

**BOARD OF ALDERMEN
CITY OF TOWN AND COUNTRY
FEBRUARY 27, 2017**

WORK SESSION

The work session meeting of the Board of Aldermen of the City of Town and Country was held at 6:30 PM on Monday, February 27, 2017.

Present were: Aldermen Benigas, Butler, Crawford, Frautschi, Mange, Meyland-Smith, Rallo and Wright.

Mayor Dalton presided.

City Attorney Steve Garrett was present to represent the City.

1. Discussion-Regular meeting agenda items

Mayor Dalton announced his intent to appoint the following people to a 2017 Deer Task Force to evaluate the results achieved thus far and determine the future of the City's program. He added that MDC and other regional agencies would be engaged to assist the task force in their mission.

Barbara Ann Hughes, Co-Chair and Doug Rushing, Co-Chair

Ward 1	Ward 2	Ward 3	Ward 4
Rosilee Trotta	Al Gerber	Dr. Nahid Hashemi	Sue Blake
Ron Burkhardt	Bob Tuckett	Glenn or Shawn Grow	Tom Gura

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, February 27, 2017 at the Municipal Center, 1011 Municipal Center Drive.

PLEDGE OF ALLEGIANCE

Mariette Palmer, Ward 3 resident, led the Pledge of Allegiance.

ROLL CALL

The 7:28 PM roll call indicated Aldermen Benigas, Butler, Crawford, Frautschi, Mange, Meyland-Smith, Rallo and Wright to be present.

Mayor Dalton presided.

City Attorney Steve Garrett was present to represent the City.

MINUTES – 02/13/17 Regular Meeting

Alderman Crawford moved for approval, seconded by Alderman Butler.

Mayor Dalton called for any corrections or amendments.

Hearing none, the minutes of 02/13/17 were unanimously approved by voice vote.

HEARING FROM CITIZENS

Mariette Palmer, 604 Greenwich Green, thanked the Mayor and staff for hosting the recent Commission Appreciation Reception. She spoke of the wonderful event that included decorations, great food and a gift from Mari de Villa.

Michael Cozad, 12071 Carberry Place, referred to the Town Square Task Force and Neighborhood Representative Committee Report from October 2015 and read several passages contained therein. He urged the Board to compare the proposed uses to the recommendations found in the report and also to consider the potential value of the property itself.

Sally Yoselevsky, 12563 Bickford Drive, expressed concern about the ongoing odor issue emanating from the Berra property. She explained that the surrounding neighbors have always had a mutual respect for one another and she only wished to make sure everyone was protected from potential nuisances, not impede the construction of a pavilion. She questioned the proposed substitute bill language regarding spreading distance, allowable days, and determination of "reasonableness" if a complaint arises.

Ed Griesedieck, Attorney for the Berra family, urged the Board to consider the CUP request so that the building project could get underway and subsequently discuss the odor issue as a separate matter.

Mayor Dalton asked the City Attorney, Mr. Griesedieck and any other interested parties to meet briefly to discuss outstanding issues before the Board considered the request.

PUBLIC HEARING(S)

APPOINTMENTS

Mayor Dalton reiterated his intent to appoint the 2017 Deer Task Force at the next Board of Aldermen meeting.

COMMUNICATIONS AND REPORTS

Alderman Butler

Alderman Butler announced that the Conservation Commission will meet on Monday, March 6, at the Longview Farm House to discuss litter abatement, as well as the introduction of a community recognition awards program.

UNFINISHED BUSINESS

BILL NO. 16-88, AN ORDINANCE APPROVING A CONDITIONAL USE AND AUTHORIZING A CONDITIONAL USE PERMIT FOR AN ACCESSORY STRUCTURE, A PRIVATE CLUB / PRIVATE STABLE, LOCATED AT 46 SELLENRIEK ROAD IN THE CITY OF TOWN AND COUNTRY (sponsored by Aldermen Mange & Wright) (1st reading 12/12/16)

Alderman Mange moved to suspend the agenda rules and hold Bill No. 16-88 until City Attorney Garrett and interested parties could return to the meeting.

Alderman Benigas seconded the motion and a voice vote carried.

BILL NO. 17-16, AN ORDINANCE AMENDING EXHIBIT "A" TITLED "GUIDELINES FOR ACCEPTANCE OF PRIVATE STREETS FOR MAINTENANCE BY THE CITY OF TOWN AND COUNTRY" AS ORIGINALLY SET FORTH IN ORDINANCE NO. 1985, AND LATER AMENDED BY ORDINANCE NO. 3482 (sponsored by Alderman Meyland-Smith) (1st reading 02/13/17)

Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 17-16 was read for the second time and placed upon its final passage.

Alderman Mange moved for approval, seconded by Alderman Wright.

Alderman Meyland-Smith clarified that this amendment limits the adoption of streets to residentially zoned areas only and excludes those streets found in commercial zoning districts.

The roll call vote was as follows: AYE, Aldermen Benigas, Butler, Crawford, Frautschi, Mange, Meyland-Smith, Rallo and Wright; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and Bill No. 17-16 became Ordinance No. 4069.

BILL NO. 17-17, AN ORDINANCE APPROVING A CONDITIONAL USE AND AUTHORIZING A CONDITIONAL USE PERMIT FOR AN ACCESSORY STRUCTURE, A STAND-ALONE PAVILION, LOCATED AT 2740 TURNBERRY PARK LANE IN THE CITY OF TOWN AND COUNTRY (sponsored by Aldermen Wright & Mange) (1st reading 02/13/17)

Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 17-17 was read for the second time and placed upon its final passage.

Alderman Mange moved for approval, seconded by Alderman Wright.

The roll call vote was as follows: AYE, Aldermen Benigas, Butler, Crawford, Frautschi, Mange, Meyland-Smith, Rallo and Wright; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and Bill No. 17-17 became Ordinance No. 4070.

BILL NO. 17-18, AN ORDINANCE AMENDING THE 2017 BUDGET BY INCREASING A GENERAL REVENUE FUND EXPENDITURE ACCOUNT FOR FIRE PROTECTION SERVICES PAYMENTS AND APPROPRIATING FUNDS TO COVER THE INCREASE (sponsored by Alderman Crawford) (1st reading 02/13/17)

Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 17-18 was read for the second time and placed upon its final passage.

Alderman Crawford moved for approval, seconded by Alderman Meyland-Smith.

The roll call vote was as follows: AYE, Aldermen Benigas, Butler, Crawford, Frautschi, Mange, Meyland-Smith, Rallo and Wright; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and Bill No. 17-18 became Ordinance No. 4071.

BILL NO. 17-19, AN ORDINANCE ACCEPTING A PROFESSIONAL SERVICES PROPOSAL WITH CDG ENGINEERS, INC. FOR ENGINEERING SERVICES RELATED TO THE DESIGN AND PERMITTING OF THE WEIDMAN ROAD SIDEWALK PROJECT (sponsored by Aldermen Crawford, Meyland-Smith & Wright)

Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 17-19 was read for the second time and placed upon its final passage.

Alderman Crawford moved for approval, seconded by Alderman Wright.

The roll call vote was as follows: AYE, Aldermen Benigas, Butler, Crawford, Frautschi, Mange, Meyland-Smith, Rallo and Wright; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and Bill No. 17-19 became Ordinance No. 4072.

NEW BUSINESS

APPROVAL OF A PURCHASE ORDER

Alderman Frautschi moved to approve a purchase order to O'Hara Landscaping for the 13324 Kings Glen Storm Water Maintenance Project, in the amount of \$4,746.00.

Alderman Mange seconded the motion and a voice vote carried.

APPROVAL OF A PURCHASE ORDER

Alderman Frautschi moved to approve a purchase order to O'Hara Landscaping for the 13513 Kings Glen Storm Water Maintenance Project, in the amount of \$3,944.00.

Alderman Butler seconded the motion and a voice vote carried.

APPROVAL OF A PURCHASE ORDER

Alderman Frautschi moved to approve a purchase order to Lou Fusz GMC & Commercial Network for a 2017 Chevrolet Silverado, in the amount of \$46,927.00.

Alderman Mange seconded the motion and a voice vote carried.

BILL NO. 17-20, AN ORDINANCE AUTHORIZING A MASTER SERVICES AGREEMENT WITH AMEC FOSTER WHEELER FOR ENGINEERING SERVICES RELATED TO THE MASON ROAD LINEAR PARK PROJECT AND PROGRAMMING STUDY (sponsored by Aldermen Wright & Crawford)

Mayor Dalton called for a first reading, without objection. Without objection, Bill No. 17-20 was read for the first time by title only.

Mayor Dalton declared Bill No. 17-20 continued to the meeting of Monday, March 13, 2017 for the second reading and consideration.

WARRANT LIST-02/27/17

Alderman Crawford moved for approval, seconded by Alderman Meyland-Smith.

Mayor Dalton called for any amendments.

Hearing none, a voice vote was taken and the warrant list of February 27, 2017, in the amount of \$122,788.95 was unanimously approved.

BILL NO. 16-88, AN ORDINANCE APPROVING A CONDITIONAL USE AND AUTHORIZING A CONDITIONAL USE PERMIT FOR AN ACCESSORY STRUCTURE, A PRIVATE CLUB / PRIVATE STABLE, LOCATED AT 46 SELLENRIEK ROAD IN THE CITY OF TOWN AND COUNTRY (sponsored by Aldermen Mange & Wright) (1st reading 12/12/16)

Mayor Dalton called for a second reading, without objection. Without objection, Bill No. 16-88 was read for the second time and placed upon its final passage.

Alderman Mange moved for approval, seconded by Alderman Wright.

Alderman Wright moved to accept Substitute Bill No. 16-88 (labeled #2) for consideration.

Alderman Meyland-Smith seconded the motion.

Alderman Wright moved to amend the Substitute Bill, specifically 2(H) and 2(I) as follows:

H. Manure Animal waste and related bedding material generated on-site or from the adjoining Terra Bella subdivision shall be stored in accordance with all applicable local and state regulations until it can and shall be removed from the property and be disposed of off-site on at least a weekly basis. ~~or if utilized as fertilizer, it may only be applied on the subject property subject to the applicable State regulations as well as the following limitations:~~

- ~~1. Manure must not be spread within one hundred fifty feet (150') of the North property line, one hundred fifty feet (150') of the South property line, one hundred feet (100') of the West property line and fifty feet (50') of the East property line.~~
- ~~2. No spreading of manure may occur on Saturdays or Sundays.~~

~~I. Complaints regarding odor which cannot be resolved through direct communication between the Applicant and the Complainant shall be referred to the Board of Aldermen, and upon receiving such complaint, the Board of Aldermen shall hold a hearing within 30 days. If after the hearing is held the Board of Aldermen determines a reasonable basis exists for the complaint and the condition has not been remedied to its satisfaction, the Board of Aldermen may order that the manure be disposed of off-site.~~

In addition, it was clarified the remaining subsections would be re-lettered as needed.

Alderman Mange seconded the motion.

Discussion was held about the materials causing an odor on the site, as well as the recent changes that have been put in place to minimize odor in the future.

Attorney Garrett confirmed that barring objection, subsequent review and reconsideration could be held on the CUP if a better solution is agreed upon by the interested parties.

Attorney Griesedieck, representing the Berra's request, suggested the issue of manure odor should be considered and regulated for the City as a whole.

Alderman Mange stated that he would like the topic of manure odor to be considered city-wide.

Alderman Benigas expressed interest in setting up future experiments to test the odor conditions at various times in an effort to reach an acceptable solution.

Alderman Wright thanked the Berra family and the surrounding neighbors for their patience, time and input.

Alderman Rallo stated that separate processes and regulations should be developed to address issues like this outside of the CUP approval process.

A voice vote on the amendment to the Substitute Bill was held and carried.

A voice vote on the motion to consider the Substitute Bill, as amended, was held and carried.

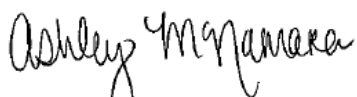
The roll call vote was as follows: AYE, Aldermen Benigas, Butler, Crawford, Frautschi, Mange, Meyland-Smith, Rallo and Wright; NAY, none; ABSTAIN, none; ABSENT, none.

The motion carried unanimously and Substitute Bill No. 16-88, as amended, became Ordinance No. 4073.

OTHER

ADJOURN

On motion of Alderman Benigas, seconded by Alderman Crawford and unanimously approved by voice vote, the regular meeting adjourned at 8:19 PM.



Ashley McNamara
City Clerk