

**BOARD OF ALDERMEN
CITY OF TOWN AND COUNTRY
JULY 27, 2020**

Given the current public health crisis, various emergency meeting declarations, and in accordance with the provisions of Sec. 610.020, RSMo., the Board of Aldermen meetings were held via Zoom videoconference and streamed live to YouTube. Public comments on hearings and agenda items were solicited via email. Public viewing of the meeting was made available via the City's website at www.town-and-country.org.

WORK SESSION

The work session meeting of the Board of Aldermen of the City of Town and Country was held at 6:45 PM on Monday, July 27, 2020 via Zoom videoconference.

Present were: Aldermen Allen, Benigas, Frautschi, Holman, Hughes, Mortland, Wiesehan and Wittmaier.

Mayor Dalton presided.

City Attorney Steve Garrett was also present via videoconference to represent the City.

1. Discussion – Regular Meeting Agenda Items

It was noted for the record that Alderman Wittmaier viewed the public hearing for Bill No. 20-28 regarding the Claymark conditional use request.

No votes were taken.

REGULAR MEETING

The regular meeting of the Board of Aldermen of the City of Town and Country was held at 7:00 PM on Monday, July 27, 2020 via Zoom videoconference.

PLEDGE OF ALLEGIANCE

Mayor Dalton led the Pledge of Allegiance.

ROLL CALL

The 7:03 PM roll call indicated Aldermen Allen, Benigas, Frautschi, Holman, Hughes, Mortland, Wiesehan and Wittmaier to be present via videoconference.

Mayor Dalton presided.

City Attorney Steve Garrett was also present via videoconference to represent the City.

MINUTES – 07/13/20 Regular Meeting

Alderman Frautschi moved for approval, seconded by Alderman Mortland.

Mayor Dalton called for any corrections or amendments.

Hearing none, the minutes of 07/13/20 were unanimously approved.

HEARING FROM CITIZENS

No comments were submitted for inclusion under this agenda item.

PUBLIC HEARING(S)

APPOINTMENTS

COMMUNICATIONS AND REPORTS

Mayor Dalton

Mayor Dalton reported that the annual Board of Aldermen Retreat was held Saturday, July 25, and was incredibly productive and efficient.

He also noted that additional details about a virtual Community Conversation with the Mayor would be forthcoming.

Alderman Wittmaier

Alderman Wittmaier announced that the Conservation Commission would hold its next meeting at noon on August 3 to discuss upcoming priorities.

Alderman Allen

Alderman Allen reported that the Ways & Means Commission will be meeting via Zoom at 9:00 AM on Wednesday, July 29.

She also stated that the Fire & EMS Services Task Force would meet at 8:00 AM on Tuesday, July 28 via Zoom.

Alderman Wiesehan

Alderman Wiesehan noted that the Parks & Trails Commission is working to set a date for their August meeting. He also encouraged participation in the various virtual open houses regarding the St. Louis County's Action Plan for Walking and Biking beginning on July 29 and occurring throughout August.

Alderman Holman

Alderman Holman announced that the Board of Aldermen would hold a Special Meeting at 9:00 AM on Monday, August 3 via Zoom to consider the recommendation of the Ways & Means Commission regarding the property tax levy rate.

She added that the Ward I newsletter was being sent shortly and would provide information about the tax levy rate, as well as potential revenue sources.

UNFINISHED BUSINESS

BILL NO. 20-28, AN ORDINANCE APPROVING A CONDITIONAL USE AND AUTHORIZING A CONDITIONAL USE PERMIT FOR AN ACCESSORY STRUCTURE, A MULTI-PURPOSE STRUCTURE, TO BE LOCATED AT 929 CLAYMARK DRIVE IN THE CITY OF TOWN AND COUNTRY (sponsored by Aldermen Holman & Hughes) (1st reading 07/13/20)

Mayor Dalton noted that Ben Mohrmann was present on the videoconference on behalf of the request.

Alderman Frautschi moved to continue Bill No. 20-28 to the meeting of August 10 for second reading and consideration. Mayor Dalton reiterated that the request for a continuance was to afford time to seek legal advice about the project with respect to the Municipal Code.

Alderman Holman seconded and a voice vote carried.

BILL NO. 20-29, AN ORDINANCE APPROVING PERMANENT OPEN SPACE MODIFICATIONS AND THE NATURAL RESOURCE PROTECTION LIMITS ADJUSTMENT PLAT THAT AMENDS LOT NO. 5 OF PLAT NO. 2 IN HORTON PLACE SUBDIVISION IN THE CITY OF TOWN AND COUNTRY AND AUTHORIZING THE AMENDED PLAT TO BE RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF ST. LOUIS COUNTY (sponsored by Aldermen Holman, Hughes & Frautschi) (1st reading 07/13/20)

Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 20-29 was read for the second time and placed upon its final passage.

The City Clerk entered three emails into the record from Ron Burkhardt, Craig Witbart, and Cynthia Behr, respectively. Said emails were distributed to the Board of Aldermen in advance of the meeting and are attached hereto and made a part of these minutes.

Mayor Dalton noted, for the record, that Mike and Cynthia Behr were present on the videoconference on behalf of the request.

Alderman Holman moved for approval, seconded by Alderman Frautschi.

In response to Alderman Wittmaier, Mrs. Behr confirmed that no trees were eliminated from the 2,118 sq. ft. area that is proposed to be removed from the natural resource protection area.

The roll call vote was as follows: AYE, Aldermen Allen, Benigas, Frautschi, Holman, Hughes, Mortland, Wiesehan and Wittmaier; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and Bill No. 20-29 became Ordinance No. 4369.

RESOLUTION NO. R07-2020, A RESOLUTION AUTHORIZING THE CHIEF OF POLICE OF THE TOWN AND COUNTRY POLICE DEPARTMENT TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) WITH AND BETWEEN THE LAFAYETTE AREA POLICE AGENCIES FOR POLICE DEPARTMENT RESOURCE SHARING

Alderman Allen moved for approval, seconded by Alderman Wiesehan.

Alderman Wittmaier noted, for the record, that the MOU includes an insurance agreement whereby each agency will cover their own officers.

Alderman Holman expressed appreciation for Chief Cavins' patience with the extra time needed while the Police, Fire & EMS Commission vetted the Resolution and MOU.

Alderman Allen applauded the efforts of Chief Cavins in the resource sharing matter.

A voice vote was held and carried.

NEW BUSINESS

APPROVAL OF A PURCHASE ORDER

Alderman Allen moved to approve a purchase order to Integrated Facility Services for Firehouse HVAC software and air damper upgrades, in the amount of \$13,854.00.

In response to Alderman Benigas, City Administrator Shelton explained that the upgrades would allow for greater controls and the ability to remote in to the system if issues arise. Alderman Mortland added that this vendor works with the HVAC systems in all of the City-owned buildings.

Alderman Frautschi seconded and a voice vote carried.

BILL NO. 20-30, AN ORDINANCE READOPTING CHAPTER 120: CODE OF ETHICS, OF TITLE I OF THE CITY OF TOWN AND COUNTRY MUNICIPAL CODE (sponsored by the Board as a Whole)

Mayor Dalton called for a first reading, without objection. Without objection, Bill No. 20-30 was read for the first time by title only.

Mayor Dalton declared Bill No. 20-30 continued to the meeting of Monday, August 10, 2020 for the second reading and consideration.

BILL NO. 20-31, AN ORDINANCE ACCEPTING THE BID AND AUTHORIZING AN AGREEMENT WITH SWEETENS CONCRETE SERVICES FOR THE 2020 CRACK SEALING PROGRAM (sponsored by Aldermen Holman, Frautschi & Allen)

Mayor Dalton called for a first reading, without objection. Without objection, Bill No. 20-31 was read for the first time by title only.

Mayor Dalton declared Bill No. 20-31 continued to the meeting of Monday, August 10, 2020 for the second reading and consideration.

BILL NO. 20-32, AN ORDINANCE AMENDING TITLE V: BUILDING AND CONSTRUCTION, OF THE TOWN AND COUNTRY MUNICIPAL CODE, SPECIFICALLY BY THE AMENDMENT OF SECTION 500.130 REGARDING STREET GUARANTEES (sponsored by Aldermen Holman, Frautschi & Wiesehan)

Mayor Dalton called for a first reading, without objection. Without objection, Bill No. 20-32 was read for the first time by title only.

Mayor Dalton declared Bill No. 20-32 continued to the meeting of Monday, August 10, 2020 for the second reading and consideration.

Alderman Hughes recused herself from Bill Nos. 20-33 and 20-34 regarding Covenant Presbyterian Church and temporarily left the videoconference.

BILL NO. 20-33, AN ORDINANCE APPROVING A BOUNDARY ADJUSTMENT PLAT TO CONSOLIDATE LOTS FOR COVENANT PRESBYTERIAN CHURCH OF ST. LOUIS ADDRESSED AS 2115, 2121, 2123, 2127, AND 2143 NORTH BALLAS ROAD IN THE CITY OF TOWN AND COUNTRY AND AUTHORIZING THE BOUNDARY ADJUSTMENT PLAT TO BE RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS (sponsored by Alderman Holman)

Mayor Dalton noted, for the record, that several representatives for Covenant Presbyterian Church were present on the videoconference on behalf of the request. Present were: Ryan Laughlin, Senior Pastor, Michael Keller, Architect, Steve Myers, Project Manager, and Mike Vorwek, Engineer.

Mayor Dalton called for a first reading, without objection. Without objection, Bill No. 20-33 was read for the first time by title only.

Mayor Dalton declared Bill No. 20-33 continued to the meeting of Monday, August 10, 2020 for the second reading and consideration.

BILL NO. 20-34, AN ORDINANCE APPROVING AN AMENDED FINAL SITE DEVELOPMENT PLAN FOR COVENANT PRESBYTERIAN CHURCH, CITY OF TOWN AND COUNTRY, MISSOURI, WITH CONDITIONS TO BE COMPLIED WITH AND AUTHORIZING CERTIFICATION OF THE AMENDED FINAL SITE DEVELOPMENT PLAN (sponsored by Alderman Holman)

Mayor Dalton called for a first reading, without objection. Without objection, Bill No. 20-34 was read for the first time by title only.

Mayor Dalton declared Bill No. 20-34 continued to the meeting of Monday, August 10, 2020 for the second reading and consideration.

Alderman Hughes returned to the videoconference meeting.

WARRANT LIST-07/27/20

Alderman Allen moved for approval, seconded by Alderman Mortland.

Mayor Dalton called for discussion or amendments.

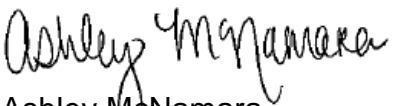
Alderman Allen noted that the invoice(s) for Daniel & Henry, vendor 1090, were for the full year's annual payment for various insurance services.

Hearing no amendments, a voice vote was taken on the warrant list of July 27, 2020, in the amount of \$189,854.54, and carried.

OTHER

ADJOURN

On motion of Alderman Holman, seconded by Alderman Mortland and unanimously confirmed by voice vote, the meeting was adjourned at 7:31 PM.


Ashley McNamara
City Clerk

Lowell, Laura

From: craig witbart <cwitbart@hotmail.com>
Sent: Thursday, July 23, 2020 10:24 AM
To: Lowell, Laura
Cc: Michael.j.behr@gmail.com; Cynthia Behr (cynthiahbeh@gmail.com); Ron Burkhardt
Subject: FW: June 17, 2020 Planning and Zoning Meeting - Support of Behr's From Homeowners and Trustees

Laura,

Speaking as another Horton Place Trustee and neighbor of the Behr's, I want to echo and provide additional support to the sentiments expressed by Ron Burkhard in his email to you on June 17 regarding the Behr's natural resource area zoning matter that will be reviewed by the Board of Alderman on Monday July 27. The Horton Place Trustees and homeowners feel that the Behr's have acted in good faith, and have worked hard to provide a viable solution to comply with the City's natural resource zoning requirements, and we request that their plan be accepted by the City.

Sincerely,

Craig Witbart
12860 Horton Lane
Town and Country, MO 63131

From: Ron Burkhardt <ronburkhardt@outlook.com>
Sent: Wednesday, June 17, 2020 12:36 PM
To: lowellm@town-and-country.org
Cc: Cynthia Behr <cynthiahbeh@gmail.com>; Michael Behr <michael.j.behr@gmail.com>; cwitbart@hotmail.com
Subject: June 17, 2020 Planning and Zoning Meeting - Support of Behr's From Homeowners and Trustees

Laura,

I am Ron Burkhardt, a homeowner, next door neighbor of the Behr's and trustee in Horton Place. I was planning on participating in tonight's Planning and Zoning meeting but have been informed that is not possible. I want to emphatically ensure the members of the Planning and Zoning Commission and Town and Country staff that both the homeowners and the trustees fully support Mike and Cynthia Behr in this matter currently before the Planning and Zoning Commission. If you have questions regarding our position on the matter, please contact me at (314) 308-3877.

We greatly appreciate you considering our position in this matter.

With kindest regards,
Ron Burkhardt
12872 Horton Lane
Town and Country, MO 63131

12866 Horton Lane Permanent Open Space Swap

From Cynthia Behr 7/27/20
(applicant)

POSITIVE HIGHLIGHTS

1.8636 acre lot (80,008 SF); 1.26 acres current Permanent Open Space

1.2703 acres proposed Permanent Open Space, an Increase of 450 square ft. (only 423 sq ft required)

Trees added for proposed Permanent open space: 18 trees, 142 caliper inches (note: Only required to add 7.)

Our lot has over 170 existing trees. 88% green space, min. 75% required

In addition, we have planted an additional 21 trees plus 126 bushes, not including additional flowering plants.

NO trees have been removed from the proposed area of 2,118 sq ft to be removed from the natural resource protection area. Area was already less densely populated with trees.

We love trees, this is why we purchased the lot.

Many additional trees were 'used in place' during construction process that had been designated to be removed and approved by ARB board. We altered driveway to accommodate trees.

10 additional trees were saved totaling 107 caliper inches.

Both trustees, who are also our neighbors on each side of our lot, have written into Town and Country with 100% support towards the permanent open space swap approval.

ADDITIONAL NOTES:

Lot was extremely hard to work with due to discovering there is a creek/water run off that reduces the usable lot space to build on. In addition, subdivision requirement passed by board of aldermen, required homes to be over 5,500 sq ft and have a 3 to 6 car rear/side entry garage, this left us limited back yard area.

Stairs built were a mistake done during the construction process. The builder's landscape architect he hired, failed to take into account the natural resource/permanent open space boundary line.

The stair build did NOT eliminate any trees but was built around the existing trees.

In addition, much drainage/irrigation has been added along the wall/stairs to prevent water drainage issues and help with erosion to save trees.

Removal of the stairs/wall with the boulders and existing irrigation/lighting would be extremely expensive and would lead to additional trees/yard/patio being damaged. There is no accessible access point for the equipment needed to reach the area to remove the boulders and stairs.