



## RECORD OF PROCEEDING

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

**February 23, 2005**

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The meeting was called to order at 7 p.m., by Mayor John Nations.

Girl Scout Troop #1544 from River Bend Elementary School led everyone in the Pledge of Allegiance: Teresa Barton, Lindsey Fafoglia, Katie Richards, Meaghan Flynn, Megan Goddard, Taylor Kennedy, Sara Schwegman, Rachael Morris, Samantha Denslow, Alexandra Weldon, Emily Walters and Molly Bonini. Also in attendance were Troop Leaders Carolyn Richards and Suzan Schwegman.

Mayor Nations then led everyone in a moment of silent prayer.

A roll call was taken with the following results:

#### PRESENT

Mayor John Nations  
Councilmember Barry Flachsbart  
Councilmember Jane Durrell  
Councilmember Barry Streeter  
Councilmember Bruce Geiger  
Councilmember Dan Hurt  
Councilmember Mike Casey  
Councilmember Mary K. Brown  
Councilmember Connie Fults

#### ABSENT

None

#### APPROVAL OF MINUTES

The Minutes of the February 7, 2005, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Durrell, to approve

those Minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **INTRODUCTORY REMARKS**

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

## **COMMUNICATIONS AND PETITIONS**

Randy Logan, 14597 Harleston Village, Chairperson of the Parks, Recreation and Arts Citizens Advisory Committee, shared with City Council that the PRACAC is busy developing ideas for enhancements to all City parks. Those improvements can now be funded, due to the passage of Proposition P, in November, 2004. He also urged everyone in attendance to attend the “Friends of the Big Muddy”, which will be a hike along the Missouri River on Saturday, February 26.

Todd Bender, who resides at 216 Appaloosa Drive, supported Bill No. 2319 (P. Z. 10-2004, Barry Simon Development, Fox Hill Farms)

Geoff Yothers, architect for The Home Depot supported Bill No. 2334 (P.Z. 27-2004, THF Chesterfield Three Development – Home Depot).

William Ruby, who resides at 404 Griffith Lane, supported Bill No. 2319 (P. Z. 10-2004, Barry Simon Development, Fox Hill Farms)

Nabeel Gareeb, who resides on Eagle Bluff Court, opposed Bill No. 2319 (P. Z. 10-2004, Barry Simon Development, Fox Hill Farms)

Steve Kling, who resides in Clayton, opposed Bill No. 2319 (P. Z. 10-2004, Barry Simon Development, Fox Hill Farms)

Art Handman, who resides on Eagle Bluff Court, opposed Bill No. 2319 (P. Z. 10-2004, Barry Simon Development, Fox Hill Farms)

Mike Doster, attorney for the petitioner, supported Bill No. 2319 (P. Z. 10-2004, Barry Simon Development, Fox Hill Farms)

James L. Rohlffing, attorney representing landowner Lenore Ross, supported Bill No. 2319 (P. Z. 10-2004, Barry Simon Development, Fox Hill Farms)

Charles Ross (husband of Lenore Ross), who resides at 2250 Village Green Parkway, supported Bill No. 2319 (P. Z. 10-2004, Barry Simon Development, Fox Hill Farms)

Ed Tanffe, who resides at 17914 White Robin Court, supported Bill No. 2319 (P. Z. 10-2004, Barry Simon Development, Fox Hill Farms)

## **APPOINTMENTS**

Mayor Nations introduced Resolution No. 315 and Resolution No. 316 which re-appoints City Clerk Marty DeMay and Prosecuting Attorney Tim Englemeyer, respectively, for a four-year term. Ms. DeMay's term begins April 16, 2005 and expires April 16, 2009. Mr. Englemeyer's term begins May 7, 2005 and expires May 7, 2009. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to adopt both Resolution No. 315 and Resolution No. 316. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **COUNCIL COMMITTEE REPORTS**

### **Planning and Zoning Committee**

Councilmember Bruce Geiger, Chairperson of the Planning and Zoning Committee, made a motion to table Bill #2319 - P.Z. 10-2004, Barry Simon Development (Fox Hill Farms) until the September 19, 2005 City Council meeting, due to legal issues and pending litigation related to this proposed development. City Attorney Beach noted that, should all litigation and other issues be resolved, prior to that date, City Council could vote to reconsider this proposal, at an earlier date. The motion was seconded by Councilmember Streeter. Discussion ensued. It was noted that the date can only be changed by City Council. A roll call vote was taken with the following results: Ayes – Casey, Geiger, Fults, Durrell, Streeter, Flachsbart and Brown. Nays – Hurt. Mayor Nations declared the motion passed.

Councilmember Geiger reported that Bill #2334 (P.Z. 27-2004, THF Chesterfield Three Development - Home Depot) and Bill #2336 (Boundary Adjustment Plat - Chesterfield Village - Yia Yia's) will be considered for adoption under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Geiger announced that the next meeting of this Committee has been scheduled for February 24 at 5:30 p.m.

### **Public Works/Parks Committee**

Councilmember Dan Hurt, Chairperson of the Public Works/Parks Committee, reported that Bill No. 2335 (Accepts public streets within Appaloosa Way Subdivision) would be considered for adoption under the "Legislation" portion of the agenda.

Councilmember Hurt next reported on the proposed transfer of \$500,000 from Fund Reserves for additional capital street and sidewalk construction projects. He further reported that Staff indicated they might not be able to use all the funding which would be transferred to the Public Works Department. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to transfer \$500,000 from Fund Reserves for

additional capital street and sidewalk construction projects. Councilmember Brown noted that the F&A Committee had voted 3-1 NOT to support this recommendation. She further noted that City Council had appropriated \$500,000 of surplus dollars, when the FY2005 Budget was adopted, to fund additional capital street/sidewalk improvements and Staff had informed the F&A Committee that an additional \$350,000 was now going to be spent, due to savings regarding the “Pathway on the Parkway” project. A roll call vote was taken with the following results: Ayes – Flachsbart and Hurt. Nays – Durrell, Fults, Geiger, Casey, Streeter and Brown. Mayor Nations declared the motion failed.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for March 16 at 5:45 p.m.

### **REPORT OF THE CITY ADMINISTRATOR**

City Administrator Mike Herring reported that a liquor license application has been received from Hot ‘n Sour, located at 45 Forum Center, to serve beer and wine, by-the-drink and Sunday sales. This application has been reviewed and recommended for approval by both the Departments of Planning and Police. Mr. Herring joined with them in recommending approval of this liquor license. Councilmember Streeter made a motion, seconded by Councilmember Durrell, to approve a liquor license for Hot ‘n Sour restaurant, as recommended above. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that given the fact that the expenditure portion of the “Redevelopment Agreement” with the Monarch-Chesterfield Levee District is winding down, Staff recommends that, as provided within said “Redevelopment Agreement”, an audit be performed to ensure compliance with all the terms/conditions of that Agreement. Based upon Staff’s research, Mr. Herring is recommending that the firm of Development Dynamics undertake and complete said audit, at a total cost, not to exceed \$12,500. The entire cost of this audit will be paid with TIF funds. He further noted that this work is beyond the capability of the in-house Staff and that the City auditor is ineligible to perform this review, since they also audit the Levee District. Councilmember Flachsbart made a motion, seconded by Councilmember Brown, to award a contract to Development Dynamics to undertake and complete said audit, at a total cost, not to exceed \$12,500. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that he joined with Director of Public Works/City Engineer Mike Geisel, in recommending award of a contract to SCI Engineering, Inc. for the provision of supplemental testing and inspection services, on an as-needed basis, throughout the year. This work is designed to supplement construction supervision and testing services provided by City Staff. He noted that the F.Y. 2005 Budget provides \$10,000 for this purpose. As has been the case in the past, Midwest Engineering, PSI, SHIVELY, Quality Testing and Engineering, Inc., TERRACON and Shannon Wilson can/will be used if/when SCI Engineering is not available, with the lowest rates being used first. Councilmember Brown made a motion, seconded by Councilmember Casey,

to award a contract to SCI Engineering, Inc. for the provision of supplemental testing and inspection services, on an as-needed basis, throughout the year. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for the purchase of three (3) counter-top, ventless deep - fryers, for the City's concession operations, at various park locations. The F.Y. 2005 Budget contains an allocation of \$36,243 for equipment purchases, related to concession operations. Having reviewed the information provided by Mr. Geisel, Mr. Herring joined with him in recommending award of a contract to Midwest Equipment Company, Inc., for the purchase of three (3) counter top, ventless deep-fryers. The total cost of this purchase will be \$16,350. Councilmember Casey made a motion to hold this bid award until the Parks Department could conduct an investigation as to other healthy food items that could be obtained to sell at the athletic fields. The motion died for lack of a second. Councilmember Flachsbart made a motion, seconded by Councilmember Brown, to authorize purchase of three (3) counter top, ventless deep-fryers, from Midwest Equipment Company, at a total cost of \$16,350. A voice vote was taken with an affirmative result (Councilmember Casey voted "No") and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for the purchase of two (2) 2.5 ton trucks, with dump bodies, snow plows and salt spreaders. Having reviewed the information provided to him by Mr. Geisel, Mr. Herring recommended award of a contract to DEGEL Truck Center, for a total purchase price of \$153,034. He noted that the F.Y. 2005 Budget provides \$164,800 for this purchase and that this represents a "savings" of \$11,700. These "savings" will cover minor overages resulting from the previous purchase of various pieces of equipment. Councilmember Casey made a motion, seconded by Councilmember Fults, to award a contract to DEGEL Truck Center, for a total purchase price of \$153,034. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for the purchase of a wheeled loader, for the scheduled replacement of an existing loader. Based upon a review of the information provided to him by Mr. Geisel, Mr. Herring joined with him in recommending award of a contract to FABICK Tractor Company, for a total purchase price of \$90,950. Mr. Herring noted that the F.Y. 2005 Budget provides \$120,000 for this purchase. The "savings" realized on this purchase, of \$29,050, will be used to offset slight overages already experienced and/or overages that might result with the purchase of additional pieces of equipment, in the future. Councilmember Casey made a motion, seconded by Councilmember Fults, to award a contract to FABICK Tractor Company, for a total purchase price of \$90,950, for a wheeled loader, as described above. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for the purchase of two (2) skid-steer loaders. One loader is authorized within the F.Y. 2005 Budget. The second loader will be purchased, utilizing funds appropriated by City Council for additional capital

street/sidewalk projects, citywide. This second loader will enable a second, full-time crew to be dedicated/equipped for such work. Having reviewed the information provided to him by Mr. Geisel, Mr. Herring joined with Mr. Geisel in recommending award of a contract, for the purchase of the first skid-steer loader, to Bobcat of St. Louis, at a total purchase price of \$10,500. Mr. Herring noted that the F.Y. 2005 Budget contains an appropriation of \$19,000 for this purchase. Mr. Herring further recommended award of a contract to Bobcat of St. Louis, for the purchase of the second loader, at a total purchase price of \$20,800. Funds for that purchase will come from the \$500,000 previously appropriated by City Council, for capital street/sidewalk repairs. Councilmember Hurt made a motion, seconded by Councilmember Casey, to award a contract to Bobcat of St. Louis, at a total purchase price of \$31,300, for the purchase of two (2) skid-steer loaders, as described above. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for the purchase of two (2) 19,500 pound trucks, with dump bodies, snow plows and salt spreaders. Having reviewed the information provided to him by Mr. Geisel, Mr. Herring joined with Mr. Geisel in recommending award of a contract to DEGEL Truck Center, at a total purchase price of \$103,202. Mr. Herring noted that the F.Y. 2005 Budget provides an appropriation of \$95,480 for this purchase. With that in mind, this recommendation is approximately \$8,000 over budget. However, savings realized with regard to the purchase of other pieces of capital equipment, as noted above, will more than cover this cost overrun. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to DEGEL Truck Center, at a total purchase price of \$103,202., for the purchase of two (2) 19,500 pound trucks, with dump bodies/snow plows and salt spreaders. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **LEGISLATION**

**BILL NO. 2335**                    **PERTAINS TO THE ACCEPTANCE OF PUBLIC STREETS  
WITHIN APPALOOSA WAY SUBDIVISION IN THE CITY  
OF CHESTERFIELD (SECOND READING-PUBLIC  
WORKS/PARKS COMMITTEE)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2335. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2335 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2335, with the following results: Ayes – Geiger, Casey, Durrell, Brown, Flachsbart, Fults, Streeter and Hurt. Nays - None. Whereupon, Mayor Nations declared Bill No. 2335 approved, passed it and it became **ORDINANCE NO. 2155.**

## **LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2334** REPEALS CITY OF CHESTERFIELD ORDINANCE 1624 AND REPLACES IT WITH AN ORDINANCE ALLOWING SEASONAL OUTDOOR STORAGE FOR THE WESTERNMOST ANCHOR STORE OF CHESTERFIELD COMMONS WEST, FROM MARCH 15 UNTIL OCTOBER 15 OF EACH YEAR (P.Z. 27-2004, THF CHESTERFIELD THREE DEVELOPMENT – HOME DEPOT) (**SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Geiger made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2334. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2334 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2334, with the following results: Ayes – Hurt, Flachsbart, Casey, Streeter, Brown, Geiger, Fults and Durrell. Nays - None. Whereupon, Mayor Nations declared Bill No. 2334 approved, passed it and it became **ORDINANCE NO. 2156.**

**BILL NO. 2336** APPROVES A BOUNDARY ADJUSTMENT PLAT OF LOT 9 AND 10 OF THE JOHN LONG ESTATE, IN U.S. SURVEYS 154 AND 415, TOWNSHIP 45, NORTH RANGE 4 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, STATE OF MISSOURI. (CHESTERFIELD VILLAGE, SOUTHEAST QUADRANT, YIA YIA’S) (**FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2336. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2336 was read for the first time.

Councilmember Geiger made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2336. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2336 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2336, with the following results: Ayes – Casey, Streeter, Hurt, Brown, Geiger, Fults, Durrell and Flachsbart. Nays - None. Whereupon, Mayor Nations declared Bill No. 2336 approved, passed it and it became **ORDINANCE NO. 2157.**

### **ADJOURNMENT**

Mayor Nations adjourned the meeting at 8 p.m.

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Mayor John Nations

ATTEST:

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Martha L. DeMay, City Clerk