



## RECORD OF PROCEEDING

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

**March 1, 2004**

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

Girl Scout Troop #982 from Shenandoah Valley School led everyone in the Pledge of Allegiance: Abbey Hickert, Syd Tockman, Yuma Izumi, Ann Ni, Brittany Hill, Melissa Zhao and Kristina Hodges. Also in attendance were Troop Leaders Julie Brown and Dolly Streeter.

Mayor John Nations followed the Pledge of Allegiance with 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 18, 2004, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Durrell, to approve the City Council minutes. A voice vote was taken with an affirmative result (Councilmember Durrell "Abstained") and the motion was declared passed.

## **INTRODUCTORY REMARKS**

Mayor John Nations recognized Councilmember Jane Durrell, Council liaison to the Historical Commission, urged everyone to attend the 200<sup>th</sup> Anniversary Lewis and Clark Expedition “Corps of Discovery” programs offered free to the public at City Hall during the months of March, April and May.

Mayor Nations announced that the next meeting of City Council has been scheduled for March 15 at 7 p.m.

## **APPOINTMENTS**

Mayor Nations placed the names of Jerry Right and Steve Lander in nomination as members of the Landmark Preservation Commission. Councilmember Flachsbart made a motion, seconded by Councilmember Durrell, to appoint Mr. Right and Mr. Lander to the Landmark Preservation Commission. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Right’s term will expire June 30, 2005 and Mr. Lander’s term will expire June 30, 2004.

## **COUNCIL COMMITTEE REPORTS**

### **Planning and Zoning Committee**

Councilmember Barry Streeter, Chairperson of the Planning and Zoning Committee, reported that Bill #2245 (P.Z. 26-2003, City of Chesterfield (Lighting Ordinance) and Bill #2247 (P.Z. 28-2003, City of Chesterfield (Time limitation on inactive petitions) will be read for the first time and Bill #2248 (Approves a record plat for Long Road Crossing) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Streeter made a motion, seconded by Councilmember Geiger to hold Bill #2246 regarding the Shenandoah Ordinance Amendment for further review. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Streeter announced that the next meeting of this Committee has been scheduled for March 4 at 5:30 p.m.

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

Councilmember Connie Fults, Chairperson of the Public Works/Parks Committee, reported that Bill No. 2244 (approves a fire hydrant in Tara Estates) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for March 31 at 5:45 p.m.

## **REPORT OF THE CITY ADMINISTRATOR**

City Administrator Mike Herring reported that based upon recommendations from the City's Employee Retirement Plan Committee and the Finance and Administration Committee, as approved by City Council, he and Jeremy Craig, Director of Finance and Administration, have been working, over the past several months, to identify a consultant that, in their opinion, would be qualified to undertake and complete a thorough analysis of the retirement benefit provided by the City of Chesterfield. The consultant would be required to identify any changes/improvements that might be made to the current plan and/or any alternatives that might be available to the City, with the understanding that the City is limited to its current level of funding. Mr. Herring and Mr. Craig recommend that City Council authorize a contract with CBIZ, at a cost not-to-exceed \$57,000, for the completion of this work, over the next four (4) months. If approved by City Council, it will be necessary to transfer this entire amount from Fund Reserves. Councilmember Durrell made a motion, seconded by Councilmember Fults to approve a contract with CBIZ, at a cost not to exceed \$57,000 to undertake and complete an analysis of the current retirement benefit plan provided by the City and identify any changes/improvements that might be made to the current plan and the cost of the contract will be taken from Fund Reserves. Discussion ensued. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to accept Parts 1 and 3 of the Plan, but remove Part 2 at a cost of \$15,000. Additional ensued. Mayor Nations called for a roll call vote with the following results: Ayes – Hurt, Flachsbart and Streeter. Nays – Durrell, Geiger, Brown, Casey and Fults. Mayor Nations declared the motion failed. He then called for a vote on the main motion with the following results: Ayes – Fults, Casey, Streeter, Brown, Geiger, Flachsbart, Hurt and Durrell. Mayor Nations declared the motion passed.

Mr. Herring next reported that the following businesses are seeking City Council approval for the issuance of liquor licenses: Greenwood's Sports Grill, 137 Chesterfield Towne Center and Miller's Crossing, 14156 Olive Boulevard, both restaurants to serve all kinds of liquor by the drink and Sunday sales. Mr. Herring noted that each application has been reviewed and approved by both the Departments of Planning and Police. Councilmember Casey made a motion, seconded by Councilmember Brown, to approve issuance of the liquor licenses. 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 contractual services to mulch trees, shrubs and other planting areas at various beautification locations throughout the City of Chesterfield, as well as City Hall. Based upon the recommendation provided to him by Director of Public Works/City Engineer Mike Geisel, he joined with him in recommending award of a contract to Land Design, D/B/A Mulch-Tech, in an amount not to exceed \$38,480. Councilmember Casey made a motion, seconded by Councilmember Brown to award a contract to Land Design, D/B/A Mulch-Tech, in an amount not to exceed \$38,480, for mulch to be used around trees, shrubs and other planting areas throughout the City. 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 expansion of team dugouts on Field Number Two, at the Chesterfield Valley Athletic Complex (CVAC). He recalled that City Council previously approved funding for this project and gave authorization for us to seek bids for this work. Based upon Mr. Geisel's recommendation, Mr. Herring joined with him in recommending award of a contract to the Harlan Company, in an amount not to exceed \$18,480. Councilmember Casey made a motion, seconded by Councilmember Brown, to award a contract to the Harlan Company, in an amount not to exceed \$18,480, for dugout improvements at CVAC. 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 utility cart for use by the Parks Division of the Public Works Department. Having reviewed the information provided to him by Mr. Geisel, Mr. Herring joined with Mr. Geisel in recommending the purchase of a utility cart from Turf Professionals Equipment Company, at a total cost of \$11,207.56. Mr. Herring noted that the FY2004 Budget contains an appropriation of \$24,000 for the purchase of this utility cart. It should be noted, however, that an additional cart will be sought, in the near future. However, the total anticipated purchase price of both vehicles will be less than the budgeted amount. Councilmember Casey made a motion, seconded by Councilmember Brown, to approve the purchase of a utility cart from Turf Professionals Equipment Company, at a total cost of \$11,207.56. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that proposals were recently sought for supplemental, professional testing services, on an as-needed basis. Based upon the recommendation from Mr. Geisel, Mr. Herring joined with him in recommending the firm of Professional Services Incorporated (PSI). Mr. Herring noted that the FY2004 Budget provides \$10,000 for this purpose. Councilmember Casey made a motion, seconded by Councilmember Brown, to accept the proposal submitted by the firm of Professional Services Incorporated (PSI) for professional testing services on an as-needed basis. 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 supplemental inspection services, in conjunction with street reconstruction projects, funded by the ½ cent sales tax for capital improvements. Based upon the recommendation of Mr. Geisel, he joined with him in recommending that staff be authorized to contract with three different engineering firms: Shively Geotechnical, SCI Engineering and Midwest Engineering. Mr. Herring noted that the authorization requested is to spend not more than \$200,000 for the collective services of these three firms. These services are designed to supplement efforts by City employees with regard to these construction projects. Employees from these firms will serve as the City's on-site representatives, during all construction phases of these projects. Councilmember Casey made a motion, seconded by Councilmember Brown, to contract with Shively Geotechnical, SCI Engineering and Midwest Engineering for supplemental inspection services, in conjunction with street

reconstruction projects, which will be funded by the ½ cent sales tax for capital improvements. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that the Chesterfield Community Development Corporation (CCDC) voted to extend its current contract with McKinney Associates, for another six-month period, from May 1, 2004 through October 31, 2004. The CCDC Board is requesting that City Council follow suit and extend its current contract with CCDC for these professional services. Resolution No. 297 will need to be adopted by City Council in order to approve this six-month extension. The current cost to the City of Chesterfield, for these services, is \$3500/month, which is paid entirely from the TIF fund. Councilmember Brown made a motion, seconded by Councilmember Casey, to adopt Resolution No. 297. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

### **NEW BUSINESS**

City Attorney Doug Beach stated that during the Executive Session, which was held prior to the City Council meeting, City Council discussed Bill No. 2249, which provides a retainer agreement with the law firm of Kloren & Hillary LLC to provide special legal services to the City of Chesterfield for the pursuit of fees from wireless telecommunication companies operating in Chesterfield. A motion was made by Councilmember Flachsbart, seconded by Councilmember Durrell, to amend the agenda to permit both readings of Bill No. 2249 at this point in time in the agenda, due to time being of the essence. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Flachsbart made a motion, seconded by Councilmember Durrell, to read Bill No. 2249 for the first time. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Beach read Bill No. 2249 for the first time. Councilmember Flachsbart called for the second reading of Bill No. 2249. Councilmember Hurt seconded the motion. Mr. Beach read Bill No. 2249 for the second time. Mayor Nations then called for the roll call vote on Bill No. 2249 with the following results: Ayes – Hurt, Durrell, Flachsbart, Brown, Geiger, Casey and Fults. Councilmember Streeter “Abstained.” Mayor Nations declared the motion passed. Bill No. 2249 became **Ordinance No. 2067**.

### **LEGISLATION**

#### **BILL NO. 2244**

**APPROVES THE INSTALLATION OF A FIRE HYDRANT IN TARA ESTATES SUBDIVISION, LOCATED WITHIN THE CITY OF CHESTERFIELD (FIRST AND SECOND READINGS – PUBLIC WORKS/PARKS COMMITTEE)**

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 2244. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2244 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, for a second reading of Bill No. 2244. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2244 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2244, with the following results: Ayes –Geiger, Streeter, Casey, Durrell, Fults, Hurt, Flachsbart and Brown. Nays - None. Whereupon, Mayor Nations declared Bill No. 2244 approved, passed it and it became **ORDINANCE NO. 2068**.

### **LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2245** AMENDS THE CITY OF CHESTERFIELD ZONING ORDINANCE FOR THE ESTABLISHMENT OF A UNIFIED ORDINANCE TO ESTABLISH LIGHTING CRITERIA (P.Z. 26-2003, CITY OF CHESTERFIELD/LIGHTING ORDINANCE) (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS RECOMMENDED BY THE ATTACHED “GREEN SHEET”**)

Councilmember Streeter made a motion, seconded by Councilmember Geiger, for the first reading of Bill No. 2245. Councilmember Streeter then made a motion, seconded by Councilmember Geiger, to amend Attachment A to reflect the changes that appear on the “green sheet” attached to the bill. City Attorney Beach will review Attachment A. Bill No. 2245 was read for the first time.

**BILL NO. 2247** AMENDS THE CITY OF CHESTERFIELD ZONING ORDINANCE SECTION 1003.300 (11) TO ESTABLISH TIME LIMITATIONS ON INACTIVE PETITIONS AND TO AMEND SECTION 1003.300 (12) (P.Z. 28-2003, CITY OF CHESTERFIELD/TIME LIMITATIONS ON INACTIVE PETITIONS) (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED BY THE ENCLOSED “GREEN SHEET”**)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2247. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2247 was read for the first time, Councilmember Streeter made a motion, seconded by Councilmember Flachsbart, to amend Bill No. 2247 according to the changes which were suggested by Mayor Nations in Section 1003.300 (11), Item 12, A (1) and B. Discussion took place regarding the

interpretation of “inactive status”. A final draft will be complete prior to the second reading.

**BILL NO. 2248** PROVIDES FOR THE APPROVAL OF A RECORD PLAT FOR LONG ROAD CROSSING FOR A 22.995 ACRE TRACT OF LAND ZONED “PC” PLANNED COMMERCIAL DISTRICT, LOCATED ON THE WEST SIDE OF LONG ROAD, NORTH OF CHESTERFIELD AIRPORT ROAD (**FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2248. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2248 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2248. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2248 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2248, with the following results: Ayes – Brown, Flachsbart, Hurt, Fults, Durrell, Casey, Streeter and Geiger. Nays - None. Whereupon, Mayor Nations declared Bill No. 2248 approved, passed it and it became **ORDINANCE NO. 2069**.

**ADJOURNMENT**

Mayor Nations adjourned the meeting at 8:10 p.m.

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Mayor John Nations

**ATTEST:**

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Martha L. DeMay, City Clerk