

City of Wright City  
Board of Aldermen Meeting  
May 27, 2010, 6:30 pm

**Signed in Attendance:** Bernie Terbrock, Dennis Zimmer, Greg Herkert, James Toothman, Dave Walter, Tim Schmidt, Bill Stinson, Ken McLaughlin, Matt Kaatman, Nancy Huster, and Tom Lafferty

**City Official attendance:** Mayor Heiliger, Alderman Schuchmann, Alderman Black and Alderman Reynolds were present. Alderman Abercrombie was absent.

**Staff and Others:** Economic Developer/Treasurer Karen Gironde, City Clerk Christine Martin, Superintendent Larry Janish, Police Chief Henry Matthews and Officer Jeff Scanlon

**Roll Call**

City Clerk Christine Martin called roll with Mayor Heiliger, Aldermen Schuchmann, Black and Reynolds present. The City Clerk reported the Mayor and three Board Members present.

Mayor Heiliger called the meeting to order at 6:30 pm.

**Meeting Minutes**

**Approval of Minutes from Board Meeting of May 13, 2010 – Minutes were not available**

**Approval of Minutes from Board Meeting of April 28, 2010 – Minutes were not available**

**Approval of Minutes from Workshop of May 3, 2010 – Minutes were not available**

**Stuermann Road**

Alderman Schuchmann made a motion to suspend the order of the Agenda to move #10g. Stuermann Road up at this time. Alderman Black seconded it and the motion unanimously carried.

Attorney Greg Herkert was present and said he represented First State Bank of St. Charles and their customer, Budget Homes, owns about 115 Lots in one or both of the subdivisions off of Stuermann Road. He said it first came to his attention about six weeks ago when a building permit was denied to Budget Homes due to the conditions of Stuermann Road. Mr. Herkert said he has done a lot of homework and has looked at all of the Board of Aldermen Meeting minutes online and wants the Board to know how serious they are about bringing about a resolution with respect to Stuermann Road. He said the City Staff has been very helpful along with the Assessor's officer, and with Mr. Arden Engelage. He stated he's made contact with Picket, Ray & Silver, the surveying engineering firm that was employed by the original developer, PR Development and plans to sit down with them to get information, title documents, plats, surveys, etc. He said he has also talked to Tom Lafferty several times, who is the owner of property immediately south of the existing Stuermann Road. He stated Stuermann Road needs to be moved 450 feet south of its current location so it is at the crest of a hill due to limited site distance. Mr. Herkert also talked to

Rich Norden of the Clondike Group, property owner, MODOT, and representatives of Lindell Bank. One is the Senior Vice President for Mr. Rich Norden and Mr. Terbrock and the other is the President and CEO of the bank, which were both in attendance. Mr. Herkert said he gave deed to a title company and it appears it is not a legal description for Stuermann Road and it encompasses portions of one of the subdivisions. The subdivision was annexed by the City a couple of years ago. The three partners of PR Development were Tim Peters, Stan Hayden, and Bob Bruner and they are gone now. He said Mr. Peters and Mr. Hayden file bankruptcy and are out of the picture. Mr. Bob Bruner stepped forward and is more of a sticks and bricks man, not a developer. Mr. Bruner said he had no idea that PR Development made an agreement with the City to move Stuermann Road. Mr. Herkert said before they foreclosed 12/19/08, they sold a portion of the development to Mr. Terbrock and at the foreclosure sale Budget Homes bought 125 lots and they financed that purchase. Mr. Herkert said they have already lost a million dollars so far. Mr. Bruner wants to see it through and so does the bank. He mentioned the fact that one (1) building permit was denied and they have another customer of theirs, ACC, that wants to close on 20 plus lots and start building homes. He said that in talking to Warren County, they made it clear they don't want anyone fixing anything on Stuermann Road until the City takes ownership. He said he assumes his research will show it is owned by Warren County, but does not know for sure who it is owned by and hopes to straighten that issue out in the next week or two. They have a bid and it will take about \$30,000 in repairs to make Stuermann Road usable, but that would not cover the widening. Alderman Schuchmann said if it becomes a permanent road and if the City would consider taking it over, it needs to be 26 feet wide. Mr. Herkert said it won't be a permanent road and said that the location of the road needs to be moved. He said he has not worked it out with everyone on how to divide the bill on the cost to fix the road, but feels that will be worked out. Mr. Herkert said it is obvious the City won't fix the road, per the minutes he's reviewed. He asked if the City would lift the moratorium on issuing permits and feels the City should share in the cost of repairing the road for the short-term fix. As far as the long-term fix, he said he is aware a NID was discussed previously with the previous Mayor and Board and sees that the current Aldermen are more receptive. Homework on acquisition cost needs to be done so there is a dollar amount on it before the property owners will sign off on it. His request is for the City to lift the moratorium on permits and if the County drags their feet on the road repair, the City can put another moratorium on permits. Ken McLaughlin asked where the City stands. Alderman Schuchman said this has been the first positive step and he will talk to the Board and told Mr. Herkert and the County Commissioners he feels they can work out a solution and should be in touch with everyone.

Matt Kaatman asked Mr. Herkert if the Bank would be willing to temporarily fix the road as a sign of good faith by putting gravel on it with the next two weeks so the residents can travel safer. He also said he would like to see any monies put in escrow first. Mr. Bruner said in good faith he did fix the road the last time, and since then the road has ruptured again.

Jeff Schwartz, Attorney for Warren County, was present and said the County's offer still stands to repair the road if the City agrees to take over Stuermann Road and if the County receives an executed deed. Alderman Schuchmann asked if the ownership of the road is transferred to the City, will County be able to spend County tax dollars on a City Road. He said he feels if they have an agreement in place, that if County will do some repairs while it is still their road, the City will move forward. The City can't go out and put any rock down because it doesn't belong to the City.

Mr. Schwartz stated there should be something that can be worked out. Alderman Schuchmann thanked everyone for coming out and participating.

**Responses to previous comments/concerns** - Nancy Huster stated the parking situation near her home has improved and thanked the Police Department.

**Open meeting to public comments/concerns** - None

### **Public Hearing**

**Amend Section 400.060 Fees and Penalties of Chapter 400 Administration of Title IV, Zoning Code of the City of Wright City** - Mayor Heiliger opened the Public Hearing and asked if there were any questions. There were no comments. Mayor Heiliger closed the Public Hearing.

### **Recommendations from Planning & Zoning**

**Amend Section 400.060 Fees and Penalties of Chapter 400 Administration of Title IV, Zoning Code of the City of Wright City.** Alderman Schuchmann made a motion to accept the Planning & Zoning's recommendations with the change to read all cost plus 15 percent to be borne by the applicant with a minimum fee to be \$200.00 for the categories of (a.) Amendments, (b.) Appeal, (d.) Conditional Use Permit, (e.) Exceptional Use Permit, (f.) Rezoning, (g.) Transitional area permits, (h.) Variances, (i.) Sanitary landfill permits. Alderman Reynolds seconded it and the motion unanimously carried.

### **Old Business**

**Trotters Creek – Request to take over Streets/Utilities** – Alderman Schuchmann made a motion to remove this item from the Agenda until the new City Attorney can review. Alderman Black seconded it and the motion unanimously carried.

**Employee Training Contracts** - Alderman Schuchmann made a motion to remove this item from the Agenda until the new City Attorney can review. Alderman Black seconded it and the motion unanimously carried.

**Tree at 115 S. Locust** - Larry Janish suggested leaving the tree as it is. Alderman Schuchmann made a motion to not remove the tree at this time. He said the tree is showing signs of life, even though it is hollowing out. He said hollowing out of a tree does not happen during the course of a year, which is when the tree roots were supposedly cut. Alderman Reynolds seconded it and the motion unanimously carried. Alderman Schuchmann stated that it takes time for a tree to hollow out after it is damaged.

**Removal of Tree – Third & Elm** - Alderman Schuchmann made a motion to not remove the tree at this time. Alderman Reynolds seconded it and the motion unanimously carried.

**The Shire, Plat 2 – Review** - Karen said they need an okay for them to start construction. She gave the Board copies from Lewis and Bade at the last meeting. Alderman Schuchman said he

reviewed it and asked about the dead-end water lines and storm drainage. Larry said there were not any additional storm sewers and that it is existing. Alderman Schuchmann asked if there is any problem with the storm water runoff and Matt and Larry said no. Matt with Lewis & Bade said no new storm drainage structures are proposed, but when it is developed to the south of it there will be a detention pond and several storm structures. Alderman Schuchmann made a motion to approve the preliminary plat with response from Lewis & Bade to the Engineer’s request. Alderman Reynolds seconded it and the motion unanimously carried.

**Request for approval of utilities at lot 39 Forest Lake – Scott Knight** - City Clerk Christine Martin stated Mr. Knight submitted a memo to her stating his electric needs for his property. Alderman Schuchmann stated per Section 405.100 the main structure should be built before any out building. He said the permit for the out building and the boat dock was probably issued in error. Alderman Schuchmann made a motion to recommend allowing 100 amp temporary electric and not to allow water and sewer taps until there is a permanent residential structure in place. Alderman Black seconded it and the motion unanimously carried.

**Ordinance/Resolutions**

**Bill #19-10 was presented to the Board.** Bill 19-10 was read for the first time by title. AN ORDINANCE FOR THE PURPOSE OF AMENDING SECTION 400.060 FEES AND PENALTIES, OF CHAPTER 400 ADMINISTRATION, TITLE IV OF THE ZONING CODE, OF THE MUNICIPAL CODE OF THE CITY OF WRIGHT CITY, MISSOURI. Alderman Schuchmann made a motion to read Bill 19-10 a second time by title. Alderman Black seconded it and the motion unanimously carried. After the second reading, Alderman Schuchmann moved that Bill #19-10 be placed upon final passage. Alderman Reynolds seconded it and the motion unanimously carried. Mayor Heiliger then put the question “Shall Bill #19-10 be passed and become an ordinance?” Roll call was taken with the following vote:

Alderman Abercrombie	Absent	Alderman Schuchmann	Yea
Alderman Black	Yea	Alderman Reynolds	Yea

The Bill having the majority vote of the members present was adopted. Said Bill was thereupon presented to the Mayor and President of the Board for their signatures and approval. It was then duly signed and becomes Ordinance #714 of the City of Wright City, Missouri.

**Bill #20-10 was presented to the Board.** Bill 20-10 was read for the first time by title. AN ORDINANCE AUTHORIZING EXECUTION OF A CONTRACT WITH MICK MEHLER & SONS, INC. FOR INSTALLING PHASE 3 OF THE SOUTHERN WATER LINE PROJECT FOR THE CITY OF WRIGHT CITY, MISSOURI. Alderman Schuchmann made a motion to read Bill 20-10 a second time by title. Alderman Reynolds seconded it and the motion unanimously carried. After the second reading, Alderman Schuchmann moved that Bill #20-10 be placed upon final passage. Alderman Reynolds seconded it and the motion unanimously carried. Mayor Heiliger then put the question “Shall Bill #20-10 be passed and become an ordinance?” Roll call was taken with the following vote:

Alderman Abercrombie	Absent	Alderman Schuchmann	Yea
Alderman Black	Yea	Alderman Reynolds	Yea

The Bill having the majority vote of the members present was adopted. Said Bill was thereupon presented to the Mayor and President of the Board for their signatures and approval. It was then duly signed and becomes Ordinance #715 of the City of Wright City, Missouri.

**Bill #21-10 was presented to the Board.** Bill 21-10 was read for the first time by title. AN ORDINANCE AMENDING TITLE V: BUILDING AND CONSTRUCTION, CHAPTER 502: BUILDING CODES, ARTICLE III PROPERTY MAINTENANCE CODE, SECTION 502.060 ADDITIONS, INSERTIONS, DELETIONS AND CHANGES, OF THE MUNICIPAL CODE OF THE CITY OF WRIGHT CITY, MISSOURI. Alderman Schuchmann made a motion to read Bill 21-10 a second time by title. Alderman Reynolds seconded it and the motion unanimously carried. After the second reading, Alderman Schuchmann moved that Bill #21-10 be placed upon final passage. Alderman Reynolds seconded it and the motion unanimously carried. Mayor Heiliger then put the question “Shall Bill #21-10 be passed and become an ordinance?” Roll call was taken with the following vote:

Alderman Abercrombie	Absent	Alderman Schuchmann	Yea
Alderman Black	Yea	Alderman Reynolds	Yea

The Bill having the majority vote of the members present was adopted. Said Bill was thereupon presented to the Mayor and President of the Board for their signatures and approval. It was then duly signed and becomes Ordinance #716 of the City of Wright City, Missouri

**Bill #22-10 was presented to the Board.** Bill 22-10 was read for the first time by title. AN ORDINANCE AMENDING TITLE V: BUILDING AND CONSTRUCTION, CHAPTER 505: BUILDING REQUIREMENTS, SECTION 505.030 PERMIT FEES, OF THE MUNICIPAL CODE OF THE CITY OF WRIGHT CITY, MISSOURI. Alderman Schuchmann made a motion to read Bill 22-10 a second time by title. Alderman Reynolds seconded it and the motion unanimously carried. After the second reading, Alderman Schuchmann moved that Bill #22-10 be placed upon final passage. Alderman Black seconded it and the motion unanimously carried. Mayor Heiliger then put the question “Shall Bill #22-10 be passed and become an ordinance?” Roll call was taken with the following vote:

Alderman Abercrombie	Absent	Alderman Schuchmann	Yea
Alderman Black	Yea	Alderman Reynolds	Yea

The Bill having the majority vote of the members present was adopted. Said Bill was thereupon presented to the Mayor and President of the Board for their signatures and approval. It was then duly signed and becomes Ordinance #717 of the City of Wright City, Missouri

**Bill #23-10 was presented to the Board.** Bill 23-10 was read for the first time by title. AN ORDINANCE FOR THE PURPOSE OF AMENDING TITLE SECTION 120.010 OPERATION OF THE TREASURY OF CHAPTER 120 FINANCIAL OPERATION OF THE MUNICIPAL CODE OF THE CITY OF WRIGHT CITY, MISSOURI. Alderman Schuchmann made a motion to read Bill 23-10 a second time by title. Alderman Reynolds seconded it and the motion unanimously carried. After the second reading, Alderman Schuchmann moved that Bill #23-10 be

placed upon final passage. Alderman Black seconded it and the motion unanimously carried. Mayor Heiliger then put the question “Shall Bill #23-10 be passed and become an ordinance?” Roll call was taken with the following vote:

Alderman Abercrombie	Absent	Alderman Schuchmann	Yea
Alderman Black	Yea	Alderman Reynolds	Yea

The Bill having the majority vote of the members present was adopted. Said Bill was thereupon presented to the Mayor and President of the Board for their signatures and approval. It was then duly signed and becomes Ordinance #718 of the City of Wright City, Missouri

### **New Business**

**Annexation Approval Request from City of Truesdale** - Alderman Schuchmann made a motion to approve sending a letter to the City of Truesdale that the City of Wright City has no objection to the Annexation. Alderman Reynolds seconded it and the motion unanimously carried.

**Annexation Approval Request from Village of Innsbrook** - Alderman Schuchmann made a motion to approve sending a letter to the Village of Innsbrook that the City of Wright City has no objection to the Annexation. Alderman Reynolds seconded it and the motion unanimously carried.

**Typographical Correction to Reference in Sections 400.020 and 400.030** - Alderman Schuchmann said he brought this to the attention of Planning & Zoning that it makes reference that you are to look back to Section 115.060 and it should have you look back to 110.060 is correct. Alderman Schuchman made a motion to do the typographical correction. Alderman Reynolds seconded it and the motion unanimously carried.

### **Reports**

#### **Engineering – None**

**Park** - Curt Kehoe gave a report to the Board. He said the “Movie in the Park” had about 40 people in attendance, even though we had bad weather. The last “Concert in the Park” had over 80 people in attendance. The next Concert is scheduled for July 13 with Rich Helton. The Farmer’s Market is doing well. Flag Retirement will be at 11:00 am on June 12<sup>th</sup> in Diekroeger Park. Curt stated the constant rains are hard on the leagues and said this week they have played some games so they will have three games per night at the Park during June and July.

**Public Works** - Larry Janish mentioned the sewer project at Nancy Huster’s and said they will wait until her garden is done. Alderman Schuchmann said we need to have an easement and will need have the surveys and documents done. Larry Janish said the property owner, Janice Lashley, to the north has the same problem. Alderman Schuchmann and the Board agreed while doing the survey work, all of it should be done at the same time. Nancy Huster said the neighbor to the west agreed to also give the easement.

Larry talked about the Turkey Run Pipe Project. He said next week they will complete it by grading, seeding and strawing the area.

Larry stated he is still waiting on the third bid on removing and blocking up the Police Department door. He is still waiting on the third bid and said he would like to get three (3) bids.

Larry talked about the proposed sign on Elm Street for directing the trucks to the Industrial Park and said he is waiting for more posts.

Alderman Black asked about the weeds on the north side and Larry explained the process to him. He said he first tries to contact them. He said he just sent out letters this week that totaled about \$200 worth of postage.

**Building Official** - Larry said there have been two (2) new home permits issued for Hickory Grove LLC in The Shire and Ivy League for Hickory Trails, four (4) deck Permits, one (1) pool and two (2) Fence Permits, and one (1) Mobile Home Permit in Pine Forest.

**Police Department** – Chief Matthews gave a report to the Board and said they’ve had 330 calls in the last two weeks. He said they resubmitted the grant for one (1) officer because they received a letter saying they were not considered. He said it is a three (3) year grant and the City keeps the officer and pay wages for one additional year. Chief Matthews asked if Coca Cola could be contacted about the trucks and if signs could be put up. He said they are still dealing with 911 hang-ups and believes it is cell phones, which is taking up extra time trying to find out who is doing it. He also discussed derelict vehicles and has quite a list of ones needing to be towed. He said he is going to have one of his Reserves spend about eight hours on a weekend getting some of them towed.

**City Hall** – City Clerk Christine Martin stated she has received over a hundred applications for the Accounts Payable position and quite a few for the Code Enforcer position, in addition to the position of the City Attorney.

**Treasurer Report** – Karen Girondo gave Report and said the Workman Comp Audit was conducted last week. She said the audit said everything looked the same as last year so the City should not have a high supplemental bill as we’ve had in the past.

**Economic Development** – Karen Girondo said there are prospects looking at the Kaplan Building. The Kaplan building is one of four sites being looked at. She said the ordinance for the Southern Water Line Project is on the Agenda. The Labor Market Study for Lincoln, Warren, Montgomery, and Franklin Counties is finished and the final report will be available soon. She said surveys were sent out and the return rate was 26.8 percent.

### **Review/Approval of Bills**

City Clerk Christine Martin stated the City Hall Air Conditioner had been broke for two days but is now working and the invoice for it is included in with the bills. Alderman Schuchmann made a motion to approve the Bills. Alderman Black seconded it and the motion unanimously carried.

**Final Questions** - Dave Walter was present and asked about the Innsbrook Annexation that was on the agenda and asked where they were coming up to. Alderman Schuchmann answered up to Highway ‘M’.

**Vote to go to Executive Session** - Alderman Schuchmann made a motion to come out of regular session and go into an executive session to discuss business relating to Legal and Personnel as allowed pursuant to the exception of the provisions of Section 610.o21(1)(3) RSMo. Alderman Reynolds seconded it and roll call was taken

Alderman Black	Yea	Alderman Schuchmann	Yea
Alderman Reynolds	Yea	Alderman Abercrombie	Absent

The motion carried.

Alderman Schuchmann made a motion to come out of executive session and go into regular session. Alderman Reynolds seconded it and roll call was taken:

Alderman Black	Yea	Alderman Schuchmann	Yea
Alderman Reynolds	Yea	Alderman Abercrombie	Absent

The motion carried.

**Adjournment** - Alderman Schuchmann made a motion to adjourn the meeting at 8:30 pm. Alderman Reynolds seconded it and the motion unanimously carried

Approved \_\_\_\_\_

Attested \_\_\_\_\_