

**CITY OF ELLISVILLE  
COUNCIL MEETING**

**APRIL 20, 2022**

Mayor Roemerma opened this Regular Meeting at 7:11 p.m. In attendance were Council Members McGrath, Compton, Cahill, Duffy and Boggs.

Also present in person and via videoconference were: City Manager Schwer, City Attorney Malone, City Planner Hood, Police Chief Lewis and City Clerk Dohack.

All those in attendance recited the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Mayor Roemerma moved to approve the evening's agenda, seconded by Council Member Compton. The votes on the approval were all "AYES".

**APPROVAL OF MINUTES**

Mayor Roemerma moved to approve the minutes from the April 6, 2022 Regular Council Meeting. The motion was seconded by Council Member Compton. The votes were: Duffy "AYE", Boggs "AYE", Roemerma "AYE", McGrath "AYE", Compton "AYE", and Cahill "AYE".

**PUBLIC COMMENTS I**

There were no public comments.

**INSTALLATION OF NEWLY ELECTED OFFICIALS**

Mayor Roemerma announced that the newly elected officials were to be sworn in.

The following successful candidates from the April 5, 2022 election were sworn in: Mike Roemerma – Mayor (four-year term), Rob Compton – Council Member District 1 (to fill an unexpired term), and Greg Sanborn – Council Member District 2 (to fill an unexpired term). City Clerk Dohack administered the Oath of Office for each of the elected candidates.

**RECEIPT/FILING OF PLANNING AND ZONING COMMISSION**

Mayor Roemerma moved to receive and file of the following Planning and Zoning Commission's recommendations:

- A. Receipt and filing of Planning and Zoning Commission's positive recommendation dated April 14, 2022 relative to the City-initiated petition for: (1) a text amendment to Title IV: Land Use, Chapter 400: Zoning Regulations, of the Municipal Code of the City of Ellisville to create a new environmental protection overlay zoning district and to adopt regulations for said district; and (2) for a change in zoning of the properties known as 145 Strecker Road and 151 Strecker Road to add an overlay zoning district to the existing designation of the "R-1" Single-Family Residential Zoning District, of the City of Ellisville, Missouri.

The motion was seconded by Council Member Duffy. The votes were: Duffy “AYE”, Boggs “AYE”, Roemerman “AYE”, McGrath “AYE”, Compton “AYE”, Cahill “AYE”, and Sanborn “AYE”.

## **PUBLIC HEARINGS**

### 145 Strecker Road and 151 Strecker Road - Environmental Overlay Zoning District

Mayor Roemerman opened the public hearing pertaining to the City-initiated petition for: (1) a text amendment to Title IV: Land Use, Chapter 400: Zoning Regulations, of the Municipal Code of the City of Ellisville to create a new environmental protection overlay zoning district and to adopt regulations for said district; and (2) for a change in zoning of the properties known as 145 Strecker Road and 151 Strecker Road to add an overlay zoning district to the existing designation of the “R-1” Single-Family Residential Zoning District, of the City of Ellisville, Missouri. City Attorney Malone entered the following exhibits for the purposes of this hearing. Exhibit 1, Certified copy of the Municipal Code; Exhibit 2, Zoning District Map; Exhibit 3, Comprehensive Plan; Exhibit 4, Notice published in *The Countian* on December 28, 2021; Exhibit 5, Letter mailed to abutting property owners within 185 feet on December 28, 2021; Exhibit 6, Public posting of notice dated December 28, 2021; Exhibit 7, Prior draft text amendment and rezoning approval ordinance from January Planning and Zoning Commission meeting; Exhibit 8, City Planner’s Memo dated January 5, 2022; Exhibit 9, Notice published in *The Countian* on January 25, 2022; Exhibit 10, Letter mailed to abutting property owners within 185 feet on January 25, 2022; Exhibit 11, US EPA Geophysical Survey and Sampling Location Map, site map no. 1.30.98; Exhibit 12, Draft text amendment and rezoning approval ordinance from February Planning and Zoning; Exhibit 13, City Planner’s Memo dated February 1, 2022; Exhibit 14, Notice of the April 13, 2022 public hearing for rezoning and text amendment; Exhibit 15, Notice published in *The Countian* dated March 25, 2022; Exhibit 16, Letter mailed to property owners within 185’ dated March 28, 2022; Exhibit 17, Public posting of notice dated March 29, 2022; Exhibit 18, Affidavit of posting public hearing dated March 29, 2022; Exhibit 19, Affidavit for public hearing before Council on April 20, 2022 dated March 29, 2022; Exhibit 20, Memorandum from the City Planner to Planning and Zoning Commission dated April 13, 2022 regarding request for rezoning and text amendment; Exhibit 21, Email correspondence between City Manager Bill Schwer and Ben Butterfield at SCI Engineering, Inc. dated February 23, 2022 regarding environmental testing; Exhibit 22, Draft revised text amendment and rezoning approval ordinances; Exhibit 23, Memorandum from the City Planner to Council dated April 20, 2022 regarding request for rezoning and text amendment; Exhibit 24, Horner and Shifrin map dated March 4, 2022 showing 145 Strecker Road; Exhibit 25, Horner and Shifrin map dated March 4, 2022 showing 151 Strecker Road; Exhibit 26, Summary Report regarding Historical Information on the Eastern Portion of the Ellisville Site (Bliss Property) and Contiguous Dubman-Weingert Property; and Exhibit 27, Report of the Planning and Zoning Commission to the City Council forwarding a positive recommendation

City Planner Hood and City Manager Schwer were sworn in by City Clerk Dohack for this public hearing.

City Planner Hood began by provided a presentation providing a summary of the text amendment to create the environmental protection overlay district and the rezoning to add 145 and 151 Strecker Road into the overlay district. City Planner Hood also explained the draft regulations which would require an Environmental Impact Report, authorizes the City Manager to substitute other

environmental assessments when substantiated and would also require soil testing of all areas, not previously tested within a 100' by 100' square grid. The draft regulations would also include that one soil sample per each square grid will be required and the applicant will be required to implement all mitigation recommended. The City would hire the environmental engineer and the developer/applicant would be required to reimburse the City as part of the petition. The properties were discussed and maps were provided for review including the proposed grid.

Mayor Roerman began the discussion asking if Brownfield Grant funding would be available for testing and remediation. City Manager Schwer stated that an application could be completed for this type of grant, but funding is not guaranteed.

Council Member Duffy requested that an additional item be included in the exhibit items presented at this public hearing. After presented this item to City Attorney Malone, Council Member Duffy moved to include the Environmental Protection Agenda Letter and Report from November 29, 2017 as an exhibit item. The motion was seconded by Council Member Boggs. The votes were: Duffy "AYE", Boggs "AYE", Roerman "AYE", McGrath "AYE", Compton "AYE", Cahill "AYE", and Sanborn "AYE". City Attorney Malone read the item into the Exhibits.

Mayor Roerman asked if the property owner could speak to answer questions for the purpose of this public hearing. The Council Members were amenable. Property owner of 151 Strecker Road, Brook Dubman, was sworn in by City Clerk Dohack.

Mayor Roerman continued with the discussion and asked Mr. Dubman about development plans for the property. Mr. Dubman commented that there are no plans at this time for the property. Mayor Roerman also asked the property owner if grant funding was available could it be utilized to test the property. Mr. Dubman agreed that this would be allowed if grants were available. Mayor Roerman then asked what would trigger additional environmental testing and it was noted that this proposed legislation would make Phase 2 testing a requirement and specifically to the areas that were identified to showing contamination.

The Council continued discussion on how deep the initial testing would be and it was noted that the top 6" of soil would be tested and also the types of items and products that were stored and possibly illegally dumped on the site.

#### *Public Comments*

Scott Marquart, 162 Strecker Road, commented how this overlay district could affect the property owners abutting these properties and noted his opposition to this legislation. Mr. Marquart noted that the containments are not defined and that remediation for every type of contaminant would not be a reasonable request.

Brook Dubman, 151 Strecker Road, stated that the property has been tested and successfully remediated. Mr. Dubman noted that there is an abundance of wildlife on the property and he also requested that the EPA be contacted for a comfort letter to state the property is safe. He also agreed with Mr. Marquart's comments about contaminant and remediation.

Mayor Roerman polled Ellisville residents and property owners regarding the petition as presented: Two (2) residents were in favor and two (2) were in opposition. Mayor Roerman closed the public hearing.

## **LEGISLATION**

### **Bill #3745 - 145 Strecker Road and 151 Strecker Road (Environmental Overlay)**

Council Member Duffy introduced Bill #3745, AN ORDINANCE AMENDING TITLE IV: LAND USE, CHAPTER 400: ZONING REGULATIONS, OF THE MUNICIPAL CODE OF THE CITY OF ELLISVILLE, MISSOURI, TO CREATE A NEW ENVIROMENTAL PROTECTION OVERLAY ZONING DISTRICT, AND APPROVING A CHANGE IN ZONING OF THE PROPERTIES KNOWN AND NUMBERED AS 145 STRECKER ROAD AND 151 STRECKER ROAD, TO ADD THE ENVIROMENTAL PROTECTION OVERLAY ZONING DISTRICT TO THE BASE ZONING DESIGNATION OF THE “R-1” SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Duffy moved for consideration and perfection of Bill #3745, seconded by Council Member Boggs.

Council Member Duffy commented that he has concern about the need for this overlay district to make this property safe for development. Council Member Duffy also stated that there has been noted that there is a considerable amount of contamination on the site and provided his experience with individuals who were exposed to the property. Mayor Roerman commented that Council Member Duffy is more in touch with the environmental concerns and suggested that additional items discussed during the public hearing.

Council Member Compton moved to have Council Member Duffy work with City Manager Schwer to have a targeted plan to present the Council and table the legislation until the next Council meeting for consideration. The motion was seconded Mayor Roerman. The votes on the motion were: Duffy “AYE”, Boggs “AYE”, Roerman “AYE”, McGrath “AYE”, Compton “AYE”, Cahill “AYE”, and Sanborn “AYE”. Bill #3475 will be considered and discussed additional on May 4, 2022.

## **PUBLIC COMMENTS**

There were no public comments.

## **MAYOR/COUNCIL BUSINESS/REPORTS**

### **Board/Commission Appointments/Reappointments**

Discussion began on the vacancies in some of the Boards and Commissions. Mayor Roerman moved to reappoint Sandie McGrath to the Planning and Zoning Commission, seconded by Council Member Compton. The votes were: Duffy “AYE”, Boggs “AYE”, Roerman “AYE”, McGrath “ABSTAIN”, Compton “AYE”, Cahill “AYE”, and Sanborn “AYE”.

Staff has been instructed to see if Rajiv Gupta is interested in reappointment to the Planning and Zoning Commission. The item will be reconsidered at the next Council meeting.

### **Mayor Pro Tem**

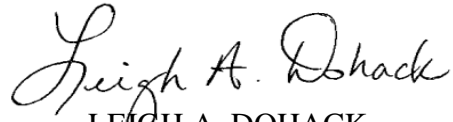
Mayor Roerman moved to appoint Council Member Duffy as Mayor Pro Tem, seconded by Council Member Compton. The votes were: Duffy “ABSTAIN”, Boggs “AYE”, Roerman “AYE”, McGrath “AYE”, Compton “AYE”, Cahill “AYE”, and Sanborn “AYE”.

**ACTIVE COMMITTEE STATUS/UDPATES**

There were no updates.

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Leigh A. Dohack". The signature is written in a cursive style with a large initial 'L'.

LEIGH A. DOHACK  
City Clerk