CITY OF WEBSTER GROVES
September 20, 2016

The City Council met this date in a regular session in the Council Chambers at City Hall at #4 E. Lockwood at 7:38 p.m.

Present at Roll Call:

Mayor Gerry Welch
Councilmember Toni Hunt
Councilmember Greg Mueller
Councilmember Ken Burns
Councilmember Matt Armstrong
Councilmember Frank Janoski
Councilmember Bud Bellomo

A quorum was present.

Also present:

Mr. Steve Wylie, City Manager
Mr. Helmut Starr, City Attorney
Ms. Katie Nakazono, City Clerk

REMARKS OF VISITORS

Page Selby, Ameren UE, presented the City with a rebate check for their Big Savers program for energy efficiency. She stated that we like to reward our communities that are environmentally and fiscally proactive.

Craig Rosemann, 733 Catalpa, stated that he represents a group on Catalpa and Old Orchard regarding 250 S. Old Orchard. There are a number of concerns about the property. It has been in horrible shape over the last 16 or 17 years. The roof and guttering have been poorly maintained. The buyer will be hit with a lot of mold in the house. I would not want a young couple with children buying that. I want that noted in the public record. I don't want to see a young family coming in hit with a $20,000 bill. I want to make sure financing is in place because from what I can see this is a $350,000 project on top of the initial investment. There is concern about the trees. Also whether the driveway on Catalpa will be used, or on Old Orchard. The pool, otherwise known as the mosquito pit. We have a young family right next door. The garage has been filled with junk over the last seven years. We want the garage torn down. We want the pool torn down. There is no salvaging that property as it is. Those are our concerns. It is a century home, but we have mixed feelings because the property has been in such decay over the last 16 years.

NEW BUSINESS - MAYOR, COUNCILMEMBERS, CITY ATTORNEY, CITY MANAGER

Mayor Welch stated that we have appointed Gregory Brough as the Provisional Judge to the Municipal Court.

UNFINISHED BUSINESS

BILL #8942 – THIRD READING

Prior to the third reading, a motion was made by Councilmember Mueller, seconded by Councilmember Janoski, to amend Bill #8942, by Substituting Bill #8942 as presented and dated September 20, 2016, as the City just received the final Board of Equalization numbers from St. Louis County.

Mayor Welch called for the vote on the amendment.
MEMBERS VOTING:
AYES: HUNT, MUELLER, BURNS, ARMSTRONG, JANOSKI, BELLOMO, WELCH
NOES: NONE
Mayor Welch stated that the amendment was approved.

On motion of Councilmember Mueller, seconded by Councilmember Hunt, **BILL #8942 – ENTITLED: AN ORDINANCE LEVYING AND ESTABLISHING THE RATE OF ANNUAL PROPERTY TAXES TO BE COLLECTED FOR THE YEAR 2016 BY THE CITY OF WEBSTER GROVES, MISSOURI (AS AMENDED),** having been introduced and read twice on September 6, 2016, was taken up its title read a third time. (The Third Reading occurred following the vote on Bill #8943.) It was placed upon its passage to become Ordinance #8942.
Mayor Welch called for the vote on Bill #8942.
MEMBERS VOTING: (Councilmembers had no concern with conducting 3rd reading this evening.)
AYES: MUELLER, BURNS, ARMSTRONG, JANOSKI, BELLOMO, WELCH, HUNT
NOES: NONE
Mayor Welch stated that Bill #8942 was approved.

BILL #8943 – THIRD READING

Prior to addressing this Bill, a motion was made by Councilmember Mueller, seconded by Councilmember Janoski, to amend Bill #8943, Substituting Bill #8943 as presented and dated September 20, 2016, as promulgated to all Councilmembers, and as available to the public. Again, this is due to just receiving the Board of Equalization numbers from the County.
Mayor Welch called for the vote on the amendment.
MEMBERS VOTING:
AYES: BURNS, ARMSTRONG, JANOSKI, BELLOMO, WELCH, HUNT, MUELLER
NOES: NONE
Mayor Welch stated that the amendment was approved.

On motion of Councilmember Mueller, seconded by Councilmember Burns, **BILL #8943 – ENTITLED: AN ORDINANCE LEVYING AND ESTABLISHING THE RATE OF ANNUAL PROPERTY TAXES TO BE COLLECTED FOR THE YEAR 2016 FOR THE WEBSTER GROVES LIBRARY DISTRICT (AS AMENDED),** having been introduced and read twice on September 6, 2016, was taken up its title read a third time and placed upon its passage to become Ordinance #8943.
Mayor Welch called for the vote on Bill #8943.
MEMBERS VOTING: (Councilmembers had no concern with conducting 3rd reading this evening.)
AYES: ARMSTRONG, JANOSKI, BELLOMO, WELCH, HUNT, MUELLER, BURNS
NOES: NONE
Mayor Welch stated that Bill #8943 was approved.

BILL #8944 – THIRD READING

On motion of Councilmember Bellomo, seconded by Councilmember Janoski, **BILL #8944 – ENTITLED: AN ORDINANCE AUTHORIZING THE CITY OF WEBSTER GROVES TO ENTER INTO AND EXECUTE A CONTRACT WITH ST. LOUIS COUNTY, MISSOURI FOR MUNICIPAL ORDINANCE PROSECUTION IN THE ST. LOUIS COUNTY MUNICIPAL COURT MENTAL HEALTH/JAIL DIVERSION PROGRAM,** having been introduced and read

twice on September 6, 2016, was taken up its title read a third time and placed upon its passage to become Ordinance #8944.
Mayor Welch called for the vote on Bill #8944.
MEMBERS VOTING:
AYES: JANOSKI, BELLOMO, WELCH, HUNT, MUELLER, BURNS, ARMSTRONG
NOES: NONE
Mayor Welch stated that Bill #8944 was approved.

BILL #8945 – THIRD READING

On motion of Councilmember Armstrong, seconded by Councilmember Bellomo, **BILL #8945 – ENTITLED: AN ORDINANCE AMENDING CHAPTER 70, "OFFENSES," ARTICLE I, "OFFENSES AGAINST PROPERTY," BY ADDING A NEW SUBSECTION 70.024, ENTITLED "FRAUDULENT USE OF A CREDIT DEVICE OR DEBIT DEVICE," AND MATTERS RELATED THERETO,** having been introduced and read twice on September 6, 2016, was taken up its title read a third time and placed upon its passage to become Ordinance #8945.
Mayor Welch called for the vote on Bill #8945.
MEMBERS VOTING:
AYES: BELLOMO, WELCH, HUNT, MUELLER, BURNS, ARMSTRONG, JANOSKI
NOES: NONE
Mayor Welch stated that Bill #8945 was approved.

BILL #8947 – THIRD READING

On motion of Councilmember Mueller, seconded by Councilmember Bellomo, **BILL #8947 – ENTITLED: AN ORDINANCE PROVIDING FOR THE EXECUTION OF AN AGREEMENT WITH ST. LOUIS COUNTY, MISSOURI, PERTAINING TO THE PROVISION OF A WEBSTER GROVES POLICE OFFICER TO BE ASSIGNED TO THE MULTI-JURISDICTIONAL DRUG TASK FORCE OF THE ST. LOUIS COUNTY POLICE DEPARTMENT,** having been introduced and read twice on September 6, 2016, was taken up its title read a third time and placed upon its passage to become Ordinance #8947.
Mayor Welch called for the vote on Bill #8947.
MEMBERS VOTING:
AYES: WELCH, HUNT, MUELLER, BURNS, ARMSTRONG, JANOSKI, BELLOMO
NOES: NONE
Mayor Welch stated that Bill #8947 was approved.

NEW BUSINESS

RESOLUTION #2016-33

Mr. Starr stated that a request was made to postpone the reading of the Resolution because the counsel for the CUP holder is out of town. They were informed that only the City Council could grant such a continuance once it is on the agenda. We have done this a few times, but just a very few. The resolution before you is just to take temporary action to give the holder the opportunity to get the property into compliance. If you were going to revoke the CUP, we would have a full blown hearing, probably done at a special meeting. This is a suspension of the ordinance, not a removal of the CUP.

Mara Perry, Director of Planning and Development, stated that the attorney is in Texas today and requested a continuance. When I gave the second date, he again was not going to be available, but would at least have time to get someone to come and represent. That is how we left it at this point. I

didn't want to recommend continuing it any longer than two weeks because this does need to be addressed. Staff did not have an issue with a continuance of two weeks to the next meeting.

Mayor Welch asked Council how they felt about it. Councilmembers Burns stated that he doesn't see any reason not to give them two weeks. Councilmember Hunt agreed. Councilmember Mueller stated that if the attorney can't make the meeting on October 4, he thinks we should consider the 18th, as he would like to hear from their counsel. Councilmember Armstrong agreed.

Councilmember Janoski stated that he would reluctantly agree to the two week extension, but not beyond that. Councilmember Burns clarified that they could arrange to have someone on the 4th. Ms. Perry stated that it was a brief conversation, but it was her understanding that he could have someone at the next meeting.

Mr. Starr asked if there is someone here for the applicant who can speak on the 4th.

Mary Maness, partner with the attorney, stated that she became familiar with the case today, and is not the attorney of record. Four weeks is preferable to two weeks because we would like to work with our client to make sure he has the proper permits, and is taking the proper steps to get the property up to par to apply for the permits. At this point, as of tonight, I do not know how long it would take, but we do believe four weeks is preferable to two. We can find someone in two weeks, but none of us are familiar with the details of this matter like Mr. John Richards is, and he is traveling on business until mid-October. I have a very limited understanding of the facts of the case. We are going to do everything possible to get our client in compliance.

Councilmember Burns stated that this has been going on since 2010.

A motion was made by Councilmember Burns, and seconded by Councilmember Armstrong, to continue **RESOLUTION #2016-33 – A RESOLUTION SUSPENDING ORDINANCE #8676 THAT GRANTED A CONDITIONAL USE PERMIT TO CARLO AND TANINA CAMPIERI (CAMPIERI AUTO SALES) AT 8627 WATSON ROAD**, to the October 4, 2016 meeting.
Mayor Welch called for the vote to continue Resolution #2016-33 until October 4, 2016.
MEMBERS VOTING:
AYES: HUNT, MUELLER, BURNS, ARMSTRONG, JANOSKI, BELLOMO, WELCH
NOES: NONE
Mayor Welch stated that Resolution #2016-33 was continued until October 4, 2016.

BILL # 8946 – FIRST & SECOND READING

Councilmember Hunt introduced **BILL #8946 – ENTITLED: AN ORDINANCE AMENDING CHAPTER 10, BY ADDING A NEW ARTICLE X ENTITLED "RIGHTS-OF-WAY USAGE CODE" AND MATTERS RELATED THERETO,** and at the Councilmember's request, the Bill was read twice, first and second times by title only, and placed on the agenda for future consideration of the Council.

Mr. Starr stated that this is a Code many cities in St. Louis County of similar size have adopted. It fills a gap in regulation that we have currently regarding telecommunications in particular. This helps us have tools to regulate the use of our rights-of-way.

Councilmember Mueller clarified that this will protect the quality and safety of our streets and sidewalks.

Steve Wylie, City Manager, stated that this largely codifies current practice.

BILL # 8948 – FIRST & SECOND READING

Councilmember Burns introduced **BILL #8948 – ENTITLED: AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY OF WEBSTER GROVES, AN AGREEMENT TO MAINTAIN CERTAIN PORTIONS OF THE SHADY GROVE/DEER CREEK TRAIL WITHIN THE CITY OF WEBSTER GROVES,** and at the Councilmember's request, the Bill was read twice, first and second times by title only, and placed on the agenda for future consideration of the Council.

BILL # 8949 – FIRST & SECOND READING

Councilmember Janoski introduced **BILL #8949 – ENTITLED: AN ORDINANCE GRANTING A LOT SPLIT SUBDIVISION AT 250 S. OLD ORCHARD AVENUE, ZONED "A4" SEVENTY-FIVE HUNDRED SQUARE FOOT RESIDENCE DISTRICT,** and at the Councilmember's request, the Bill was read twice, first and second times by title only, and placed on the agenda for future consideration of the Council.

Ms. Perry gave a presentation on the application **(See Exhibit A, pages 1-3)**. She stated that this is not a Public Hearing. Lot splits only come to Council once they have proven that they can meet all sections of the Zoning ordinance. You heard earlier in public comment questions about the lot. She showed an aerial photo of the lot and explained the zoning **(See Exhibit A, page 1-2)**. This particular lot has an existing structure and a number of accessory structures. When a plat comes in it shows where the lot line is going to go. We review and ensure any existing structures will meet the current requirements of the zoning, before putting that lot line in. In this case, the proposal is to do two lots. The minimum square footage is required to be 7,500 square feet, and the structures have to meet the setbacks. The accessory structures are going to be removed. She explained the lot sizes and reviewed setbacks **(See Exhibit A, page 2-3)**. The garage itself could start coming down as early as the day after tomorrow. We are working on getting preservation fencing up for existing trees. The garage itself is being taken down by hand. They are planning to reclaim the wood from the garage and reuse it for other projects. After it is taken down they also are going to take down and salvage the wood from another structure. Once those are down that will give us a proper means to take the pool out. A demolition permit for the pool has already been received. They would like to get to that as soon as possible, but again, we want to ensure tree preservation on the site. We have already met and discussed building permits needed for the house. The applicant is working on how to assure everything comes up to Code for the house. They do intend to first try to sell this as a whole lot without the split. There is a time frame where after this gets approved they could hold off on recording the document, and if someone does want to buy the entire lot, they would love to keep it intact and sell the whole thing. They do want the option available which is why they are going through it now. A couple of years ago we had some concerns when lot splits came through, and because there is nothing in the Code requiring notification, or a public hearing requirement, it is pretty straight forward. If it meets everything in the Code, it moves forward to Council for approval. About two years ago we started notifying neighbors, which is why we were able to get quite a few neighbors to come and hear about what is happening, and got quite a few phone calls and emails. It was definitely productive to get neighbors aware of what is going on.

Councilmember Hunt stated that someone claimed it was a Century Home. Ms. Perry stated that it is not officially a Century Home. It was built in 1896 (it was actually 1892), according to the records we have. Once it is done, if someone wanted to get the research done, it could get a plaque.

Councilmember Janoski thanked Ms. Perry for her comments on the Facebook group. They are appreciated.

Councilmember Bellomo clarified that the pool area and garage and the building is going to be restored. Ms. Perry agreed. She clarified another neighbor question, and stated that it is not in our ability to ask whether someone has financing. They do tell us in some cases. In this case they didn't want to move forward until they did have it because this is a substantial project. We have been working with the person planning to develop the property. They have been taking a lot of extra time to research what was required.

Councilmember Burns clarified that they do not intend to live there. He also stated that he understands that they intend to save the home that is there, but there is nothing compelling them to do that. Ms. Perry stated that all plans are to save the home. We have talked through options of adding a mud room as well as an attached garage. There is one tree that would be in the way depending on how that works. Should this property be developed back here -- there would be a new driveway that would have to access the new lot off of South Old Orchard.

Councilmember Janoski clarified that this is not in a historic district.

CONSENT AGENDA

A motion was made by Councilmember Bellomo, seconded by Councilmember Burns, to approve the Consent Agenda.
Mayor Welch called for the vote on the Consent Agenda.
MEMBERS VOTING:
AYES: MUELLER, BURNS, ARMSTRONG, JANOSKI, BELLOMO, WELCH, HUNT
NOES: NONE
Mayor Welch stated that the Consent Agenda was approved.

The following consent agenda was approved:

- **Approval of Minutes** – September 6, 2016
- **Resolution #2016-34** – Amending the Budget for Fiscal Year 2016
- **Resolution #2016-35 –** Authorizing the City Manager to Enter into an Agreement for the Lease of Copy Machines
- **Resolution #2016-36** – Authorizing the City Manager to Purchase Two License Plate Reader Systems for Marked Police Vehicles
- **Resolution #2016-37** – Authorizing the City Manager to Enter into an Agreement for Professional Services for the Central Avenue Sidewalk Project Between W. Glendale Road and S. Rock Hill Road

Councilmember Mueller noted that the purchase of the license plate reader systems makes the community significantly safer. This is an ongoing effort to combat crime and mischief that occurs in the City.

APPOINTMENTS TO BOARDS AND COMMISSIONS

- Jesse Bray was appointed to the Plan Commission.
- Amanda Payne was given an excused absence from the Old Webster Special Taxing District Advisory Commission.
- Arnold Stricker was reappointed to the Health and Environmental Services Advisory Board.
- Laura McLaughlin was reappointed to the Personnel Board for one year.

EXECUTIVE (CLOSED) SESSION

No Executive (Closed) Session.

ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 8:17 p.m. on motion of the Mayor, duly seconded.

PASSED AND APPROVED this 4th **day of** OCTOBER **2016.**

Gerry Welch
MAYOR

CITY CLERK