end of the year.

Director of Administration Larry Dobrosky and Assistant Director of Administration Larry Perney provided a brief update relative to the New PALS Program for new employees that began today. Director of Special Events and Communications Beth Norviel reported staff is working on a new on-boarding program for new employees that will include an informational booklet about the City. Ms. Norviel presented the councilmembers with a sample of the booklet.

PUBLIC HEARING

Council President Vince Ratchford announced the Public Hearing would now be held. At the conclusion of the Public Hearing, the Regular Session continued with the order of business.

- A. Ordinance Approving the Second Amended Petition of the South Fifth Street Community Improvement District (*Council Bill 13709*)

- B. Case No. CU-2023-44 (Devon Alexander) An application for a Conditional Use Permit from §400.150(D)(1)(n) for a new Short Term Rental within R-1E Single-Family Residential District located at 2060 Graystone Drive. The subject property is located in Ward 4. *Planning & Zoning Commission Forwarded a Recommendation of Not in Favor to the City Council. A 2/3 Majority Affirmative Vote is required for Council Approval. (RCA Attached)*

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- C. LL-2023-14. Approval of Liquor License Application for Lorene Williams d/b/a Chicken N Pickle located at 1500 South Main Street (Ward 3) ***(RCA Attached)***
- D. Case No. CU-2023-49. (Mayra Elizabeth Murillo – La Tapa Tia) An application for a Conditional Use Permit from §400.220(C)(1)(a) specifically for liquor sales associated with a restaurant use within C-2 General Business District located at 1934 Zumbahl Rd. The subject property is located in Ward 6. ***(RCA Attached)***
- E. LL-2023-15 Approval of Liquor License Applications for Mayra Murillo, d/b/a La Tapa Tia Mexican Restaurant located at 1934 Zumbahl Rd (Ward 6) ***(RCA Attached)***
- F. Case No. CU-2023-52. (Heriberto Hernandez – Beto’s King Burrito) An application for a Conditional Use Permit from §400.220(C)(1)(a) specifically for liquor sales associated with a restaurant use within C-2 General Business District located at 2031 S. Old Highway 94. The subject property is located in Ward 4. ***(RCA Attached)***

This item is requested to be TABLED to the August 15, 2023 Regular City Council Meeting.

Action: I move to hold the public hearing open on Case No. CU-2023-52 until the August 15, 2023 Regular City Council Meeting.

- G. Case No. Z-2023-09. (Cliff Heitmann – Bax Engineering) An application to rezone an approximate 1.14 acre tract of land known as Part of Lot B of the Discovery Business Park Subdivision and Part of Lot 2 of the Elm Point Commons Subdivision from I-1/WHP Light Industrial District and within the

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Wellhead Protection District to C-3/WHP Highway Business District and within the Wellhead Protection District. The subject property is located in Ward 7. *(Council Bill 13711)*

- H. Case No. CU-2023-51. (Cliff Heitmann – Bax Engineering) An application for a Conditional Use Permit from §400.230(C)(1)(g) and §400.320(C)(1)(k) for recreational vehicles storage within the C-3/WHP Highway Business District and within the Wellhead Protection District located on Lot 7 of the Elm Point Commons #2 Subdivision and Part of Lot B of the Discovery Business Park Subdivision and Part of Lot 2 of the Elm Point Commons Subdivision. The subject property is approximate 1.93 acres of land (in total) and is located in Ward 7. *(RCA Attached)*

Be advised, this item while advertised for a Public Hearing, will need to be held for final vote until application Z-2023-09 is approved for final vote (2nd meeting of August)

Action: I move to hold the public hearing open on Case No. CU-2023-51 until the August 15, 2023 Regular City Council Meeting

- I. Case No. TA-2023-02. (City of St. Charles) An application to amend Chapter 400 Zoning Code of the Code of Ordinances, specifically Section 400.650 Establishment of a Tree Board, Section 400.1190 Creation – Membership – Rules – Meetings – Officers – Minutes – Records – Etc. and Section 400.1320 Recognized Neighborhood Groups. The intent of this update is to clean-up this existing sections and make certain clarification. *(RCA Attached)*

This item is requested to be TABLED to the August 28, 2023 Planning &

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Zoning Commission Meeting. Public hearing should be held over until September 5, 2023 Regular City Council meeting.

Action: I move to hold the public hearing open on Case No. TA-2023-02 until the September 5, 2023 Regular City Council Meeting

- J. Case No. TA-2023-03. (City of St. Charles) An application to amend Chapter 400 Zoning Code of the Code of Ordinances specifically to make necessary amendments and to provide necessary clarification to multiple sections of this Chapter including, but not limited to: The Planning and Zoning Commission, Site Plans, Conditional Uses, and Architectural Review Standards. *(RCA Attached)*

This item is requested to be TABLED to the August 28, 2023 Planning and Zoning Commission Meeting. Public hearing should be held over until September 5, 2023 Regular City Council meeting.

Action: I move to hold the public hearing open on Case No. TA-2023-03 until the September 5, 2023 Regular City Council Meeting

CONSENT AGENDA

A motion was made by DENISE MITCHELL to approve the Consent Agenda. BILL OTTO seconded the motion. A roll call vote was taken with the following results: “Aye”: Otto, Ratchford, West Galba, Haberstroh, Hollander and Mitchell. “Nay”: None. Absent: Flandermeyer, Foust and Ohmes. Motion passed.

- A. Approval of Council Minutes and Reports
1. Regular Council Meeting of July 11, 2023
 2. Public Hearing of July 11, 2023

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File #49277

3. Street Committee Meeting of July 18, 2023

File #49247

4. Regular Council Meeting of July 18, 2023
5. Public Hearing of July 18, 2023

File #49276

B. Receipt of Reports from Boards, Commissions and Committees

1. Board of Adjustment Meeting of July 10, 2023

File #49238

C. Receipt of Director of Administration Reports

1. FITS Report – June 2023

File #49232

D. Approval of Contracts and Easements

1. Amendment #1 to contract C2023-067 with Lift Rite Inc. for additional funds not to exceed Sixty Five Thousand Two Hundred Ninety Eight Dollars (\$65,298.00) for additional 2023 Annual Pressure Grouting (Mudjacking) Services for a total contract amount not to exceed \$165,298.00

C23-067

E. Preliminary Plats

1. Approval of Case No. SUB-2023-03 - Elm Crossing

File #49228

F. Miscellaneous

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ITEMS REMOVED FROM THE CONSENT AGENDA

No items were removed from the Consent Agenda

BILLS FOR FINAL PASSAGE

BILL 13704

AN ORDINANCE AUTHORIZING A TRANSPORTATION ENHANCEMENTS FUNDS PROGRAM AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TO PROVIDE TRANSPORTATION ALTERNATIVES PROGRAM (TAP) FEDERAL FUNDING FOR THE FRENCHTOWN PEDESTRIAN ACCESSIBILITY PROJECT (TAP-7303(623)) (*SPONSOR: BILL OTTO*)

Passed “Aye”: Ratchford, West, Galba, Haberstroh, Hollander, Mitchell and Otto
 “Nay”: None
 Absent: Flandermeyer, Foust and Ohmes

Approved by the Honorable Mayor on August 8, 2023 and is known as Ordinance **23-100**

BILL 13705

AN ORDINANCE AUTHORIZING THE APPROPRIATION OF \$1,309,700 FOR THE PURPOSE OF DEFEASING A PORTION OF THE GENERAL OBLIGATION BONDS, SERIES 2021, OF THE CITY OF SAINT CHARLES, MISSOURI, AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION WITH THE DEFEASANCE OF THE BONDS (*SPONSOR: VINCE RATCHFORD*)

Passed “Aye”: Ratchford, West, Galba, Haberstroh, Hollander, Mitchell and Otto
 “Nay”: None
 Absent: Flandermeyer, Foust and Ohmes

Approved by the Honorable Mayor on August 7, 2023 and is known as Ordinance **23-101**

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BILLS FOR INTRODUCTION

The following Council Bills were introduced.

BILL 13703 *(To be Held for Introduction until the August 15, 2023 Regular Council Meeting)*

AN ORDINANCE AMENDING SECTIONS 255.100 AND 215.960 CLARIFYING WHEN IT IS PERMISSIBLE TO OPEN CARRY A FIREARM ON CERTAIN CITY PROPERTY WITH A VALID CONCEALED CARRY ENDORSEMENT OR PERMIT FROM THE STATE AND CLARIFYING THE PROHIBITION OF FIREARMS AT CITY POOLS AND ON OTHER CITY PROPERTY *(SPONSOR: DENISE MITCHELL)*

BILL 13706

AN ORDINANCE AUTHORIZING A POLICE SERVICES AGREEMENT WITH THE NEW TOWN AT ST. CHARLES GENERAL ASSEMBLY FOR THE ASSIGNMENT OF ONE (1) FULL-TIME COMMISSIONED POLICE OFFICER TO CONDUCT EXTRA PATROLS IN NEW TOWN AT ST. CHARLES DURING THE PERIOD OF AUGUST 1, 2023 THROUGH JULY 31, 2025, FOR THE PURPOSE OF ENHANCING PUBLIC SAFETY WITHIN THE COMMUNITY *(SPONSORS: BILL OTTO, MARK HOLLANDER, VINCE RATCHFORD, MARY WEST, DENISE MITCHELL, JUSTIN FOUST, MICHAEL GALBA, BART HABERSTROH AND BRIDGET OHMES)*

BILL 13707

AN ORDINANCE AUTHORIZING A PUBLIC TRANSIT OPERATING ASSISTANCE GRANT AGREEMENT BETWEEN THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION AND THE CITY OF ST. CHARLES FOR RECEIPT OF STATE TRANSPORTATION FUNDS IN THE AMOUNT OF \$56,798.58 DURING THE PERIOD OF JULY 1, 2023 THROUGH JUNE 30, 2024 *(SPONSOR: VINCE RATCHFORD)*

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BILL 13708

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 #9) (*SPONSOR: BRIDGET OHMES*)

BILL 13709

AN ORDINANCE APPROVING THE SECOND AMENDED PETITION FOR THE ESTABLISHMENT OF THE SOUTH FIFTH STREET COMMUNITY IMPROVEMENT DISTRICT, ST. CHARLES, MISSOURI (THE "DISTRICT") WHICH, PURSUANT TO THIS AMENDED PETITION, THE DISTRICT IS PROVIDED AUTHORIZATION FOR THE IMPOSITION OF A SPECIAL ASSESSMENT UPON PROPERTY WITHIN THE DISTRICT (*SPONSOR: MARK HOLLANDER*)

BILL 13710

AN ORDINANCE AUTHORIZING A TRAIL ACCESS LICENSE AGREEMENT BETWEEN THE MISSOURI DEPARTMENT OF NATURAL RESOURCES AND THE CITY OF ST. CHARLES, MISSOURI, FOR THE ENTRY OF VARIOUS LICENSES FOR THE CITY TO CROSS THE KATY TRAIL FOR PURPOSES OF CONSTRUCTION ADJACENT TO THE TRAIL AS PART OF CITY CAPITAL PROJECTS (*SPONSOR: MARK HOLLANDER*)

BILL 13711

AN ORDINANCE REZONING TO ST. CHARLES CITY ZONING DISTRICT C-3/WHP (HIGHWAY BUSINESS DISTRICT AND WITHIN THE WELLHEAD PROTECTION DISTRICT) FROM ST. CHARLES CITY ZONING DISTRICT I-1/WHP (LIGHT INDUSTRIAL DISTRICT AND WITHIN THE WELLHEAD PROTECTION DISTRICT) AN APPROXIMATE 1.14 ACRE TRACT OF LAND KNOWN AS PART OF LOT B OF THE

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DISCOVERY BUSINESS PARK SUBDIVISION AND PART OF LOT 2 OF THE ELM
POINT COMMONS SUBDIVISION (*SPONSOR: MICHAEL FLANDERMEYER*)

BILL 13712

AN ORDINANCE AUTHORIZING THE RIVERPOINTE PUBLIC I-70 PARKING LOT
PARTICIPATION AGREEMENT BETWEEN THE CITY OF ST. CHARLES, MISSOURI,
AND RIVERPOINTE MASTER DEVELOPER LLC FOR PURPOSES OF RIVERPOINTE
MASTER DEVELOPER LLC'S PARTICIPATION IN THE COST OF THE CONSTRUCTION
OF A PARKING LOT ON APPROXIMATELY 18.427 ACRES OF CITY REAL PROPERTY
(*SPONSORS: VINCE RATCHFORD AND BART HABERSTROH*)

BILL 13713

AN ORDINANCE AUTHORIZING A TEMPORARY SURFACE PARKING LEASE
AGREEMENT BETWEEN THE CITY OF ST. CHARLES, MISSOURI, AS LANDLORD,
AND RIVERPOINTE MASTER DEVELOPER LLC, AS TENANT, FOR ITS USE OF
CERTAIN REAL PROPERTY OF THE CITY, CONSISTING OF APPROXIMATELY 18.427
ACRES, FOR PURPOSES OF RIVERPOINTE MASTER DEVELOPER LLC'S
CONSTRUCTION OF A TEMPORARY PARKING LOT AND ITS USE OF THE SAME AS
A PARKING LOT FOR PRIVATE PASSENGER VEHICLES, AND SUCH INCIDENTAL
LAWFUL USES THAT ARE NECESSARILY A PART OF OR RELATED TO THE
FOREGOING (*SPONSORS: VINCE RATCHFORD AND BART HABERSTROH*)

The Regular Council Meeting was adjourned at 8:09 p.m.

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Sept. 5, 2023
Date Approved

Kimberly Hudson
Kimberly Hudson, City Clerk

Vince Ratchford
Vince Ratchford, Presiding Officer

