City of Chesterfield

RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL
OF THE CITY OF CHESTERFIELD
AT 690 CHESTERFIELD PARKWAY WEST

FEBRUARY 2, 2009

The meeting was called to order at 7:04 p.m.

Mayor Nations led everyone in the Pledge of Allegiance and followed with a moment of silent prayer.

A roll call was taken with the following results:

PRESENT	ABSENT
Mayor John Nations	None
Councilmember Barry Flachsbart	
Councilmember Gene Schenberg	
Councilmember Bruce Geiger	
Councilmember Lee Erickson	
Councilmember Dan Hurt	
Councilmember Mike Casey	
Councilmember Bob Nation	
Councilmember Connie Fults	

APPROVAL OF MINUTES

The minutes of the January 21, 2009, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Erickson, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

COMMUNICATIONS AND PETITIONS

Ms. Marci Davis, who resides at 73 River Valley Drive, requested that Council reconsider Bill No. 2668/Ordinance No. 2509 (regulates/prohibits the keeping of non-domesticated animals in residential areas) to decrease the exemption from two acres to one acre. Ms. Davis summarized several hand-outs that she had distributed to the elected officials. Mayor Nations expressed his appreciation to Ms. Davis, on behalf of himself and the Councilmembers, for providing this information.

Mr. Mike McCarty, who resides at 73 River Valley Drive, requested that Council reconsider Bill No. 2668/Ordinance No. 2509 (regulates/prohibits the keeping of non-domesticated animals in residential areas) to decrease the exemption from two acres to one acre.

Mr. Gary Stein, who resides at 407 Greenstone Drive, announced that he is withdrawing his name as a candidate for the office of Councilmember, Ward I, for the April 7, 2009 Municipal Election. Mr. Stein stated that he was in the process of petitioning the court to remove his name from the ballot. Mayor Nations thanked Mr. Stein for his interest in being involved in the City and requested that Mr. Stein send him and/or the Ward I Councilmembers an e-mail about serving in another capacity.

Mr. Samuel Jones, who resides at 76 River Valley Drive, requested that Council reconsider Bill No. 2668/Ordinance No. 2509 (regulates/prohibits the keeping of non-domesticated animals in residential areas) to decrease the exemption from two acres to one acre.

Ms. Karen Thompson, who resides at 294 Ridge Trail Court, requested that Council reconsider Bill No. 2668/Ordinance No. 2509 (regulates/prohibits the keeping of non-domesticated animals in residential areas) to decrease the exemption from two acres to one acre.

Ms. Jaye Hague, who resides at 85 River Bend Drive, requested that Council reconsider Bill No. 2668/Ordinance No. 2509 (regulates/prohibits the keeping of non-domesticated animals in residential areas) to decrease the exemption from two acres to one acre.

Mr. Michael Finkes, who resides at 272 River Valley Drive, requested that Council reconsider Bill No. 2668/Ordinance No. 2509 (regulates/prohibits the keeping of non-domesticated animals in residential areas) to decrease the exemption from two acres to one acre and also requested that this ordinance be re-crafted to be more consistent with neighboring municipalities.

Ms. Marilyn Moonen, who resides at 81 River Bend Drive, requested that Council reconsider Bill No. 2668/Ordinance No. 2509 (regulates/prohibits the keeping of non-domesticated animals in residential areas) to decrease the exemption from two acres to one acre.

Mr. Don Moonen, who resides at 81 River Bend Drive, requested that Council reconsider Bill No. 2668/Ordinance No. 2509 (regulates/prohibits the keeping of non-domesticated animals in residential areas) to decrease the exemption from two acres to one acre.

Ms. Diane Slemmer, who resides at 112 Ridge Crest, requested that Council reconsider Bill No. 2668/Ordinance No. 2509 (regulates/prohibits the keeping of non-domesticated animals in residential areas) to decrease the exemption from two acres to one acre.

Ms. Karen Evans, who resides at 14809 Grantley Drive, requested that Council reconsider Bill No. 2668/Ordinance No. 2509 (regulates/prohibits the keeping of non-domesticated animals in residential areas) to decrease the exemption from two acres to one acre.

Ms. Barbara Nauert, who resides at 15904 Country Ridge Drive and is the President of the Board of Trustees of Clarkson Woods South subdivision, spoke in support of Bill No. 2668/Ordinance No. 2509 (regulates/prohibits the keeping of non-domesticated animals in residential areas), to retain the exemption of two acres.

Mr. Steve Greenwood, who resides at 14441 Corallin Drive and is a trustee of Windemere Place subdivision, spoke in support of Bill No. 2668/Ordinance No. 2509 (regulates/prohibits the keeping of non-domesticated animals in residential areas), to retain the exemption of two acres.

City Attorney Rob Heggie provided an explanation to those in attendance regarding the process of "reconsideration". He explained that, while this procedure is rarely used, it is available as a tool for use by City Council. However, a motion for "reconsideration" can only be made by a member of City Council, who voted with the prevailing side, and must be made at the meeting immediately following that meeting when final action had previously been taken. Mayor Nations confirmed that any ordinance, adopted/approved by City Council, could be changed or eliminated, at any time in the future, if desired by a majority of City Council. Discussion followed regarding the time that this ordinance had been studied, by the Public Health and Safety Committee and the previous debates that had occurred, at the City Council level. Mayor Nations stated that the outcome of tonight's vote on the re-consideration of this ordinance will not have any affect on the provision of the Windemere Place subdivision indentures. Councilmember Hurt indicated his intent to offer a "compromise" amendment, under the "LEGISLATION" portion of this meeting's agenda.

Mr. Gary Evans, who resides at 304 Dinsmoor and is a trustee of Windemere Place subdivision, spoke in support of Bill No. 2668/Ordinance No. 2509 (regulates/prohibits the keeping of non-domesticated animals in residential areas), to retain the exemption of two acres.

Mr. Jim Brattain, who resides at 298 Ridge Trail Drive, requested that Council reconsider Bill No. 2668/Ordinance No. 2509 (regulates/prohibits the keeping of non-domesticated animals in residential areas) to decrease the exemption from two acres to one acre.

INTRODUCTORY REMARKS

Mayor Nations announced that Gary Bader, who had filed as a candidate for the Office of Mayor for the April 7, 2009 Municipal Election, had withdrawn his name from the ballot. Because of this, Mayor Nations announced that he was running unopposed for the Office of Mayor, in the April 7 Municipal Election.

Mayor Nations recognized Matt Segal, who is a candidate for Councilmember in Ward I, in attendance at tonight's meeting.

Mayor Nations next announced that the next meeting of City Council has been scheduled for Wednesday, February 18, at 7 p.m. and that City Hall would be closed on Monday, February 16, in observance of the President's Day Holiday.

COUNCIL COMMITTEE REPORTS

Parks and Recreation Committee

Councilmember Barry Flachsbart, Chairperson of the Parks and Recreation Committee, made a motion, seconded by Councilmember Fults, to approve Resolution No. 350 (Approves renewal of contract with Chesterfield Arts). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart made a motion, seconded by Councilmember Schenberg, to approve Resolution No. 353 (Approves renewal of contract with Stages – St. Louis). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Finance and Administration Committee

Councilmember Lee Erickson, Chairperson of the Finance and Administration Committee, announced that the next meeting of this Committee has been scheduled for February 9 at 5:30 p.m.

Planning/Public Works Committee

Councilmember Dan Hurt, Chairperson of the Planning/Public Works Committee, made a motion, seconded by Councilmember Casey, to approve TSP 06-2008 [(Verizon Wireless (18301 Wild Horse Creek Road)]. Councilmember Flachsbart stated that this will include landscaping enhancements that some residents and City Councilmembers felt were needed. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt reported that Bill No. 2693 [P.Z. 25-2008, City of Chesterfield (Tree Preservation and Landscape Requirements)] will be read for the first time under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for February 19 at 5:30 p.m.

Public Health & Safety Committee

Councilmember Bob Nation, Chairperson of the Public Health & Safety Committee, reported that Bill No. 2668/Ordinance No. 2509 will be re-considered under the "Legislation" portion of the Agenda.

Councilmember Nation announced that the next meeting of this Committee has been scheduled for March 16 at 7:30AM.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that bids were recently sought for the purchase of two, 2.5 ton trucks, with dump bodies, snow plows and salt spreaders. Based upon a review of information provided by Public Works Director/City Engineer Brian McGownd, Mr. Herring joined with him in recommending award of a contract to F&C Truck Sales and Services, Inc., in an amount not to exceed $199,684. While this total is $684.00 over the amount contained within the FY2009 Budget, Staff has confirmed that savings realized in the purchase of other vehicles/equipment, within this account, will more than cover this "overage". In addition, Mr. McGownd has confirmed that, when the existing trucks are sold at auction, we will obtain approximately $12,000 - $16,000 per vehicle, in return. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to F&C Truck Sales and Services, Inc., in an amount not to exceed $199,684. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Erickson announced that he received many compliments from the residents regarding the City's great snow removal job during the last storm and asked that Mr. Herring convey this information to everyone involved.

Mr. Herring next reported that bids were recently sought for the purchase of two, 19,500 pound GVW trucks, with dump bodies, snow plows and salt spreaders. Based upon a review of information provided by Public Works Director/City Engineer Brian McGownd, Mr. Herring joined with him in recommending award of a contract to F&C Truck Sales and Services, Inc., in an amount not to exceed $132,152, for the purchase of these two vehicles. While this total is $11,152 over the amount contained within the FY2009 Budget, Staff has confirmed that savings realized in the purchase of other vehicles/equipment, within this account, will more than cover this "overage." Councilmember Casey made a motion, seconded by Councilmember Geiger, to award a contract to F&C Truck Sales and Services, Inc., in an amount not to exceed $132,152.

Councilmember Hurt commented that in response to a question asked in the Agenda Review meeting, the Director of Planning & Public Works stated there was a slight increase in the cost of these trucks because of the new clean air standards in 2010 and Councilmember Hurt stated that he agrees with this recommendation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Public Works Director/City Engineer Brian McGownd has received proposals from various firms regarding the provision of construction inspection services for capital projects, during 2009. The FY2009 Budget contains a total of $200,000 for this purpose. As a result of Staff's review of these proposals, and subsequent interviews, Mr. Herring joined with Public Works Director/City Engineer Brian McGownd in recommending City Council's authorization to contract for the services of three different individuals, from the firms of Shively Geotechnical and Oates and Associates. Should the need arise, Staff is also requesting City Council authorize utilizing the firms of SCI Engineering, Geocon and Shannon and Wilson. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to approve this recommendation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Public Works Director/City Engineer Brian McGownd has received and evaluated proposals regarding the provision of "supplemental testing services", on an as-needed basis, primarily for construction supervision and/or testing services, when City Staff is not otherwise available. Based upon a review of information provided by Public Works Director/City Engineer Brian McGownd, Mr. Herring joined with him in recommending award of a contract to Geocon Engineering, Inc. Mr. Herring stated that the FY2009 Budget contains $12,000 for this purpose. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to Geocon Engineering, Inc. A voice vote was taken with a unanimous affirmative (7-0-1, Councilmember Fults "abstained") result and the motion was declared passed.

Mr. Herring next reported that proposals were sought and evaluated by Staff, regarding this year's "pyrotechnic display" at our upcoming 4th of July Celebration. Based upon a review of information provided by Director of Parks and Recreation Darren Dunkle, Mr. Herring joined with him in recommending award of a contract to Lantis Fireworks and Lasers, in an amount not to exceed $50,000, which is the amount contained within the FY2009 Budget. Councilmember Schenberg made a motion, seconded by Councilmember Casey, to approve this recommendation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

LEGISLATION

BILL NO. 2668/ORDINANCE NO. 2509

AMENDS CHAPTER 5, SECTION 2 OF THE ORDINANCES OF THE CITY OF CHESTERFIELD AS IT RELATES TO ANIMAL CONTROL BY ADDING PROVISIONS THERETO **(RECONSIDERATION)**

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to amend Bill No. 2668, Section 2, to add the language presented by City Attorney Rob Heggie at the end of Section 2, to read as follows: "Persons keeping farm animals, including horses, donkeys, mules, cows, pigs (including pot-bellied pigs), chicken hens and other fowl and poultry on property less than two acres, but more than one acre, as of February 2, 2009, shall be permitted to keep raising said farm animals on their property that is greater than one acre in size. All persons who begin to raise or keep said farm animals after February 2, 2009 shall do so exclusively on property of at least two acres in size." Councilmember Casey stated that in the twenty year history of the City, this ordinance did not exist and it has created some isolated situations in lots of less than one acre. Councilmember Casey stated that the Public Health & Safety Committee agreed with the one-acre exemption and then the two-acre exemption was added at the second reading of Bill No. 2668. Councilmember Casey stated that he thinks Councilmember Hurt's motion "accomplishes both goals." Councilmember Erickson noted that he is in favor of the amendment. Councilmember Geiger asked Mr. Heggie if his language excludes roosters and Mr. Heggie said it does not exclude roosters on lots that are two acres or larger. Discussion ensued about further amending the ordinance to include roosters, as well as the application of subdivision indentures to control this situation, with no further action being taken. Mr. Heggie next discussed those who would be grand-fathered under this ordinance, as well as the enforcement of this ordinance. A roll call vote was taken for the approval of the motion to amend Bill No. 2668 with the following results: Ayes – Geiger, Nation, Erickson, Casey, Flachsbart, Fults, Schenberg and Hurt. Nays – None. Whereupon Mayor Nations declared the motion to amend Bill No. 2668 approved.

Councilmember Hurt made a motion, seconded by Councilmember Casey, to approve Bill 2668, as amended. A roll call vote was taken for the passage and approval of Bill No. 2668, as amended, with the following results: Ayes – Nation, Geiger, Flachsbart, Casey, Hurt, Schenberg, Erickson and Fults. Nays – None. Whereupon Mayor Nations declared Bill No. 2668, as amended, approved, passed it and it became **ORDINANCE NO. 2509.**

LEGISLATION – PLANNING COMMISSION

BILL NO. 2693 AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE NUMBER 2367 AND REPLACING IT WITH A NEW TREE PRESERVATION AND LANDSCAPE REQUIREMENTS ORDINANCE WHICH AMENDS THE TREE PRESERVATION AND LANDSCAPE REQUIREMENTS WITHIN THE CITY OF CHESTERFIELD [P.Z. 24-2008 CITY OF CHESTERFIELD (TREE PRESERVATION AND LANDSCAPE REQUIREMENTS)] (**FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE ATTACHED "GREEN SHEET"**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2693. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2693 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, to amend Bill No. 2693 pursuant to the "green sheet" attached. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

ADJOURNMENT

Mayor Nations adjourned the meeting at 8:20 p.m.

Mayor John Nations

ATTEST:

Judith A. Naggiar, City Clerk