

**St. Charles County Council Journal
October 9, 2007**

The St. Charles County Council met in the Council Chambers, 100 North Third Street, St. Charles, Missouri, at 7:00 p.m. on Monday, October 9, 2007. Reverend Anita Lampkin, with St. John's A.M.E. Church of St. Charles, provided the invocation. Council Member Foust led in the Pledge of Allegiance.

The following roll call was taken by the Clerk:

Council Member Cheryl Hibbeler	present
Council Member Joe Brazil	present
Council Member Nancy Matheny	present
Council Member Paul Wynn	present
Council Member Joseph McCulloch	absent
Council Member Dan Foust	present
Council Member John White	present

County Executive Staff present:

Steve Ehlmann, County Executive
Chuck Gross, Director of Administration
Joann Leykam, County Counselor
Donald Boehmer, Director of Intergovernmental Affairs

IN THE MATTER OF)
)
PUBLIC COMMENT)

Council Chair Foust opened public comment and requested speaker's alternate pro and con positions on a topic, with six speakers per topic. He requested comments provide factual information and not focus on the personal.

Resolution 07-19 – Opposing Tax Credits for Arbor Glen Housing Development

Bill Hennessy, Alderman for the City of O'Fallon, noted he was in attendance to express his opposition to the Resolution before the Council. Hennessy noted he and another alderman have worked closely with Pedcor for the last eight months and their proposal for workforce housing is commendable and needed in the area. Hennessy noted concerns in the Resolution regarding false statements and the Council's future intervention on other tax credit projects within their municipality. Hennessy noted his support of workforce housing projects and stated the job of determining who is eligible for tax credits should be decided in Jefferson City.

Donna Morrow, Mayor of the City of O'Fallon, noted her support of the Resolution. Morrow noted concerns regarding the lack of interaction and information with this project by the majority of the City Council, herself, and the City's Planning and Zoning Division. She noted there has been no

forum for the citizens in the area to express their input on this project. Morrow pointed out there are two senior housing projects that are being supported by the City and expressed her concern that another one of this type is not necessary since there are already two that are not completed or fully occupied. Morrow noted workforce housing projects need public transportation and medical facilities in the area to be beneficial. Morrow noted caution is needed when taxpayer's money is being spent on a project that has not been proven to be a benefit to the area and added she would not be endorsing this project.

Bill No. 3176 – Application 1770 – Rezone from A to RR/Jarvis Road/Woodliff

Kim Dauwalter, no speaker card, expressed her concerns this request does not strictly deal with the rezoning of lots but with the increase in air traffic that could occur because these lots would have access to the adjoining airstrip. She stated she is concerned this could set a precedent on future rezoning requests and add an increase in air traffic and noise. She noted the increase in air hangars that could be constructed in this primarily residential area and the negative affect this has on the privacy of the residents, property values, safety issues, and the noise that affect the livestock. *A film clip was shown depicting a plane buzzing the fields.*

Ron Hunt, noted as a resident in this area before the airstrip was constructed in 1972, the increase in air traffic and lack of courtesy displayed by some of the current users of the airstrip which has become a great concern. He noted he has complained to the Woodliff Association, the FAA, and the Zoning Commission and nothing has been done. He questioned what can be done to slow this process down and what the regulations are on how many structures and planes are allowed at a residence. Hunt noted his concern on the low flying planes and the negative effect this noise has on his livestock.

There being no further speakers, the Chairman closed Public Comments at 7:24 p.m.

At this point of the meeting, Council Member Matheny made a motion to adjust the agenda to bring forward the update from the City of St. Peters which was posted under Announcements and Miscellaneous. Motion was seconded by Council Member Brazil and unanimously approved.

Len Pagano, Mayor of the City of St. Peters, thanked the County Executive and County Council for the opportunity to present an update on the 370 Lakeside Business Park. Pagano presented a power-point presentation which outlined the revenue, expenses, and financial benefits of this project. He explained the breakdown of estimated property taxes with the TIF payment subtracted. Council Member Brazil questioned the issue of blighting, future litigation on TIF issues, and future uses of TIF's. Mayor Pagano apologized he could not respond on these issues regarding blight because they are currently under litigation. Council Member Wynn noted his concern on the safety issues regarding the levee and questioned the status of the levee and time frame for completion. Mayor Pagano responded appropriations by the City had currently been approved and the closing of the levy to the railroad tracks is under construction and would be sent to FEMA. Pagano noted this project should be completed by the end of the year. Council Chair Foust thanked Mayor Pagano for his time and noted the importance of this type of dialog.

IN THE MATTER OF)
THE ORAL REPORT FROM)
THE COUNTY EXECUTIVE)

County Executive, Steve Ehlmann, thanked Mayor Pagano for all his efforts in meeting with the County to provide an update on this issue. He noted the original agreement dealt with the letter of map revision and after submission and approval by FEMA on the issue of the closure of the levee he noted he was hopeful the County would be in agreement.

Ehlmann noted the Resolution before the Council was for the Council’s determination but explained a request was submitted by the company to the County Executive for endorsement but the County was not familiar with the project so no endorsement was provided.

Ehlmann updated the Council on the background regarding Bill Number 3183 and Bangert Island. Ehlmann noted he had met with the Department of Conservation, and Bettie Yahn-Kramer, Parks Director, to work toward developing a hiking and biking trail on Bangert Island. He explained the Department of Conservation had expressed interest prior but did not have access to the island. Ehlmann noted after researching the issue the determination was made the county owned a piece of flood buy-out property which would allow access and could be donated to the Department of Conservation, with Council approval, to begin this project. Ehlmann explained the Department of Conservation would reimburse the County for the cost of the trail when the funds could be appropriated, but the County would initially fund the project and maintain the trail. Ehlmann commended Bettie Yahn-Kramer on her fortitude in actually trekking through this beautiful piece of property.

Ehlmann explained Bill Number 3186 is an agreement with Homeland Security to allow them to come into our jail and review the immigration status of the prisoners. He added Bill Number 3187 establishes an agreement with municipalities who wish to close a road that is also within the county’s jurisdiction and requires both city and county agree to the requested closure.

IN THE MATTER OF)
THE CONSENT AGENDA)

Council Member Brazil made a motion to approve the consent agenda as presented, seconded by Council Member Hibbeler and unanimously approved. The following items were approved:

Approval of Journal of the previous meetings (9-24-07 and 10-01-07)

Approval of Bids

Sheriff Dept. – three (3) portable weather stations/Fisher Safety/\$37,542.09

Construction Management – road improvement at the entrance to 1630 Heritage Landing/
Southern Ditching & Excavating/\$28,833.00

Remained Tabled:

ITEMS REMOVED FROM THE CONSENT AGENDA

Employee Activity Board

Travis Welge – Auditor’s office/replacing Precious Rutlin (tabled 9-24-07)

RESOLUTION 07-19– Sponsored by Joe Brazil, Paul Wynn, Joseph McCulloch, and John White
A Resolution opposing the award of tax credits by the Missouri Housing Development Commission to the Arbor Glen Housing Development by PEDCOR Investments L.L.C.

Discussion: Council Member Brazil stated his opposition to the allowance of tax credits on this project is no reflection on the Board of Alderman of O’Fallon. He noted his concern that the possibility of \$24 million dollars in tax credits could be granted to a project that the citizens have not had an opportunity to weigh in on. Council Member Hibbeler pointed out in her opinion this is not the forum to debate this issue and the development is in the jurisdiction of the City of O’Fallon so they should make the determination. Hibbeler stating by not sending the requested endorsement of this project should be enough so this resolution is not necessary. Council Member Brazil stated it is his belief the use of tax credits to fund projects is getting out of control and the County has the right to state their opposition because the property is still within St. Charles County.

Council Member Foust pointed out these legal tax credits are a funding tool provided by the State Legislature and they are the ones that have the power to change this process. Council Member Brazil suggested Pedcor present their proposal to the Council at a future work session. Council Chair Foust noted with the comments made during the meeting and with one of the sponsors of the Resolution absent, Council Member Brazil might consider tabling this bill if he feels there is not enough support. Council Member Matheny clarified she would be voting against the Resolution. She stated it is her belief there should not be interference with a project within the city limits of O’Fallon and that tax credits are available for a reason. She pointed out there have been a lot of good projects funded by the use of tax credits.

Council Member Brazil made a motion to table this Resolution until further information could be obtained. Motion was seconded by Council Member Wynn. Voice vote was called for and clarification by roll call vote on the motion to table was requested by the Council Chair. Motion to table: Council Member Hibbeler – no, Council Member Brazil – yes, Council Member Matheny – no, Council Member Wynn – yes, Council Member Foust – no, Council Member White – yes. Motion to table failed by 3 yes to 3 no.

Council Member Foust stated the motion to table had failed and requested the Resolution be read.

There being no further discussion, the Council Chair called for the following roll call vote:
Council Member Hibbeler – no, Council Member Brazil – yes, Council Member Matheny – no,
Council Member Wynn – yes, Council Member McCulloch – absent, Council Member Foust – no,
Council Member White – yes. Resolution 07-19 was denied by tie vote of 3 yes to 3 no.

IN THE MATTER OF)
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BILLS FOR FINAL PASSAGE)

Bill No. 3174 – Sponsored by Dan Foust – An Ordinance amending Ordinance 06-175 of St. Charles County, Missouri by providing a supplemental appropriation of \$138,466 to the budget of the Corrections Department

Council Member Matheny noted an error was made in the year regarding the budget and made a motion to correct the year in Section 1 and Section 2. Motion was seconded by Council Member Brazil and unanimously approved. The amendments as follows:

Section 1. The budget of St. Charles County, Missouri for the fiscal year 2007, as adopted by Ordinance ~~07-175~~**06-175** is hereby amended.....

Section 2. The budget of St. Charles County, Missouri for the fiscal year 2007, as adopted by Ordinance ~~07-175~~**06-175** in the Corrections Department....

There being no further discussion, the Council Chair called for the following roll call vote: Council Member Hibbeler – yes, Council Member Brazil – yes, Council Member Matheny – yes, Council Member Wynn – yes, Council Member McCulloch – absent, Council Member Foust – yes, Council Member White – yes. Bill No. 3174 was approved.

IN THE MATTER OF)
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BILLS FOR INTRODUCTION)

Bill No. 3175 – Sponsored by Dan Foust – An Ordinance amending the Zoning District Map of the County of St. Charles, Missouri, by rezoning land from A/FW Agricultural District with Floodway Overlay District to RF/FW Riverfront District with Floodway Overlay District as per Application 1769

Bill No. 3176 – Sponsored by Joe Brazil – An Ordinance amending the Zoning District Map of the County of St. Charles, Missouri, by rezoning land from A, Agricultural District to RR, Single-Family Residential District as per Application 1770

Discussion: Council Member Brazil questioned Wayne Anthony, Director of Community Development, on regulations regarding private airports. Anthony responded the field was created under Agricultural Zoning with a permissive use and due to complaints from this airstrip in 1984 the conditional use requirement was added for any future expansion. After questioning Anthony explained the staff had recommended approval based on smaller parcels already in the vicinity of the airstrip. Anthony added part of this property was illegally divided and sold earlier and therefore to subdivide this parcel for additional lots, rezoning is required. Council Member Foust noted his concern on the potential of additional air traffic problems with the large amount of ground still in the vicinity that could be sub-divided. Council Member Wynn questioned if there were rules that regulate how many planes or hangars can be placed on a property. Anthony confirmed the acreage

size would allow accessory structures and three acre lots allow a 2400 square foot accessory building. Anthony added if the airstrip were to be extended or widened it would have to apply for a conditional use. Council Member White noted that livestock typically adapt to their surroundings and the item before the Council is for rezoning and would not address the airplane noise or traffic. Council Member Brazil noted he would not be in support of this request and was concerned if future properties were subdivided it would only add to the current problems with the airstrip.

Bill No. 3177– Sponsored by Nancy Matheny – An Ordinance approving the amended Planned Unit Development and the amended preliminary plat of Park Charles Couth for Plat 7 Lot 585 to allow a private school use as per rezoning Application 1771

Bill No. 3178 - Sponsored by Cheryl Hibbeler – An Ordinance amending the Zoning District Map of the County of St. Charles, Missouri, by rezoning land from A, Agricultural District (5 acres minimum lot size) and C2, General Commercial District to C2, General Commercial District as per Application 1772

Bill No. 3179 - Sponsored by Nancy Matheny – An Ordinance amending the Zoning District Map of the County of St. Charles, Missouri, by rezoning land from R1B, Single-Family Residential District (20,000 sq. ft. minimum lot size) to C2, General Commercial District as per Application 1773

Bill No. 3180 – Sponsored by John White - An Ordinance granting Conditional Use Permit C686 for a daycare to Kevin L. II and Colleen E. Blasé

Bill No. 3181– Sponsored by Dan Foust – An Ordinance amending Section 405.500.B4 of the Unified Development Ordinance of St. Charles County, Missouri, relating to private sewage disposal systems

Discussion: Council Member Foust explained this bill was being brought forward to address problems current septic tank owners have if a repair to their system is needed and this would allow them to fix the problems with the property they have.

Bill No. 3182 – Sponsored by Joe McCulloch – An Ordinance amending Section 405.420.A of the Unified Development Ordinance of St. Charles County, Missouri, relating to a permit for certain use of the side yard

Discussion: Council Member Foust acknowledged Council Member McCulloch’s efforts in this bill addressing resident’s concerns regarding trailers parked in the side yard and the good compromise that was reached.

Bill No. 3183 – Sponsored by Dan Foust – An Ordinance authorizing the County Executive to execute the agreement and related documents with the Missouri Department of Conservation for maintenance of Bangert Island

Discussion: Council Member White thanked Bettie Yahn-Kramer and the County Executive and staff for their efforts in this project. Council Member Foust questioned how this proposal would

affect the plans that are slated for this area. County Executive Ehlmann stated it was his understanding the Department of Conservation had not formed a position in favor or against digging out the slough but this project would not keep any proposed plans from happening. Donald Boehmer, Director of Intergovernmental Affairs, confirmed he had spoken to the developer's attorney and it was their belief this project is a positive step in the right direction. Council Member Wynn questioned if there was an estimate of the cost of this project. Bettie Yahn-Kramer explained the preliminary plans for this project is to leave the island in its natural state with roughly three miles of a gravel path, parking lot, gate and sign. She noted the work would be done in-house with an estimated cost of \$7,000. Yahn-Kramer noted the donors of this property stipulated the island was not to allow hunting.

Bill No. 3184 - Sponsored by Council As A Whole – An Ordinance authorizing the County Executive to execute certain contracts with the Missouri Department of Health and Senior Services to receive funding under various programs

Bill No. 3185 – Sponsored by Dan Foust – An Ordinance amending Ordinance 07-111 as codified at Chapter 135 of the Ordinances of St. Charles County, Missouri, relating to grants

Discussion: Council Member Wynn questioned if a grant continues and stays under the 25% increase from year to year does it continue on per the Executive Branch. Joann Leykam, County Counselor, clarified it would continue on as long as the County Executive chooses to sign it. She explained the reason for this modification was it was specified it had to be in the same year budget and most of the grants from State and Federal government are on different fiscal years so it needed to be specified it could cross our fiscal year. Leykam noted the signatures of both the Director of Administration and County Executive are still needed for continuation of the grant.

Bill No. 3186– Sponsored by Dan Foust – An Ordinance authorizing the County Executive to execute an agreement with the Department of Homeland Security, Immigration and Customs Enforcement for participation in the Criminal Alien Program

Discussion: Council Member Wynn questioned the procedure on the determination of when immigration status is required. Joann Leykam, County Counselor, confirmed the information on nationality is noted on the booking sheet. County Executive Ehlmann explained that in a great percentage of cases the individuals are already bonded out and when they get out of the facility they move to another jurisdiction. Council Member Foust questioned after reading an article in the paper, is the offer of assistance from the Consulate provided. Leykam confirmed the ICE (Immigrations and Customs Enforcement) do a review and inform them of their rights. Sheriff Neer confirmed there is no Consulate warning given to his knowledge.

Bill No. 3187 – Sponsored by Council As A Whole – An Ordinance authorizing the County Executive to execute intergovernmental agreements with cities within St. Charles County to maintain circulation on rights-of-way across jurisdictional boundaries

Discussion: Council Member Hibbeler noted she was in full support of this bill but questioned why there was a ten year period attached to the agreements. County Counselor, Joann Leykam, pointed

out that indefinite contracts are frowned upon by the Courts and the ten year time-frame was reasonable.

Bill No. 3188 - Sponsored by Joe McCulloch – An Ordinance authorizing the establishment and powers of the County Municipal Court and the Office of the Municipal Court Clerk pursuant to Chapter 66 of the Revised Statutes of the State of Missouri

Discussion: Council Member Foust commented this is one step closer to our new court system.

IN THE MATTER)
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OF TABLED BILLS)

There were no bills removed from the table.

IN THE MATTER OF)
ANNOUNCEMENTS AND)
MISCELLANEOUS)

Council Member White noted this coming Thursday, October 11th is the Council’s annual employee appreciation bar-b-que.

County Executive Ehlmann noted the recent Horseshoe Facility Opening at Quail Ridge Park was a success and thanked Bettie Yahn-Kramer and staff for their efforts and the Council for their support.

Council Member Foust stated at the recent Octoberfest he noted a great number of visitors sitting along the river taking in the view and the Bangert Island Park will be a true asset to residents who enjoy the river view and nature in the area.

Council Member Foust announced the passing of his wife, Carla’s, father and noted there would be no services.

There being no further discussion, Council Member Foust motioned to adjourn. The meeting adjourned at approximately 8:44 p.m.

Examined and Approved _____
Dan Foust, County Council Chair
St. Charles County, Missouri

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