

**CITY OF ELLISVILLE  
COUNCIL MEETING**

**SEPTEMBER 18, 2019**

Mayor Roemerman opened this Regular Meeting at 7:00 p.m. In attendance were Council Members Chismarich, McGrath, Reel, Pool, and Duffy. Council Member Cahill was excused.

Also present were: City Manager Schwer, City Atty. Restovich, City Planner Hood, Chief Steve Lewis, and City Clerk Dohack.

All those in attendance recited the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Mayor Roemerman moved to approve the evening's agenda, seconded by Council Member Reel. The votes were all "AYES".

**APPROVAL OF MINUTES**

Mayor Roemerman moved to approve the minutes from the September 4, 2019 Regular Council Meeting. The motion was seconded by Council Member Reel. The votes were: Roemerman "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", Pool "AYE", and Duffy "AYE".

**POLICE DEPARTMENT ACCREDITATION**

Chief Steve Lewis introduced Chief Glen Eidman with the Missouri Police Chiefs Association. Chief Eidman presented the Chief Lewis and the Ellisville Police Department with a certificate for the Accreditation received by the Department. Chief Eidman stated that on July 25, 2019 the Association completed the assessment and gave an overview of the process for the accreditation. After Chief Eidman's comments Chief Lewis thanks the Council for the support and also thanked Capt. Jeff Diehl for the leadership in completing the process. Mayor Roemerman complimented the Chief and the Department for the hard work.

**PUBLIC COMMENTS**

There were no public comments.

**RECIPT/FILING PLANNING AND ZONING RECOMMENDATIONS/REPORTS**

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

- A. Receipt and filing of Planning and Zoning Commission's favorable recommendation dated September 2, 2019 relative to the petitions of Mitchell Ratliff on behalf of Penske Leasing Co., L.P., Don Mazingo and Mazingo Holdings, LLC for (1) a text amendment to allow truck rental facilities as a conditional use in the "C-3" Commercial Zoning District, and (2) approval of a conditional use permit to allow the operation of a truck rental facility at the locations known and numbered as 100 Clarkson Road and 1319 Froesel Drive, within the "C-3" Commercial Zoning District of the City of Ellisville, Missouri.

The motion was seconded by Council Member Duffy. The votes were: Roemerman “AYE”, Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, Pool “AYE”, and Duffy “AYE”.

## **PUBLIC HEARINGS**

### 16230, 16244 and 16252 Truman Road (Public Storage), reconsideration of Bill #3647

Mayor Roemerman opened the public hearing to discuss and consider the petition of Public Storage, Inc. for reconsideration and appeal of the City Council’s decision pertaining to Bill #3647 pertaining to the petitions of Public Storage, Inc. for amendment to an existing conditional use permit allowing storage facility use and for approval of a lot consolidation plat for the properties located at 16230, 16244 and 16252 Truman Road, to be considered by the City Council on the record of the prior decision. City Attorney Restovich entered the following exhibits for purposes of this hearing: Exhibits 1-12, entered at Public Hearing before the Council on August 21, 2019; Exhibit 13, Notice published in *The Countian* on September 3, 2019; Exhibit 14, Public posting of Hearing Notice on September 6, 2019; Exhibit 15, Letter mailed to abutting residents dated September 6, 2019; Exhibit 16, Applicant’s Appeal and Request for Reconsideration dated August 27, 2019; Exhibit 17, Revised Building Elevations Plan; and Exhibit 18, Truman Road Extension Site Plan.

City Planner Hood, Jarrod Yates with Public Storage, and Joseph May with Kimley-Horn were sworn in. Mr. Yates provided some background on the Public Storage company and business model. Mr. Yates noted that the current facility within Ellisville is on average 95% full and there is the need for the proposed new facility. Mr. Yates also noted that the new proposal includes a building height of 35-feet at the parapet and 32-feet at the roof line, and drainage will be addressed and the detention basin will be recorded via plat. The existing building will also be brought up to current Public Storage standards. Discussion continued about the street extension of Truman Road. Mr. Yates noted that with the approval, Public Storage will continue Truman Road to the most eastern property line.

### *Public Comments*

Marilyn Neibling, 531 Triton Way, noted her support for the project and feels that this is an appropriate use at this location. Also commented on the developer’s willingness to improve the basins.

Mayor Roemerman polled the Ellisville residents and property owners regarding the petition: Nine (9) residents were in favor and one (1) resident was opposed.

Mayor Roemerman closed the public hearing.

### 100 Clarkson Road and 1319 Froesel Drive (Penske-Mozingo), text amendment for truck rental in C-3 and CUP to allow truck rentals

Mayor Roemerman opened the public hearing to discuss and consider the petitions of Mitchell Ratliff on behalf of Penske Leasing Co., L.P., Don Mozingo and Mozingo Holdings, LLC for (1) a text amendment to allow truck rental facilities as a conditional use in the “C-3” Commercial Zoning District, and (2) approval of a conditional use permit to allow the operation of a truck rental facility at the locations known and numbered as 100 Clarkson Road and 1319 Froesel Drive, within the “C-3” Commercial Zoning District of the City of Ellisville, Missouri. City Attorney Restovich entered the following exhibits for purposes of this hearing: Exhibits 1-13, entered at Public Hearing before the Planning and Zoning Commission on September 11, 2019; Exhibit 14, Planning

and Zoning Commission's negative recommendation dated September 12, 2019; and Exhibit 15, City Planner's memo dated September 12, 2019.

City Planner Hood, Mitchell Ratliff with Penske Leasing and Jeff Mozingo were sworn in. Jeff Mozingo began and discussed how the proposal will to add traffic to his existing business at 100 Clarkson Road. Mr. Ratliff about the opportunity to add this leasing service for the Ellisville area and how it will draw foot traffic to the existing business at Mozingo Music.

Mayor Roemerman questioned if Penske was willing to install the requested fencing. Mr. Ratliff noted his concern about installing the fence. Council Member McGrath noted the negative recommendation from the Planning and Zoning Commission due to the lack of support by the Penske group for staff recommendations. Council Member McGrath stated that the fence and improvements need to happen for approval. Council Member Duffy asked about the proposed landscaping and Mr. Ratliff stated they are amenable to planting three-foot shrubs on the Froesel side of the parking area. Mr. Ratliff stated they would consider shrubs along Clarkson Road. Discussion continued about the entrance for the trucks, the size of the trucks, and the maximum number of trucks that will be parked on the lot. Discussion continued pertaining to the requirement for the fencing adjacent to the residential property. Council Member Duffy asked if this opportunity would be a factor in Mozingo continuing within Ellisville. Mr. Mozingo stated that this is just an opportunity and they will still be here in Ellisville. Discussion took place on giving Penske six-months to do the recommended improvements.

#### *Public Comments*

Marilyn Neibling, 531 Triton Way, noted her concern with the changes to allow truck rentals with the C-3 Commercial Zoning District and the need for additional illumination for the area.

Sue Hunt, 38 Weis Avenue, agreed with Mrs. Neibling and noted that this is not a good fit for the area.

Mayor Roemerman polled the Ellisville residents and property owners regarding the petition: Two (2) residents were in favor and seven (7) residents were opposed.

Mayor Roemerman closed the public hearing.

#### 2019 Property Tax Rate

Mayor Roemerman opened the public hearing on the 2019 Property Tax Rates. Atty. Restovich entered the following exhibit for purposes of this hearing: Exhibit 1, Certified copy of the Municipal Code; Exhibit 2, Notice published in *The Countian* on August 30, 2019 consistent with Section 67.110 RSMo; and Exhibit 3, Notice published in *West Newsmagazine* on September 11, 2019 consistent with Section 67.110 RSMo.

Finance Director Cary, after being sworn in, discussed the presented numbers, as provided by the State Auditor's report, noting the tax rate at 14 cents per \$100 of residential property assessment and 14.0 cents per \$100 of commercial property assessment. The proposed tax rate legislation includes that the amount would be no more than \$0.15 per \$100 assessed property value.

Mayor Roemerman polled Ellisville residents and property owners regarding the proposed 2019 Tax Rate as presented: Ten (10) residents were in favor and no one was opposed. Mayor Roemerman closed the public hearing.

## LEGISLATION

### Ord. #3432, St. Louis County Agreement for Mosquito Control Services

Council Member Pool introduced Bill #3651, AN ORDINANCE AUTHORIZING AND DIRECTING MAYOR MIKE ROEMERMAN TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF ELLISVILLE WITH ST. LOUIS COUNTY, MISSOURI, FOR MOSQUITO CONTROL SERVICES. Council Member Pool moved for consideration and perfection of Bill #3651, seconded by Mayor Roemerma.

Council Member Duffy read a statement pertaining to his concern about fogging as part of this agreement and feels that the elimination of stagnant water would greatly reduce the mosquitos with the community. Council Member Duffy discussed how to enforce this issue. City Manager Schwer noted that it is enforceable through the property maintenance code. Discussion took place to utilizing fogging only if the virus or disease was found at the test sites. It was noted that fogging will only take place if the City notifies the County of need. The Council agreed to discuss the policy of fogging at the next work session.

The votes on the first reading were: Roemerma "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", Pool "AYE", and Duffy "NAY". Council Member Pool introduced Bill #3651 for final passage, AN ORDINANCE AUTHORIZING AND DIRECTING MAYOR MIKE ROEMERMAN TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF ELLISVILLE WITH ST. LOUIS COUNTY, MISSOURI, FOR MOSQUITO CONTROL SERVICES. Council Member Pool moved for final passage of Bill #3651, seconded by Mayor Roemerma. The votes on the second reading were: Roemerma "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", Pool "AYE", and Duffy "NAY". Bill #3651 becomes ORDINANCE #3432.

### Ord #3433, 16230, 16244 and 16252 Truman Road (Public Storage), new storage facility and lot consolidation

Council Member Duffy introduced Bill #3654, AN ORDINANCE AUTHORIZING AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT ISSUED TO PUBIC STORAGE, INC., FOR THE OPERATION OF A STORAGE FACILITY IN ORDER TO ALLOW CONTINUED OPERATION OF THE STORAGE FACILITY AT 16230 TRUMAN ROAD AND TO ALLOW THE CONSTRUCTION AND OPERATION OF THE STORAGE FACILITY AT THE LOCATIONS KNOWN AND NUMBERED AS 16244 AND 16252 TRUMAN ROAD, AND APPROVING A LOT CONSOLIDATION PLAT FOR THE PROPERITES KNOWN AND NUMBERED AS 16230, 16244 AND 16252 TRUMAN ROAD, WITH THE "C-4" ELLISVILLE BUSINESS PARK ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Duffy moved for consideration and perfection of Bill #3654, seconded by Council Member Pool.

Mayor Roemerma moved to amend Bill #3654, Section 3, Item #21 to read as follows:

21. *Petitioner shall extend Truman Road to the east-most property line of 16230 Truman Road, as part of the project.*

The votes on the first reading of Bill #3654, as amended, were: Roemerma "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", Pool "AYE", and Duffy "AYE". Council Member Duffy introduced Bill #3654, as amended, for final passage, AN ORDINANCE AUTHORIZING AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT ISSUED TO PUBIC

STORAGE, INC., FOR THE OPERATION OF A STORAGE FACILITY IN ORDER TO ALLOW CONTINUED OPERATION OF THE STORAGE FACILITY AT 16230 TRUMAN ROAD AND TO ALLOW THE CONSTRUCTION AND OPERATION OF THE STORAGE FACILITY AT THE LOCATIONS KNOWN AND NUMBERED AS 16244 AND 16252 TRUMAN ROAD, AND APPROVING A LOT CONSOLIDATION PLAT FOR THE PROPERITES KNOWN AND NUMBERED AS 16230, 16244 AND 16252 TRUMAN ROAD, WITH THE “C-4” ELLISVILLE BUSINESS PARK ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Council Member Duffy moved for final passage of Bill #3654, as amended, seconded by Council Member Reel. The votes on the second reading, as amended, were: Roemerma “AYE”, Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, Pool “AYE”, and Duffy “AYE”. Bill #3654, as amended, becomes ORDINANCE #3433.

Bill #3655, Text Amendment to Zoning Code pertaining to Truck Rentals in C-3 Commercial Zoning District

Mayor Roemerma introduced Bill #3655, AN ORDINANCE AMENDING TITLE IV: LAND USE, CHAPTER 400: ZONING REGULATIONS, SECTION 400.290(C), OF THE MUNICIPAL CODE OF THE CITY OF ELLISVILLE, TO ALLOW TRUCK RENTAL FACILITY AS A CONDITIONAL USE IN THE “C-3” COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI. Mayor Roemerma moved for consideration and perfection of Bill #3655, seconded by Council Member Duffy.

Discussion took place pertaining to this amendment and how it will open up this additional use within this zoning district.

The votes on the first reading were: Roemerma “AYE”, Chismarich “AYE”, McGrath “NAY”, Reel “NAY”, Pool “AYE”, and Duffy “AYE”. Bill #3655 fails as this required a supermajority due to the Planning and Zoning negative recommendation.

Bill #3656, 100 Clarkson and 1319 Froesel Drive (Penske-Mozingo), Truck Rental Facility CUP  
AN ORDINANCE AUTHORIZING ISSUANCE OF A CONDITIONAL USE PERMIT TO PENSKE LEASING, L.P., DON MOZINGO AND MOZINGO HOLDINGS, LLC FOR THE OPERATION OF A TRUCK RENTAL FACILITY AT THE LOCATIONS KNOWN AND NUMBERED AS 100 CLARKSON ROAD AND 1319 FROESEL DRIVE, WITHIN THE “C-3” COMMERCIAL ZONING DISTRICT OF THE CITY OF ELLISVILLE, MISSOURI.

Mayor Roemerma moved to table Bill #3656, seconded by Council Member Duffy, due to the failure of Bill #3655. The vote was unanimous to table Bill #3656.

Ord. #3434, 2019 Annual Tax Levy

Council Member Reel introduced Bill #3657, AN ORDINANCE ESTABLISHING THE ANNUAL TAX LEVY FOR ALL PROPERTY WITHIN THE CITY OF ELLISVILLE, MISSOURI, AND PROVIDING FOR THE EXTENSION OF SAID TAXES ON THE BOOKS OF THE COLLECTOR BY THE COUNTY CLERK AND PROVIDING FOR ST. LOUIS COUNTY TO COLLECT SAME OFR THE CITY OF ELLISVILLE, ST. LOUIS COUNTY, MISSOURI. Council Member Pool moved for consideration and perfection of Bill #3657, seconded by Council Member Duffy. The votes on the first reading were: Roemerma “AYE”, Chismarich “AYE”, McGrath “AYE”, Reel “AYE”, Pool “AYE”, and Duffy “AYE”. Council Member Reel introduced Bill #3657 for final passage, AN ORDINANCE ESTABLISHING THE ANNUAL TAX LEVY FOR ALL PROPERTY WITHIN THE CITY OF ELLISVILLE, MISSOURI, AND PROVIDING FOR THE EXTENSION OF SAID TAXES ON THE BOOKS

OF THE COLLECTOR BY THE COUNTY CLERK AND PROVIDING FOR ST. LOUIS COUNTY TO COLLECT SAME OFR THE CITY OF ELLISVILLE, ST. LOUIS COUNTY, MISSOURI. Council Member Reel moved for final passage of Bill #3657, seconded by Council Member Reel. The votes on the second reading were: Roemerma "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", Pool "AYE", and Duffy "AYE". Bill #3657 becomes ORDINANCE #3434.

Res. #09-18-19, adopts the St. Louis Regional All-Hazard Mitigation Plan 2020-2025

Mayor Roemerma introduced Res. #09-18-19 for approval, A RESOLUTION OF THE CITY OF ELLISVILLE, MISSOURI ADOPTING THE 2020-2025 ST. LOUIS REGIONAL ALL-HAZARD MITIGATION PLAN. Mayor Roemerma moved for passage of Res. #09-18-19, Council Member Duffy seconded this motion. The votes were: Roemerma "AYE", Chismarich "AYE", McGrath "AYE", Reel "AYE", Pool "AYE", and Duffy "AYE".

**PUBLIC COMMENTS**

There were no public comments.

**MAYOR/COUNCIL BUSINESS/REPORTS**

Proclamation for Constitution Week

Mayor Roemerma recognized September 17-23, 2019 as Constitution Week as requested by the Daughters of the American Revolution. Mayor Roemerma read a proclamation commemorating the occasion.

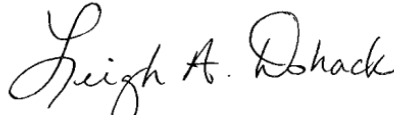
**ACTIVE COMMITTEE STATUS/UDPATES**

Council Member Pool noted that the Council Members attended the Missouri Municipal League's annual conference in St. Charles on September 8-11, 2019.

Council Member Reel announced a free Community Fiber Art Exhibit at Bluebird Park from October 4 – November 1, 2019.

Mayor Roemerma adjourned the meeting at 9:02 p.m.

Respectfully submitted,



LEIGH A. DOHACK  
City Clerk