



RECORD OF PROCEEDING

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

February 20, 2008

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

Mayor Nations led everyone in the Pledge of Allegiance and then recognized Reverend T.D. Stubblefield, Police Chaplain for the City of Chesterfield and Pastor of First Baptist Church of Chesterfield, who provided the invocation and offered comforting words to all, regarding the recent tragic events, in Kirkwood, Northern Illinois University and Chesterfield. There followed a moment of silent prayer for the victims of each of those shootings.

A roll call was taken with the following results:

PRESENT

Mayor John Nations
Councilmember Barry Flachsbart
Councilmember Jane Durrell
Councilmember Bruce Geiger
Councilmember Lee Erickson
Councilmember Dan Hurt
Councilmember Mike Casey
Councilmember Bob Nation
Councilmember Connie Fults

ABSENT

None

Mayor Nations recognized Former Councilmember Mary Brown, who was in attendance.

APPROVAL OF MINUTES

The minutes of the February 4, 2008, City Council meeting were submitted for approval. Councilmember Erickson made a motion, seconded by Councilmember Nation, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

KIRKWOOD TRAGEDY - Mayor Nations spoke on the recent tragedy at the City of Kirkwood Council meeting on February 7 and that it shocked and saddened everyone. Mayor Nations stated that this incident occurred while people were performing their duties and devoting their time to improve their communities. Mayor Nations stated that violence in that setting “is a tragedy which is beyond the ability of the language to adequately express the shock and horror of.” Mayor Nations stated that a lot of the people in Kirkwood are personal friends of his that he has worked with for a long time and that he served with Mayor Swoboda on more than one regional board. Mayor Nations stated that Mayor Swoboda has been “a great friend” to him and has made a “tremendous contribution to the people of Kirkwood and the people of the region.” Mayor Nations stated he was delighted to report that “against incalculable odds” Mayor Mike Swoboda continues to improve after surgery and that “our prayers are with him as he continues his journey to recovery.” Mayor Nations stated that people gather all across the country every night in town halls to lend their time to improve their communities, just like the City of Chesterfield. Mayor Nations stated that “the incident in Kirkwood is truly an isolated incident” and stated that “town halls are some of the safest places to be when you consider the number of meetings which go on.” Mayor Nations stated “it is part of the foundation of our republic that we gather as we have for more than two centuries to work on our local issues.” Mayor Nations stated that “your City government comes the closest to you” and “we are the place where the people are closest to us.” Mayor Nations stated that the City wants “everyone to feel that they are welcome and that their City government is open to them.” Mayor Nations continued: “Communities will move on from this senseless tragedy, as we will, but we will remember the victims in Kirkwood and we are devoted to having a good, open government here in the City of Chesterfield.” Mayor Nations stated that “it is paramount that at every one of our meetings that everybody, not just City Council members, not just Mayors, but that everyone is in a safe environment.” Mayor Nations stated that a “lot of thought has been given to your safety” and that all people coming to Chesterfield’s City Hall should feel welcome, that their City government is open to them, and that security measures are in place to assure the safety of citizens.

Councilmember Erickson next spoke about the recent tragedies about the murder of Chesterfield resident, Nancy Miller, who was a retired Post-Dispatch editor.

Councilmember Erickson next spoke about the tragic murders of Police Sergeant William Biggs, Police Officer Tom Ballman, Councilwoman Connie Karr, Councilman Mike Lynch, and Public Works Director Kenneth Yost at Kirkwood City Hall. Councilmember Erickson next spoke about the murders of Catalina Garcia, Daniel Parmenter, Ryanne

Mace, Julianna Gehant and Gayle Dubowski at Northern Illinois University. Councilmember Erickson stated “that we are shocked, and we are horrified; we experienced anger, sadness and grief.” Councilmember Erickson stated that “with humility and reverence for the fallen, today, at this moment, in these Council chambers, and in front of our flag, I believe we must not be silent” and that “we must publicly affirm a strong value that we all hold to be true: that violence is not tolerable.”

Mayor Nations reported that the City of Chesterfield is the first city in the State of Missouri to achieve the Moody’s “Aaa” bond rating and that this recognition reflects the work of everyone who has been a part of the City from the beginning.

Mayor Nations announced that the “Imagine Art Here” Workshop will be held at City Hall on Wednesday, February 27, at 6:00 p.m.

Mayor Nations next announced that the Planning Commission meeting scheduled for February 25 has been cancelled and has been re-scheduled for March 10.

Mayor Nations next announced that the Missouri Chapter of the American Council of Engineering Companies has given an Engineering Excellence Award to EDSI and the City of Chesterfield in connection with the expansion of the Chesterfield Valley Athletic Complex (CVAC).

Mayor Nations next announced that the next meeting of City Council has been scheduled for Monday, March 3, at 7 p.m.

COMMUNICATIONS AND PETITIONS

John Schifano, petitioner, supported Bill No. 2616 (P.Z. 48-2007 Clocktower Plaza) and stated that a 5:00 a.m. opening time for a fitness business would have a minimal effect on residents. Councilmember Nation asked Mr. Schifano if the door facing north on the north end of the building could be the only door used during the hours prior to 7:00 a.m. Mr. Schifano responded that the particular units that this business is considering are the second and third ones from the north end. Mr. Schifano stated that the variance request is only for this specific business. Councilmember Fults stated that she called several residents from Ward IV and they are in attendance at the City Council meeting and will speak on this issue. Councilmember Fults stated that the hours were very crucial to the support of this project and does not want to set a precedent for other businesses who want to open for business prior to 7:00 a.m. Councilmember Durrell suggested that Mr. Schifano speak tonight with the Ward IV residents in attendance to discuss the issue.

Dr. Vincent P. Perna, who resides at 16787 Chesterfield Bluffs Circle, President of the Board of Directors of the Villas at Chesterfield Bluffs Corporation, spoke in opposition to Bill No. 2616 (P.Z. 48-2007 Clocktower Plaza). Dr. Perna provided a copy of his statement to the Councilmembers.

Dean Wolfe, petitioner, stated he was available to answer questions on Bill No. 2617 (P.Z. 49-2007 - Chesterfield Blue Valley, LLC).

George Stock, petitioner, stated he was available to answer questions on Bill No. 2617 (P.Z. 49-2007 - Chesterfield Blue Valley, LLC).

COUNCIL COMMITTEE REPORTS

Public Health and Safety Committee

Councilmember Barry Flachsbart, Chairperson of the Public Health and Safety Committee, reported that Bill No. 2624 (Authorizes creation of a 3-way stop, at the intersection of Stablestone Drive and Windcreek Drive), Bill No. 2623 (Authorizes creation of 3-way stop, at the intersection of River Valley Drive and Ridge Trail Drive), and Bill No. 2621 (Approves placement of a stop sign, on Gatemont Drive, at its intersection with Britannia Drive) will be considered for FIRST READING approval under the “Legislation” portion of the Agenda.

Councilmember Flachsbart next reported that the Police Department will include a survey for the public on Police activities in an upcoming “CITIZEN Newsletter.” Councilmember Flachsbart reported that the Police Department has a new “Child Check” program which is designed to prevent the tragedy of small children being left alone in vehicles, especially during the summer months. Councilmember Flachsbart stated that the plan is to distribute mirror hangers noting that there is a child in the vehicle and that the hanger would be removed from the vehicle mirror when the child is removed from the vehicle. Councilmember Erickson commended Chief of Police Ray Johnson and the Police Department for raising safety awareness on this issue.

Finance and Administration Committee

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee, reported that Bill No. 2615 (Authorizes the issuance and sale of General Obligation Refunding Bonds) will be considered for adoption under the “Legislation” portion of the Agenda. Councilmember Geiger reported that the City received 15 bids and Commerce Bank had the winning bid with an average interest rate of 2.75%. Councilmember Geiger stated that the savings to the City will be approximately \$356,000. Councilmember Geiger commended Financial Advisor Michelle Bock and Director of Finance and Administration Lori Helle for their work on the general obligation refunding bonds.

Parks and Recreation Committee

Councilmember Mike Casey, Chairperson of the Parks and Recreation Committee, reported that Bill No. 2622 (Amends Ordinance No. 2102 by deleting the previously-adopted "Parks Rules and Regulations" and adopts the new "Parks Rules and

Regulations") will be read for the first time under the "Legislation" portion of the Agenda.

Mayor Nations asked President Pro Tem Mike Casey to temporarily preside over the meeting. President Pro Tem Mike Casey recognized Councilmember Connie Fults, Chairperson of the Planning and Public Works Committee.

Planning and Public Works Committee

Councilmember Connie Fults, Chairperson of the Planning and Public Works Committee, reported that Bill No. 2613 (P.Z.24 – 2007 – Mark Andy) will be considered for adoption under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Fults next reported that Bill No. 2616 (P.Z. 48-2007 - Clocktower Plaza) and Bill No. 2617 (P.Z. 49-2007 - Chesterfield Blue Valley, LLC) will be read for the first time under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Fults next reported that Bill No. 2618 (Approves record plat for Chesterfield Commons Four) and Bill No. 2619 (Approves boundary adjustment plat for Friendship Village) are scheduled for both first and second reading approval, under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Fults next reported that Bill. No. 2620 (Grading Ordinance Amendment (Natural Watercourse Protection) will be read for the first time under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Fults made a motion, seconded by Councilmember Geiger, to award a contract to Midwest Testing in an amount not to exceed \$19,000, to be funded from TIF proceeds, for professional services related to preparing a permit modification to the existing Chesterfield Valley Wetland Permit. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for Thursday, February 21, at 5:30 p.m.

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to suspend the rules to enable consideration of Resolution No. 349 (Authorizes Mayor Nations to sign a "tax credit" application, for STAGES - ST. LOUIS), as well as Bill No. 2615 (Authorizes the issuance and sale of General Obligation Refunding Bonds), Bill No. 2613 (P.Z. 24-2007 – Mark Andy), Bill No. 2618 (Approves record plat for Chesterfield Commons Four), and Bill No. 2619 (Approves boundary adjustment plat for Friendship Village). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

City Attorney Rob Heggie reported that **Resolution No. 349** would authorize Mayor Nations to sign a "tax credit" application, for STAGES - ST. LOUIS and submit same to the Missouri Development Finance Board (MDFB). He noted that City Administrator Herring and Libbey Malberg, Ass't City Administrator for Community Services and Economic Development had been working on this project, along with Mayor Nations, for several months. Mr. Heggie noted that "no City funds will be obligated or expended for this project" and "the City incurs no liability or risk in this project". Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to approve **Resolution No. 349**. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. President Pro Tem Casey commended City Attorney Heggie for his efforts on this application.

LEGISLATION

BILL NO. 2615 AUTHORIZES AND DIRECTS THE ISSUANCE, SALE AND DELIVERY OF \$5,255,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2008, OF THE CITY OF CHESTERFIELD, MISSOURI; PRESCRIBING THE FORM AND DETAILS OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH. **(SECOND READING – FINANCE & ADMINISTRATION COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Geiger made a motion, seconded by Councilmember Hurt, for a second reading of Bill No. 2615. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2615 was read for the second time. [Mayor Nations returned to the meeting at this time.] A roll call vote was taken for the passage and approval of Bill No. 2615 with the following results: Ayes – Fults, Erickson, Hurt, Flachsbart, Nation, Geiger, Casey and Durrell. Nays – None. Whereupon Mayor Nations declared Bill No. 2615 approved, passed it and it became **ORDINANCE NO. 2433**.

BILL NO. 2620 AMENDS ORDINANCES 1973, 1998 AND 2231 AS EMBODIED IN CHAPTER 12, GRADING, EROSION AND SEDIMENT CONTROL, OF THE CITY CODE BY ADDING REQUIREMENTS RELATIVE TO NATURAL WATERCOURSE PROTECTION. **(FIRST READING – PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2620. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2620 was read for the first time.

BILL NO. 2621 AMENDS ORDINANCE NUMBER 35, SCHEDULE VI, INTERSECTION STOPS, OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THERETO TO INCLUDE BRITANIA DRIVE AT GATEMONT DRIVE.
(FIRST READING – PUBLIC HEALTH & SAFETY COMMITTEE RECOMMENDS APPROVAL)

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2621. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2621 was read for the first time.

Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to suspend the rules for consideration of a second reading of Bill No. 2621 (Approves placement of a stop sign, on Gatemont Drive, at its intersection with Britannia Drive), Bill No. 2623 (Authorizes creation of 3-way stop, at the intersection of River Valley Drive and Ridge Trail Drive), and Bill No. 2624 (Authorizes creation of a 3-way stop, at the intersection of Stablestone Drive and Windcreek Drive). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2621. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2621 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2621 with the following results: Ayes – Geiger, Fults, Erickson, Durrell, Flachsbart, Casey, Hurt and Nation. Nays – None. Whereupon Mayor Nations declared Bill No. 2621 approved, passed it and it became **ORDINANCE NO. 2434**.

BILL NO. 2623 AMENDS ORDINANCE NUMBER 35, SCHEDULE VI, INTERSECTION STOPS, OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THERETO TO INCLUDE RIVER VALLEY DRIVE AT RIDGE TRAIL DRIVE.
(FIRST READING – PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL)

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2623. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2623 was read for the first time.

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2623. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2623 was read for the second time.

A roll call vote was taken for the passage and approval of Bill No. 2623 with the following results: Ayes –Hurt, Erickson, Durrell, Fults, Flachsbart, Geiger, Nation and Casey. Nays – None. Whereupon Mayor Nations declared Bill No. 2623 approved, passed it and it became **ORDINANCE NO. 2435.**

BILL NO. 2624 AMENDS ORDINANCE NUMBER 35, SCHEDULE VI, INTERSECTION STOPS, OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THERETO TO INCLUDE STABLESTONE DRIVE AT WINDCREEK DRIVE. **(FIRST READING – PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2624. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2624 was read for the first time.

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2624. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2624 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2624 with the following results: Ayes – Casey, Erickson, Hurt, Nation, Flachsbart, Geiger, Fults and Durrell. Nays – None. Whereupon Mayor Nations declared Bill No. 2624 approved, passed it and it became **ORDINANCE NO. 2436.**

BILL NO. 2622 AMENDS CITY OF CHESTERFIELD ORDINANCE NO. 2102 BY DELETING THE CURRENT RULES AND REGULATIONS AND ADOPTING THE ATTACHED PARKS RULES AND REGULATIONS **(FIRST READING - PARKS AND RECREATION COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Casey made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 2622. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2622 was read for the first time.

[Councilmember Hurt left the City Council meeting at this time.]

LEGISLATION - PLANNING COMMISSION

BILL NO. 2613 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “M-3” PLANNED INDUSTRIAL DISTRICT TO A “PI” PLANNED INDUSTRIAL DISTRICT FOR A 23 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF

CHESTERFIELD AIRPORT ROAD ONE HALF MILE WEST
OF THE CORNER OF LONG RD. AND CHESTERFIELD
AIRPORT RD. **(SECOND READING – PLANNING
COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2613. A voice vote was taken with an affirmative result (7-0) and the motion was declared passed. Bill No. 2613 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2613 with the following results: Ayes – Nation, Flachsbart, Casey, Durrell, Geiger, Erickson and Fults. Nays – None. Whereupon Mayor Nations declared Bill No. 2613 approved, passed it and it became **ORDINANCE NO. 2437.**

BILL NO. 2616 AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE 2247 AND REPLACING IT WITH AN ORDINANCE ALLOWING FOR THE ADDITION OF RECREATIONAL USES AND ESTABLISHMENT OF HOURS OF OPERATION FOR SAID USE FOR A "PC" PLANNED COMMERCIAL DISTRICT FOR A 2.61 ACRE TRACT OF LAND LOCATED ON CHESTERFIELD COMMONS EAST, EAST OF ITS INTERSECTION OF EDISON AVENUE (P.Z. 48-2007 CLOCKTOWER PLAZA) **(FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED, AS DETAILED IN THE ATTACHED "GREEN SHEET")**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2616. A voice vote was taken with an affirmative result (7-0) and the motion was declared passed. Bill No. 2616 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, to amend Bill No. 2616 pursuant to the Green Sheet to read: “hours of operation for restaurants, retail sale and recreational uses shall be limited to as follows: 7:00 a.m. – 9:30 p.m. seven (7) days a week.” Discussion ensued regarding setting a precedent on business opening hours. A roll call vote was taken for the passage and approval of the motion to amend Bill No. 2616 pursuant to the Green Sheet with the following results: Ayes – Durrell, Nation, Casey, Erickson, Flachsbart, Geiger and Fults. Nays – None. Mayor Nations declared the motion passed.

BILL NO. 2617 AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE NUMBERS 2236 AND 2425 TO ALLOW FOR CONSOLIDATING TWO (2) “PC” PLANNED COMMERCIAL DISTRICTS TOTALING 130.9 ACRES LOCATED ON THE NORTH SIDE OF OLIVE STREET ROAD, WEST OF ITS INTERSECTION WITH CHESTERFIELD AIRPORT ROAD.

[(17W540078, 16W230053 PART OF, 17W520025, 17W530123, 16W210022 PART OF, 16W210033 PART OF, 16W230042 PART OF)/P.Z. 49-2007 CHESTERFIELD BLUE VALLEY, LLC] **(FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED, AS DETAILED IN THE ATTACHED "GREEN SHEET")**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2617. A voice vote was taken with an affirmative result (7-0) and the motion was declared passed. Bill No. 2617 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, to amend Bill No. 2617, pursuant to the Green Sheets. A voice vote was taken with an affirmative result (7-0) and the motion was declared passed.

BILL NO. 2618 AN ORDINANCE PROVIDING FOR THE APPROVAL OF THE RECORD PLAT FOR CHESTERFIELD COMMONS FOUR, A 21.64 ACRE TRACT OF LAND ZONED "PI" PLANNED INDUSTRIAL DISTRICT, LOCATED SOUTH OF CHESTERFIELD AIRPORT ROAD AND EAST OF PUBLIC WORKS DRIVE. **(FIRST AND SECOND READINGS; PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2618. A voice vote was taken with an affirmative result (7-0) and the motion was declared passed. Bill No. 2618 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2618. A voice vote was taken with a unanimous affirmative result (7-0) and the motion was declared passed. Bill No. 2618 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2618 with the following results: Ayes – Geiger, Erickson, Casey, Nation, Fults, Flachsbart and Durrell. Nays – None. Whereupon Mayor Nations declared Bill No. 2618 approved, passed it and it became **ORDINANCE NO. 2438**.

BILL NO. 2619 AN ORDINANCE APPROVING A BOUNDARY ADJUSTMENT PLAT FOR A TRACT OF LAND BEING PART OF LOTS 1 AND 2 OF THE HUGO ESSEN FARM IN U.S. SURVEYS 154 & 157, TOWNSHIP 45 NORTH, RANGE 4 EAST, CITY OF CHESTERFIELD, SAINT LOUIS COUNTY, MISSOURI. (FRIENDSHIP VILLAGE OF WEST COUNTY BOUNDARY ADJUSTMENT PLAT, FRIENDSHIP VILLAGE

**OF WEST COUNTY) (FIRST AND SECOND READINGS;
PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2619. A voice vote was taken with an affirmative result (7-0) and the motion was declared passed. Bill No. 2619 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2619. A voice vote was taken with a unanimous affirmative result (7-0) and the motion was declared passed. Bill No. 2619 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2619 with the following results: Ayes – Erickson, Nation, Fults, Geiger, Durrell, Flachsbart and Casey. Nays – None. Whereupon Mayor Nations declared Bill No. 2619 approved, passed it and it became **ORDINANCE NO. 2439**.

REPORT OF THE CITY ADMINISTATOR

City Administrator Mike Herring reported that bids were recently sought for mulching services, at various locations in the City. Based upon a review of the information provided to him by Darren Dunkle, Acting-Director of Parks and Recreation, Mr. Herring joined with him in recommending award of a contract to Express Mulch, in an amount not to exceed \$54,000. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to Express Mulch, in an amount not to exceed \$54,000. A voice vote was taken with an affirmative result (7-0) and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for the replacement of the AC rooftop unit, at the Public Works Maintenance Facility. Based upon a review of the information provided to him by Brian McGownd, Public Works Director/City Engineer, Mr. Herring joined with him in recommending award of a contract to the Murphy Company, in an amount not to exceed \$16,000. Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to award a contract to the Murphy Company, in an amount not to exceed \$16,000. A voice vote was taken with an affirmative result (7-0) and the motion was declared passed.

Mr. Herring next reported that Staff is recommending a 1-year contract extension with Walden Associated Technologies, at a rate of \$138/hour, for storm sewer joint repair, on an "as needed" basis. Based upon a review of the information provided to him by Brian McGownd, Public Works Director/City Engineer, Mr. Herring joined with him in recommending this 1-year contract extension. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to approve a 1-year contract extension with Walden Associated Technologies, at a rate of \$138/hour, for storm sewer joint repair, on an "as needed" basis. A voice vote was taken with an affirmative result (7-0) and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for capital street reconstruction projects, within Area "A". Based upon a review of the information provided to him by Brian McGownd, Public Works Director/City Engineer, Mr. Herring joined with him in recommending award of a contract to Amcon Municipal Concrete, in an amount not to exceed \$1,200,000. Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to award a contract to Amcon Municipal Concrete, in an amount not to exceed \$1,200,000. A voice vote was taken with an affirmative result (7-0) and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for annual street repairs in Area "B", funded by the 1/2 cent sales tax for capital improvements. Based upon a review of the information provided to him by Brian McGownd, Public Works Director/City Engineer, Mr. Herring joined with him in recommending award of a contract to J.M. Marschuetz Construction Company, in an amount not to exceed \$1,3000,000. This entire amount is funded by proceeds generated by the 1/2 cent sales tax for capital improvements and contained within the FY2008 Budget. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to J.M. Marschuetz Construction Company, in an amount not to exceed \$1, 3000,000. A voice vote was taken with an affirmative result (7-0) and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for the purchase of a brush chipper, for use by both the Parks and Recreation Department and the Dept. of Public Works. Based upon a review of the information provided to him by Darren Dunkle, Acting-Director of Parks and Recreation, Mr. Herring joined with him in recommending award of a contract to Vermeer Midwest, at a total purchase price of \$49,950. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to Vermeer Midwest, at a total purchase price of \$49,950. A voice vote was taken with an affirmative result (7-0) and the motion was declared passed.

Councilmember Flachsbart commended Staff on recommending the best bids to ensure quality work.

Councilmember Geiger requested that the Public Health and Safety Committee meet with Chief Johnson to discuss security at City Hall. Mayor Nations stated that this Committee will schedule a meeting and that Chief Johnson has already been reviewing the situation. Councilmember Geiger asked City Attorney Heggie if all of these safety discussions would be held in an Executive Session. City Attorney Heggie responded that he would check into this and that he will find a way to get this done in an appropriate manner. Councilmember Flachsbart stated that he feels there is a great deal of confidence in the Police force and that they do an excellent job.

ADJOURNMENT

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

Mayor John Nations

ATTEST:

Judith A. Naggiar, City Clerk