

CITY OF ELLISVILLE
COUNCIL MEETING

JULY 20, 2022

Mayor Roerman opened this Regular Meeting at 7:08 p.m. In attendance were Council Members McGrath, Compton, Sanborn, Duffy and Boggs. Council Member Cahill was excused.

Also present were: City Manager Schwer, City Attorney Malone, City Planner Hood, Police Chief Lewis, Administrative Services Director Cary and City Clerk Dohack.

All those in attendance recited the Pledge of Allegiance led by Council Member McGrath.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Mayor Roerman moved to approve the minutes from the June 15, 2022 Regular Council Meeting. The motion was seconded by Council Member Compton. The votes were: Duffy "AYE", Boggs "AYE", Roerman "AYE", McGrath "AYE", Compton "AYE", and Sanborn "AYE".

PUBLIC COMMENTS I

Marilyn Niebling, 531 Triton Way Drive, commented on the recent changes to the Planning and Zoning Commission appointment policy and asked if it is too much to ask that a possible member attend a Planning and Zoning Commission meeting before appointment.

Nancy Bengtson, 1374 Parkview Estates Drive, noted her concerns with the tobacco sales amendments and asked why this would be tied to state statutes. Commenting that the City should be able to set a higher standard.

POLICE DEPARTMENT PRESENTATION

Police Chief Lewis along with Sgt. Corless and Police Officer Peacock awarded a Citizen Commendation to Dr. Zach Whitehead of Ellisville Veterinary Hospital for medical care and safety equipment to Dark, the department's K9, at no cost to the department. Dr. Whitehead was presented with a plaque and portrait of Dark. The Council and all in attendance honored Dr. Whitehead with a round of applause.

PETITIONS

15642 Clayton Road, St. Clare of Assisi Men's Club Oktoberfest – Special Event Liquor License
John Zieser of St. Clare of Assisi Men's Club, 15642 Clayton Road, will seek approval to conduct their annual Oktoberfest event, including the sale of malt liquor and wine outside, on Friday, October 7, 2022 from 4:00 – 10:00 pm.

Mr. Zeiser was present to answer questions and noted that this is the 20th year for this event.

Mayor Roemerman moved to approve that request as presented, seconded by Council Member Duffy. The votes were: Duffy “AYE”, Boggs “AYE”, Roemerman “AYE”, McGrath “AYE”, Compton “AYE”, and Sanborn “AYE”.

1396 Virginia Drive (Allison Ulrich), chain link fence variance

Petition from Allison Ulrich (1396 Virginia Drive) and Kelsey Schaaf (1394 Virginia Drive for Council consideration and approval allowing a new four-foot (4’) high black chain link fence along the rear and side (in common) property line within the R-1 Single Family Residential Zoning District.

Ms. Ulrich was present to answer questions and noted that she wanted the fence to keep her children and pets within her yard.

Council Member Duffy provided multiple photos of neighborhood homes within the area who have invested in fences that meet the current fence regulations and also commented that chain-link fences detract from property values in the area. Council Member Duffy also stated that this is not consistent with the recent considerations. Additional discussion was held pertaining a compromise and the extra expense involved with fencing that is not chain link.

Mayor Roemerman moved to approve that request as presented, seconded by Council Member Boggs. The votes were: Duffy “NAY”, Boggs “AYE”, Roemerman “NAY”, McGrath “AYE”, Compton “AYE”, and Sanborn “NAY”. The petition did not pass due to a tie vote.

Government Center Construction Funding Proposal

City Manager Schwer noted that Request for Proposals (RFP) were received for the Government Center Construction Funding and the proposal from Clayton Holdings provided the best option. Administrative Services Director Don Cary stated that after analysis Clayton Holding can provide the best rate. Director Cary stated that with economic concerns and it would best to lock in a rate now. Discussion continued pertaining to financing terms, Bond Attorney and the necessity to have authorization to lock in the rate so that financing paperwork can be completed for presentation to the Council at the next meeting for final consideration. Council Member Duffy questioned if the project needs to be approved. City Manager Schwer noted that design of Government Center was approved with the 2022 Budget.

Mayor Roemerman moved to accept with the lease-purchase proposal as submitted by Clayton Holdings, LLC on June 30, 2022, seconded by Council Member McGrath. The votes were: Duffy “AYE”, Boggs “AYE”, Roemerman “AYE”, McGrath “AYE”, Compton “AYE”, and Sanborn “AYE”. Legislation will be presented at the August 17, 2022 Council Meeting for administrative approval.

LEGISLATION

Bill #3750, Amends Code Pertaining to Minimum Age for Sale of Tobacco Products

Council Member McGrath introduced Bill #3750, AN ORDINANCE AMENDING TITLE II: PUBLIC HEALTH, SAFETY AND WELFARE, CHAPTER 210.610, 210.620, 210,630 AND 210.670, REGARDING THE MINIMUM AGE FOR SALE AND POSSESSION OF TOBACCO, ALTERNATIVE NICOTINE PRODUCTS, AND VAPOR PRODUCTS, OF THE CODE OF THE CITY OF ELLISVILLE, MISSOURI. Council Member McGrath moved for consideration and perfection of Bill #3750, seconded by Council Member Duffy.

Discussion ensued on regarding Bill #3750. Mayor Roerman moved to amend Bill #3750 to remove the language pertaining to the passage and approval by the State of Missouri General Assembly in Section 3 to read as follows:

“ **SECTION 3:** *This Ordinance shall be in full force and effect thirty (30) days from and after its passage and approval of the Council.* “

Discussion took place pertaining to the County’s regulations and enforcement. Council Member Boggs noted that if a someone can join the Service at 18, why can’t they purchase tobacco products then also. Council Member Sanborn also discussed his concerns with medical marijuana purchases. Council Member McGrath agrees with Council Member Boggs but is concerned about vape products being sold to 18- or 19-year old individuals.

The votes on the amendment to Bill #3750 were: Duffy “NAY”, Boggs “NAY”, Roerman “AYE”, McGrath “AYE”, Compton “AYE”, and Sanborn “NAY”. The motion does not pass due to a tie-vote.

Mayor Roerman called for the vote. The votes on the first reading of Bill #3750 were: Duffy “AYE”, Boggs “NAY”, Roerman “AYE”, McGrath “AYE”, Compton “AYE”, and Sanborn “NAY”. Council Member Compton objected to a second reading of Bill #3750. This Bill will be continued to the August 17th meeting for final consideration.

Ord #3519, Amends Code pertaining to Nepotism

Council Member Duffy introduced Bill #3751, AN ORDINANCE AMENDING TITLE I: GOVERNMENT CODE, CHAPTER 115: CITY OFFICIALS, ARTICLE I: GENERAL PROVISIONS, SECTION 115.050, REGARDING NEPOTISM AND ELIGIBILITY FOR EMPLOYMENT AND APPOINTMENTS, OF THE CODE OF THE CITY OF ELLSVILLE, MISSOURI. Council Member Duffy moved for consideration and perfection of Bill #3751, seconded by Council Member Compton. The votes on the first reading of Bill #3751 were: Duffy “AYE”, Boggs “AYE”, Roerman “AYE”, McGrath “AYE”, Compton “AYE”, Sanborn “AYE”. Council Member Duffy introduced Bill #3751 for final passage, AN ORDINANCE AMENDING TITLE I: GOVERNMENT CODE, CHAPTER 115: CITY OFFICIALS, ARTICLE I: GENERAL PROVISIONS, SECTION 115.050, REGARDING NEPOTISM AND ELIGIBILITY FOR EMPLOYMENT AND APPOINTMENTS, OF THE CODE OF THE CITY OF ELLSVILLE, MISSOURI. Council Member Duffy moved for final passage of Bill #3751, seconded by Council Member Compton. The votes on the second reading of Bill #3751 were: Duffy “AYE”, Boggs “AYE”, Roerman “AYE”, McGrath “AYE”, Compton “AYE”, Sanborn “AYE”. Bill #3751 becomes ORDINANCE #3519.

Ord #3520, Amends Code pertaining to Harassment and Stalking

Council Member Compton introduced Bill #3752, AN ORDINANCE AMENDING TITLE II: PUBLIC HEALTH, SAFETY AND WELFARE, CHAPTER 210: OFFENSES, ARTICLE II: OFFENSES AGAINST THE PERSON, SECTION 210.030, REGARDING HARASSMENT AND STALKING, OF THE CODE OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Compton moved for consideration and perfection of Bill #3752, seconded by Council Member Duffy. The votes on the first reading of Bill #3752 were: Duffy “AYE”, Boggs “AYE”, Roerman “AYE”, McGrath “AYE”, Compton “AYE”, Sanborn “AYE”. Council Member Compton introduced Bill #3752 for final passage, AN ORDINANCE AMENDING TITLE II:

PUBLIC HEALTH, SAFETY AND WELFARE, CHAPTER 210: OFFENSES, ARTICLE II: OFFENSES AGAINST THE PERSON, SECTION 210.030, REGARDING HARASSMENT AND STALKING, OF THE CODE OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Compton moved for final passage of Bill #3752, seconded by Council Member Sanborn. The votes on the second reading of Bill #3752 were: Duffy “AYE”, Boggs “AYE”, Roemerman “AYE”, McGrath “AYE”, Compton “AYE”, Sanborn “AYE”. Bill #3752 becomes ORDINANCE #3520.

Carl Hoffman Discussion

Prior to the introduction of Res #07-20-2022, Council Member Compton noted the passing of Carl Hoffman, a former Planning and Zoning Commission Member and long-time resident of Ellisville. Council Member Compton noted the Mr. Hoffman was a mentor to him during his tenure on the Commission. Council Members Duffy and Sanborn also noted that they served with Mr. Hoffman on the Commission and stated that he will be missed.

Resolution #07-20-2022, Planning and Zoning Commissioners Appointment and Approval Policy
Council Member Compton introduced Res.#07-20-2022, A RESOLUTION ADOPTING AN APPOINTMENT AND APPROVAL POLICY FOR PLANNING AND ZONING COMMISSIONERS. Council Member Compton moved for consideration and perfection of Res. #07-20-2022, seconded by Council Member McGrath.

Mayor Roemerman noted that previous discussion including amending the policy to allow viewing of a recording of a Planning and Zoning Commission meeting or attendance of an Ellisville Council or Planning and Zoning Commission meeting. Attendance at a meeting in another City would also comply.

Council Member Boggs left the Chamber at 8:04 pm.

Mayor Roemerman moved to amend the policy included within Res #07-20-2022 to add language pertaining to viewing a recording of the Planning and Zoning Commission meeting and remove the language pertaining to attendance at another City’s Council/Board meeting. The motion was seconded by Council Member Duffy. The votes on the amendment were: Duffy “AYE”, Roemerman “AYE”, McGrath “AYE”, Compton “AYE”, Sanborn “AYE”.

The votes on Res #07-20-2022, as amended, were: Duffy “AYE”, Roemerman “AYE”, McGrath “AYE”, Compton “AYE”, Sanborn “AYE”. The resolution was approved.

PUBLIC COMMENTS

Sandie McGrath, 234 Mar El Court, commented on Mr. Hoffman’s passing and stated how much respect he had for the community. Mrs. McGrath noted that Mr. Hoffman was who encouraged her to volunteer for the Planning and Zoning Commission and stated he really was a mentor to many.

MAYOR/COUNCIL BUSINESS/REPORTS

Board/Commission Appointments/Reappointments

This item will be postponed to a later meeting.

Carl Hoffman Proclamation

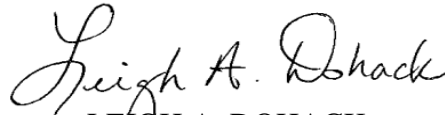
Mayor Roemer read a proclamation honoring the life of Carl Hoffman, long-time resident and Planning and Zoning Commission member. Noting his time as a Chairman of the Commission and his depth of knowledge was inspiring.

ACTIVE COMMITTEE STATUS/UDPATES

Council Member Compton stated that Ellisville history material has been placed in a case located at the Parks Department Building. This material will be rotated out so more items can be displayed.

The meeting adjourned at 8:11 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