

**CITY OF WELDON SPRING
REGULAR MEETING OF THE BOARD OF ALDERMEN
JULY 10, 2018**

CALL TO ORDER: The regular meeting of the Board of Aldermen of the City of Weldon Spring was held on Tuesday, July 10th, 2018 at approximately 7:30 P.M. The meeting was held at the Weldon Spring City Hall, which is located at 5401 Independence Road. The meeting was called to order by Mayor Donald Licklider.

PLEDGE OF ALLEGIANCE: All present stood for the Pledge of Allegiance.

ROLL CALL AND DETERMINATION OF QUORUM: The following Aldermen were present: Kolb, Schwaab, Hillmer, Martiszus, Baker and Clutter. A quorum was declared.

APPROVAL OF MINUTES:

**** Alderman Baker moved to approve the minutes from the 06/28/18 (Regular) meeting as submitted. Alderman Schwaab seconded the motion and the motion carried.*

PUBLIC FORUM – CITIZENS COMMENTS:

No one spoke.

PUBLIC HEARING:

There were no public hearings.

TREASURER’S REPORT:

**** Alderman Hillmer moved to approve the Unpaid Bills for the period covering June 29th, 2018 through July 10th, 2018 and the Paid Bills for the period covering June 21st, 2018 through July 2nd, 2018. Alderman Baker seconded the motion and the motion carried.*

OLD BUSINESS:

A. - HR GREEN -SUPPLEMENTAL AGREEMENT #2 – (Discussion/Motion)

No action taken.

B. – BILL # 1107 – AN ORDINANCE PROVIDING FOR THE APPROVAL OF THE SECTION PLAN FOR THE VAGUARD APARTMENTS – (Discussion/Motion) – (Ald. Baker)

**** Alderman Baker made a motion to take Bill # 1107 off the table for discussion purposes. Alderman Hillmer seconded the motion and the motion carried.*

The discussion revolved around the recommendation from Planning & Zoning which stated that Lot “C” should be donated to the City for park land. Lot “C” consist of approximately 2.43 acres.

Alderman Kolb said that she didn’t agree with the recommendation and felt that more than just the 2.43 acres was needed.

Mayor Lickliger said that he agreed but felt that we should accept the donation of Lot “C”, add it to the proposed ordinance and then amend.

Alderman Baker agreed and said that he felt that Bill # 1107 needed to be amended to include the donation of Lot “C” as recommended by Planning & Zoning.

**** Alderman Baker then made a motion to amend Bill # 1107 by adding the following wording: “ That as a condition of approval, the amended Section Plan that was submitted by the developer on June 20th, 2018 and sets forth the donation of Lot C to the City of Weldon Spring, will be required in order to satisfy the public use requirement as specified by the Planning and Zoning Commission’s recommendation for approval.” Alderman Hillmer seconded the motion. The motion carried.*

Roll Call on amendment: Baker-yes, Hillmer-yes, Kolb-yes, Clutter-yes, Schwaab-yes and Martiszus-no.

Alderman Clutter wanted to know what the developer thought about this.

Mr. Langdon said that this project has already been approved as far as the Area Plan and Conditional Use was concerned back in November of 2017. He continued by saying that Lot “C” was added as requested by the Planning & Zoning Commission and the overall recreational space amounts to approximately 3.45 acres which brings the approximate value of that property to \$500,000. He said that he has not heard any justification as to why this apartment complex requires double of what a single-family development requires. He stated that they have fulfilled the P&Z’s request as well as staff and the City Planner, ARC and they have also received the outside agency’s preliminary approval.

Mr. Langdon said that he has done everything they have asked of him. He mentioned that the school district will receive more tax dollars, local businesses will reap more monies and more residents will create more tax dollars. He said that they cannot afford to purchase or donate more land and there was no other way to arrange the complex in order to create more recreational land.

Alderman Kolb said that the City’s Comprehensive Plan did not include another 400 residences in this area either and stated further that there were other available properties around that could be converted into park space.

Mr. Langdon asked why the Board was wanting him to buy more land when they had already given him approval of their plan.

Alderman Martiszus asked if this was a financial issue as far as the purchase of more land was concerned.

Mr. Langdon said that they were at their limit financially on this project.

Alderman Martiszus said that there were six (6) additional lots of land that could be purchased and then donated to the City. He said that the Board wants to do what’s best for Weldon Spring and said that he found it amazing that everyone keeps referring to this additional parkland as being strictly for children when in fact, adults can benefit from it as well. He continued by saying that if this project doesn’t go forward than other projects will come which may be strictly commercial and will bring in more tax dollars to the City.

Mr. Langdon said that Mr. Martiszus’s main concern at one time was traffic and if you bring in strictly commercial you will bring in more traffic issues and concerns than what this project will cause.

Alderman Martiszus disagreed with Mr. Langdon’s statement and told Mr. Langdon that he wants him to meet the four (4) acres as required by City Code so that the project

can move forward. He continued by saying that just because some of the Board members feel that playing in the creek and on retaining walls was acceptable as far as recreation areas were concerned, those Board members didn't speak for all of the Board.

Alderman Schwaab said that he had phone numbers for some of the surrounding land owners who would be willing to sell. He asked that Mr. Langdon contact the landowners.

Alderman Clutter asked if Mr. Langdon would be willing to explore this possibility and said that he would be willing to work with him on this.

Alderman Schwaab said that the Board was not out for the money but to procure quality of life for our citizens.

Mr. Langdon said that he may be dumb but he was not a fool and that he was not going to make any promises. He said what concerns him the most was that we have been back and forth on this and the fact that comments came up late in the day which makes it hard to respond to anything. He said that they have looked at this every which way that they could and told the Board that they can't just keep jumping around like this. He said that they believe in what they do and "yes" he will take the time and phone numbers but if its impractical then we can't meet it.

Alderman Martisus said that there was land on the other side of Highway 94 for sale and that City Code also says "money in lieu of land".

Alderman Clutter said that we shouldn't delay on this any longer.

Mr. Langdon said that the project/subdivision ends at the edge of Siedentop Road and the land on the other side of Highway 94 is not contiguous and also stated that the City can only enforce the Code that they have and not what they wish they had.

**** Alderman Baker then made a motion to table Bill # 1107 (as amended) until the next board meeting so that the developer can have time to resubmit their section plan revision (if they so choose) detailing compliance with the 4-acre code requirement including land acquisition or the impractical or impossible reasons for 4-acre non-compliance resulting in the 2-acre minimum requirement or monetary compensation to the City as provided in the City Code. Alderman Hillmer seconded the motion. The motion carried.*

NEW BUSINESS:

A. – APPEAL ON FENCE PLACEMENT – 5722 WESTCHESTER MEADOW DRIVE – (Discussion/Motion)

Bruce Hayes (5722 Westchester Meadow Drive) approached the Mayor and Board requesting an appeal regarding the construction/location of the fence that was being installed in his back and side yard as a part of their pool project. He said that he went to the ARC and presented his plans for the style of fence that was being proposed and they approved the fence and he believed also the location of the fence. He continued by saying that the fence is over 75% complete and now he was informed that unless he moves it 7 more feet into his yard, it will not meet City Code.

Mayor Licklider said that ARC can only approve the opaqueness of the fence, not the location.

There was discussion over a tree being in the way.

Alderman Clutter said that the original plan showed a 35 feet setback.

Mr. Hayes said that he would like the fence outside of the building line by 7 feet. He said that it would not impact anyone in the neighborhood but would impact him financially.

There was discussion over corner lots, side lots and side-entry garages.

Mayor Licklider said that there was a law on the books.

Alderman Hillmer said that he was sympathetic and felt that cutting down the tree and complying with the ordinance would be the proper thing to do.

Alderman Kolb wanted to wait until the next meeting so that she could go look at the property.

Alderman Schwaab said that if we allow this than others will want to do the same.

Mr. Hayes said that he understood the Aldermen's concerns but stated that there was a process for appeals and if they weren't going to grant appeals then what was the point?

Aldermen Baker and **Clutter** had a discussion over what they felt the ordinance stated.

**** Alderman Baker moved to approve the appeal for the fence variance at 5722*

Westchester Meadow Drive and Alderman Martiszus seconded the motion.

There were two (2) YES votes and four (4) NO votes. Aldermen Clutter, Schwaab, Hillmer and Kolb voted no.

The variance was not approved.

B. – MISSOURI DEPT. OF CONSERVATION – DEER CARCASS REMOVAL – SERVICES PROVIDED BY ANIMAL CARE SERVICES – (Discussion/Motion)

No action taken at this time.

C. – DRIVEWAY EROSION – 5333 INDEPENDENCE ROAD – (Discussion/Motion)

Mr. Padella (City Administrator) said that the owners (Hoffmeisters) of 5333 Independence Road are requesting that the City provide funding so that they can pave a portion of their driveway due to the severe erosion that has occurred due to the slope of the gravel driveway post construction because of the road construction to Independence Road (Phase III). He continued by saying that even though he believed that the driveway was installed per plan the steep grade of the new driveway is causing deep water channels and leaving sediment on the public walking trail. Mr. Padella continued by saying that staff and the backup City Engineer have reviewed the current conditions and believe that this is a reasonable request. He said that only a portion of the driveway would be funded and not the entire driveway.

Mayor Licklider asked if the request is granted, would the homeowner also pave the rest of the driveway up to the house?

Mr. Hoffmeister said "yes".

**** Alderman Clutter moved that the request (in an amount not to exceed \$2990.00) be granted in the form of a reimbursement to the homeowner upon inspection and completion of the outlined repairs. Alderman Hillmer seconded the motion and the motion carried.*

D. – LIQUOR LICENSE RENEWALS:

1. – Lutheran Senior Services
2. – Whitmoor Country Club
3. – Persimmon Woods Golf Club
4. – QuikTrip
5. – Cecil Whittaker's Pizzeria

**** Alderman Baker moved to approve the liquor licenses for Lutheran Senior Services, Whitmoor Country Club, Persimmon Woods Golf Club, QuikTrip and Cecil Whittaker's*

Pizzeria. Alderman Kolb seconded the motion and the motion carried.

REPORTS & COMMITTEES

City Administrator: The City Administrator (Michael Padella) had submitted his report previously.

City Attorney: No report given.

Planning & Zoning Commission: **Alderman Hillmer** said that the Zoning Code update was recommended for approval by the Planning & Zoning Commission and will be coming back to the Board of Aldermen.

Committee Reports: **Alderman Clutter** mentioned that the Finance Committee would be meeting on 7/26/18. He asked if any of the Board members had any issues with former Alderman Bruce Robb being a member of the Finance Committee. No one opposed.

RECEIPTS & COMMUNICATIONS:

Alderman Schwaab said that he would like the City Administrator to take the name of a property owner adjacent to the Vanguard project and forward it to Mr. Langdon.

Alderman Schwaab also mentioned that the Grey Oaks Subdivision may need a stop sign at Wolfrum Road and the subdivision entrance. He also mentioned that he has nine (9) credits towards earning his Certified Municipal Official recognition. He wanted the Board to know because it will cost \$150.00 to receive the certification. No one had any objections.

Alderman Martiszus mentioned that the resurfacing on Hemingway Lane is not even and wanted to know what was going on with that.

The City Administrator stated that Hemingway and Kipling Way are having edge milling done on both of those streets but there were some crown issues so he told County to do the full width mill.

Alderman Hillmer said that he has received complaints about people revving up their car engines at Pitman Hill and Sammelmann Road. There was discussion as to Phase III Independence Road construction being much worse than the Phase II Independence Road construction.

Alderman Kolb mentioned that the bid went out today, by the county, for the improvements of Westwood Drive from Highway 94 to South Breeze and it was to include a sidewalk/trail.

Alderman Baker cautioned the Board to not get too involved in the Vanguard issue as far as adjacent property that may or may not be for sale was concerned.

The City Attorney agreed.

Alderman Hillmer said that the Board has tabled the Vanguard issue many times with the full board present and he hoped that all of the Board members will be in attendance for the 07/26/18 Board meeting so that the entire Board had an opportunity to vote on the issue.

WORK SESSION:

No Work Session called for.

CLOSED SESSION:

There was no closed session called.

ADJOURNMENT:

**** Alderman Kolb moved to adjourn the meeting at 9:30 PM and Alderman Clutter seconded the motion. The motion carried and the meeting was adjourned.*

Respectfully Submitted: _____

M. Kwiatkowski, MRCC

City Clerk