

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS  
OF THE MEHLVILLE FIRE PROTECTION DISTRICT OF  
ST. LOUIS COUNTY, MISSOURI, ON THE  
14TH DAY OF OCTOBER, 2016

The Board of Directors of the Mehlville Fire Protection District of St. Louis County, Missouri, met at the Mehlville Conference Room, 11020 Mueller Road, St. Louis County, Missouri, on the 14th day of October, 2016.

Present at the meeting were:

Aaron Hilmer, Chairman and Director of the Board;

Bonnie C. Stegman, Treasurer and Director of the Board;

Edmond Ryan, Secretary and Director of the Board; and

Brian Hendricks, Fire Chief of the Mehlville Fire Protection District.

Mr. Hilmer called the meeting to order at 4:00 p.m. and announced the Board to be in session for the transaction of business. He said that the 21Bauer project would be discussed under Old Business.

Dr. Stegman made a motion to pay the bills of October 12, 2016. Mr. Ryan seconded the motion and it was unanimously approved.

Chief Hendricks said that the Planning and Zoning meeting regarding 21Bauer had occurred on Monday, October 10. Since then, he has received a number of phone calls thanking the District for their position on the project. Because of that, he felt it necessary to again discuss the project with the Board and make sure everyone is in agreement. Chief Hendricks, Mr. Ryan, and Fire Marshal Berkel met with Gail Choate, Acting Director of Planning and Zoning for St. Louis County. Also in attendance was Kevin O'Leary, councilman for the 6th District, and his administrative assistant Diane Valenti. The purpose of the meeting was to clear the air and discuss the concerns of the

fire district and its residents. Chief Hendricks stated that misinformation and mistrust may be at the root of the controversy surrounding the project. Chief Hendricks believes that the District's safety concerns with the project have been addressed. He presented the Board with a special condition document. The special conditions must be met per St. Louis County Planning and Zoning and include Bauer Road improvement and entry and egress. Regarding the pharmacy, the traffic study must include an assumption that the corner of Bauer and Tesson will be developed. The pharmacy was used as a hypothetical example in order to perform the traffic study, even though the area is currently zoned residential and could not be developed as a pharmacy until a rezoning process took place. Regarding the common ground at the back, it is deeded common ground. The zoning ordinance includes a formula that is used to determine the maximum density of a project. The maximum number of units allowed on this acreage per that formula is 300. 21Bauer is requesting 232. The initial plan dated September 1 is the plan that was submitted to St. Louis County Planning and Zoning. It is very broad in scope for the purpose of moving forward. Everything will have to meet Mehlville Fire Protection District code. Chief Hendricks feels very confident that moving forward the County representatives are very concerned about meeting the needs of the District. In the future, he would be happy to sit down with concerned citizens, the county representatives and the developers to discuss proposed projects.

Mr. Ryan said that people who live along Bauer Road have a reason to be mistrustful. NCR, the police station put into the pocket park, and the library move are all examples of projects that were not presented to the public in time to have input. The residents went before the Planning and Zoning Commission week after week and were

allowed one minute to speak. Their representative was unresponsive. Mr. Hilmer asked if Mr. Ryan had asked Mr. O'Leary about this at the meeting. Mr. Ryan said he did not, believing that the purpose of the meeting was to improve communications with the County so that in the future there is a better flow of information. Mr. Hilmer said that the only reason the District had heard about the project was that Mr. O'Leary wouldn't return anyone's calls. Mr. Ryan said that they're saying that there will be 234 units per the calculation, but there could be as many as 300. Common ground is owned by one person, and that common ground could change; it does not have to remain as common ground. In contrast, the common ground on the Schuessler Road project, which consists of 21 houses, is deeded to the 21 homeowners. It could still change, but 21 homeowners would need to make that decision. At the October 8 meeting, the architect said that Mehlville Fire District had seen the drawings, reviewed the drawings, and signed off on everything. The drawing shown to the Board was not the drawing shown to Planning and Zoning. The letter Mr. Ryan received from Bill Hogan said that regarding the prior project for a nursing home and assisted living, there were negotiations with Mr. Stenger and the contractor, and they came up with a three lane project that they weren't extremely happy with but they signed off on. That was a lower flow of traffic than for a 234 unit apartment complex. The residents would probably still be satisfied with the three lane project. Mr. Ryan said that things that are agreed to don't always come to fruition. He said the architects did not leave a copy of their drawing. Mr. Hilmer said he thinks that the root of the issues is that the residents have a problem with their councilperson. As far as the Fire District is concerned, the project is no different than any other project over the last 35 years. Mr. Ryan said that the Zoning Commission is probably going to approve a

plan that the residents haven't had much say in and haven't seen any results from their input. After the next step, there will be no more opportunity for public comments. Mr. Ryan said he sees a big difference between the previous contractor and this contractor who agreed to three lanes. Mr. Hilmer said he thought that everything would be up to the previous code they had. Chief Hendricks said that they're going to improve Bauer Road to one half of a 70-foot right of way and 24-foot pavement with 8-foot shoulders. Mr. Ryan said that right now it's a 22-foot road, so it will be expanded by 2 feet on each side, plus 8-foot shoulders on each side. He is concerned that the buildings will not have access for a truck on two major sides. That drawing showed a turnaround from one street to another, but based on what he saw on the fire at Affton, it would have been a lot worse if the amount of manpower hadn't been thrown at it. Chief Hendricks asked if the Board would allow him to reach out and write a quick letter to the County Councilmen and offer his assistance if this problem would arise in the District again. Mr. Hilmer said that the current issue was resolved when the County provided its assurances, and the District is no longer involved. He stated that the Board was able to get more information about the projects for the concerned residents, and if that information had been shared earlier via the councilperson, fewer people would be upset. Fire Marshal Berkel said it was important to remember that the plan that Planning & Zoning is looking at is purely for the purpose of determining the appropriate zoning district for that site. All of the comments from MODOT, DOT, MSD, and everyone else will have to be put in to the final development plan. Things may be missing off of the plan they're seeing, but it's really all they need to determine the appropriate zoning district. Mr. Hilmer confirmed with Chief Hendricks that now when people call him, he can say with confidence that safety

concerns have been addressed. Mr. Ryan said that his biggest problem is that the Board is shown a drawing that has three lanes, and they're still talking about a drawing that shows an improvement of two feet. He said it should be on record that the Board did not agree with the developers of the projects. Chief Hendricks said that with regard to Bauer Road, the Board has the document that was sent to them from the Department of Transportation saying that if this project moves forward, these special conditions must be met.

Mr. Ryan asked if the buildings were sprinklered. Fire Marshal said he would not know until plans were submitted. Mr. Ryan said he asked Chief Hendricks about things that could be done in the property that were outside the code that would make things more stringent. His understanding was that Monarch Fire Protection District had made some change like that to a project, and the County sued them, but there is no record of the case. Legal counsel Matt Hoffman said he researched the case and spoke to people at Monarch, who agreed that it happened. He searched using the Fire Marshals' names, Chesterfield Fire District, and Monarch Fire District, but was unable to find the case. Fire Marshal Berkel's recollection was that the County brought an action against Chesterfield Fire District to prohibit them from making changes outside the scope of what had been approved. Mr. Hoffman found one case from 1980 regarding the Fire Standards Commission. Chesterfield sued, and the County won, because under the Charter and the Missouri Constitution, counties have certain powers over municipalities within their district. Mr. Ryan said that his comment didn't refer to this specific complex, but any in the future, because Chief Hendricks took him by apartments that are relatively new and have good access on both sides, but the land is flatter. He wanted to

find out if the District could make changes within the District since the 2015 code is not yet adopted. He asked Chief Hendricks if things could be deleted from the code, but things could not be added to make things tougher. Chief Hendricks said that his understanding is that it could be a slippery slope. Litigation could result if a developer says it shouldn't be required to do something not in the District code or County code.

Dr. Stegman said that there were a lot of concerned citizens, along with the Board, the Chief and the Fire Marshal, who all had the same public safety concerns about 21Bauer. She said that the Board has been responsive to the residents with meetings and investigation and will continue to monitor the project. Chief Hendricks said that when the official submittal occurs, he and Fire Marshal Berkel can present it to the Board and specifically address the safety issues. Dr. Stegman suggested the concerned residents be invited, because they have not been given any information. She said communication is key in anything, and when you do not communicate with people, you're only inviting trouble. She said that is the biggest mistake that the County Council and councilperson made, and she hopes that whoever gets elected is someone who is responsive and looks out for the residents.

Call reporter Mike Anthony asked for clarification of Bauer Road improvement referenced on the special condition document, specifically how much of it they are going to improve. Chief Hendricks said they are going to be responsible from Bauer and Tesson Ferry for the length of the property almost to Keller.

Mr. Hilmer then made a motion that a closed meeting be held for the purpose of discussing legal and real estate matters immediately following the adjournment of the regular meeting. Mr. Hilmer, as part of said motion, moved that said closed meeting not

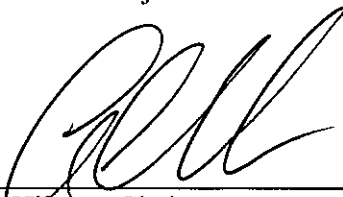
be open to members of the general public under the provisions of Chapter 610 of the Missouri Revised Statutes, commonly referred to as the Sunshine Act. The motion was seconded by Dr. Stegman. A roll call vote on said motion was taken.

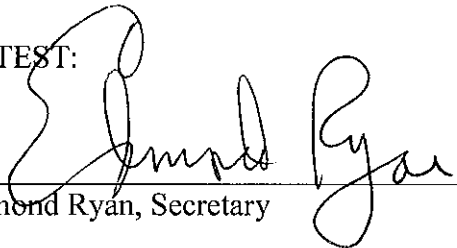
Director Hilmer yea.

Director Stegman yea.

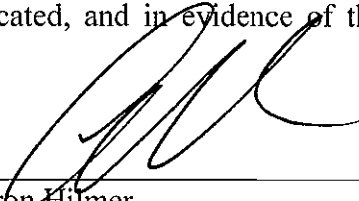
Director Ryan yea.

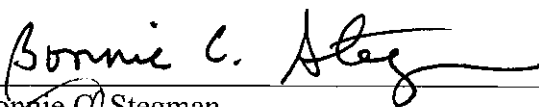
There being no further business, Mr. Hilmer adjourned the meeting at 4:29 p.m.

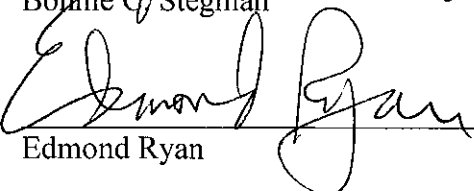
  
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Aaron Hilmer, Chairman

ATTEST:  
  
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Edmond Ryan, Secretary

The undersigned, being all members of the Board of Directors of the Mehlville Fire Protection District, have affixed their names thereto in evidence of their consent to the meeting at the time and place indicated, and in evidence of their approval of the actions taken at the said meeting.

  
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Aaron Hilmer

  
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Bonnie C. Stegman

  
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Edmond Ryan