



## RECORD OF PROCEEDING

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

**March 7, 2005**

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

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

#### **INTRODUCTORY REMARKS**

Mayor Nations introduced Ryan Ackerman, a fifth grade student at Chesterfield Day School. He then read a Proclamation, honoring Ryan for taking first place in his school's Geography Bee. Ryan will soon be competing in a qualifying test to see if he will represent Chesterfield in the State Bee, on April 1.

Mayor Nations announced that the next meeting of City Council has been scheduled for March 21, at 7 p.m.

Councilmember Durrell announced that the historical program, "Journeys into the Past", a program on early colonial times in Missouri, will be presented at 7:30 p.m. on March 16 at City Hall and urged everyone to attend.

#### **ROLL CALL**

Mayor Nations asked City Clerk Marty DeMay to call the roll, with the following results:

##### **PRESENT**

Mayor John Nations  
Councilmember Barry Flachsbart  
Councilmember Jane Durrell  
Councilmember Barry Streeter

##### **ABSENT**

None

Councilmember Bruce Geiger  
Councilmember Dan Hurt  
Councilmember Mike Casey  
Councilmember Mary K. Brown  
Councilmember Connie Fults

### **APPROVAL OF MINUTES**

The minutes of the February 23, 2005, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Geiger, 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**

Erin Shank from the Powder Valley Nature Center represented the Missouri Department of Conservation and supported Bill No. 2337, which prohibits the feeding of Canada geese and white-tailed deer in Chesterfield.

Jeff Travers, who resides at 14573 Bexhill Court, supported Bill No. 2337, which prohibits the feeding of Canada geese and white-tailed deer in Chesterfield.

Jim Schafbuch, who resides at 26 Chesterton Lane, supported Bill No. 2337, which prohibits the feeding of Canada geese and white-tailed deer in Chesterfield.

Wendy Geckeler, who resides at 26 Chesterfield Lakes, supported Bill No. 2337, which prohibits the feeding of Canada geese and white-tailed deer in Chesterfield.

Bob Uhlman, who resides at 15965 Sewell Court, supported Bill No. 2337, which prohibits the feeding of Canada geese and white-tailed deer in Chesterfield.

Tina Worth, who resides at 1748 Baxter Forest Valley Court, supported Bill No. 2337, which prohibits the feeding of Canada geese and white-tailed deer in Chesterfield.

Kay Folsom, who resides at 1747 Baxter Forest Valley Drive, supported Bill No. 2337, which prohibits the feeding of Canada geese and white-tailed deer in Chesterfield.

### **COUNCIL COMMITTEE REPORTS**

#### **Public Health and Safety Committee**

Councilmember Barry Flachsbar, Chairperson of the Public Health and Safety Committee, reported that Bill No. 2337 (Prohibits the feeding of Canada geese and white-tailed deer), Bill No. 2338 (Establishes a 45 MPH speed limit on Edison Avenue) and Bill No. 2339 (Prohibits U-turns on Chesterfield Airport Road, west of Olive Street Road) will be read for the first time under the "Legislation" portion of the agenda.

Councilmember Flachsbart stated that the next meeting date for this Committee has not been set.

### **Planning and Zoning Committee**

Councilmember Bruce Geiger, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2340 (Chesterfield Oaks – Capitol Land Company) will be read for the first time under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Geiger announced that the next meeting of this Committee has been scheduled for March 10 at 5:30 p.m.

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

Councilmember Dan Hurt, Chairperson of the Public Works/Parks Committee, announced that the next meeting of this Committee has been scheduled for March 16 at 5:45 p.m.

[Mayor Nations recognized the Boy Scouts from Troop #505 from Incarnate Word Parish and welcomed them to the City Council meeting. He briefly explained how/why things “work” at these meetings.]

### **Finance and Administration Committee**

Councilmember Mary Brown, Chairperson of the Finance and Administration Committee, introduced City Administrator Mike Herring. Mr. Herring summarized the process which led to City Council approving the funding for a consultant to study possible ways of enhancing the current Employee Retirement Plan. He discussed the selection of CBIZ as the consultants hired to complete this study and the establishment of an “Employee Study Committee” to interact with CBIZ, throughout this process. This “Study Committee” was led by Director of Finance and Administration Jeremy Craig. The recommendations coming from this “Study Committee” and CBIZ, which were developed over the course of a year, was first sent to the Retirement Plan Trustees, who voted unanimously to endorse the various recommendations to be discussed this evening. Those recommendations were then sent to the Finance and Administration Committee for review. The F&A Committee had discussed these recommendations for 2-3 months, prior to forwarding same to City Council, for final review/approval. Councilmember Brown stated that she supports all of the recommendations, which will be discussed tonight, and requested Council support; however, she noted that two of the recommendations were not endorsed by the F&A Committee, which she indicated that she would explain, in greater detail, later in the meeting.

Councilmember Brown made a motion, seconded by Councilmember Casey, to contract with CBIZ to seek competitive proposals for a new “fund manager” for the City’s retirement plan. The City is looking to obtain a plan with lower administrative fees, a

better performing family of funds, individualized investment advice and investment services for both the City's retirement funds and all "deferred comp" assets, as well as a consolidated statement detailing performance of each fund. A motion was made by Councilmember Brown, seconded by Councilmember Casey, to award a contract to CBIZ, in an amount not to exceed \$5000. The dollars to fund this last phase of the retirement study will come from Fund Reserves. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Brown next made a motion, seconded by Councilmember Fults, to change the vesting schedule from a 7-year step to a 5-year cliff. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Brown next made a motion, seconded by Councilmember Casey, to lower the early retirement age, from 59 to 55 and to lower the normal retirement age, from 65 to 60. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Brown next made a motion, seconded by Councilmember Casey, to authorize Staff to seek proposals from qualified firms to perform a "fiduciary review" of the performance of the City's retirement funds. This will be performed every 3 years. The total cost estimated at \$5,000 - \$7,000 and will come from the forfeiture dollars (non-vested funds) captured and maintained within the retirement fund account.

Discussion ensued. A roll call vote was taken on the motion, with the following results: Ayes –Flachsbart, Streeter, Hurt, Casey and Durrell and Geiger. Nays – Fults and Brown. Mayor Nations declared the motion passed

Councilmember Brown next made a motion to fund the Employee Retirement Plan at the full 8%. Councilmember Fults seconded the motion. Councilmember Hurt noted that this means that the non-vested forfeiture funds will stay in the Retirement Plan, which has not been done in the past. A roll call vote was taken with the following results: Ayes – Fults, Flachsbart, Brown, Streeter, Durrell, Geiger, Casey and Hurt. Nays - None. Mayor Nations declared the motion passed.

Councilmember Brown next made a motion to create an option of a 4% "floor" guarantee on each employee's 401A account. Under this proposal, each employee would be required to turn over his/her assets, to a professional fund manager, as appointed by the City, ten years prior to retirement, in exchange for this guarantee. She noted that this recommendation was NOT recommended for approval by the F&A Committee. Councilmember Fults seconded the motion. Discussion ensued. A roll call vote was taken, with the following results: Ayes – Fults and Brown. Nays – Geiger, Durrell, Streeter, Flachsbart, Casey and Hurt. Mayor Nations declared the motion failed.

Councilmember Brown next made a motion to establish a "1% Defined Benefit" type of "floor" for each employee's 401A account, with the same restrictions/requirements, as noted above. Councilmember Fults seconded the motion. Discussion ensued. A roll call

vote was taken, with the following results: Ayes – Brown and Fults. Nays – Geiger, Durrell, Streeter, Flachsbart, Casey and Hurt. Mayor Nations declared the motion failed.

Mr. Herring recognized Ms. Beth Grellner, representing CBIZ, and commended her on her work in assisting the “Employee Study Committee” in developing the Retirement Plan enhancements.

Councilmember Brown next made a motion, seconded by Councilmember Fults, to approve a proposed “Fraud Policy”, which had been prepared by Staff, as recommended by the City’s auditing firm. City Attorney Beach recommended that the policy be amended to state: “removal of any City of Chesterfield asset from the property *without proper authority...*”. A voice vote was taken with a unanimous affirmative result and the motion was declared passed, with the amendment suggested by Mr. Beach.

Councilmember Brown announced that the next meeting of this Committee has been scheduled for March 9 at 5 p.m.

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

City Administrator Mike Herring reported that given an F.Y. 2005 Budget allocation of \$203,000, Staff recently interviewed Professional Engineers, to provide supplemental inspection services for Street Reconstruction Projects, funded by the ½ cent sales tax for Capital Improvements. Based upon that process, he recommended that Staff be authorized to employ the services of qualified professionals from the firms of Shively, Geo Technical, SCI Engineering and Midwest Engineering, at a total estimated cost of \$200,000, on an as-needed basis. Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, to employ the services of qualified professionals from the firms of Shively, Geo Technical, SCI Engineering and Midwest Engineering, at a total estimated cost of \$200,000, on an as-needed basis. A voice vote was taken with an affirmative result (Councilmember Hurt was not present for the vote) and the motion was declared passed.

Mr. Herring next reported that Staff is requesting authorization to submit a grant application for a major street reconstruction of Stablestone Drive/Green Trails North, from Olive Boulevard to Ladue Road. If successful in acquiring grant funds, the City would be able to obtain approximately \$1,155,000 of the total cost of this project, estimated at \$1,650,000. He noted that this project is contained within Staff’s already identified list of projects, scheduled for the 2009-2010 construction season. In authorizing application for these grant funds, City Council will also need to authorize payment of an application fee, of \$5,775. If the City is unsuccessful in obtaining this grant, this entire amount will be refunded to the City of Chesterfield. If the City is successful, this amount will be applied toward the match for these grant dollars. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to authorize submittal of a grant application for a major street reconstruction of Stablestone Drive/Green Trails North, from Olive Boulevard to Ladue Road, along with the required

“application fee”, as noted above. A voice vote was taken with an affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for the replacement of fencing at the Chesterfield Valley Athletic Complex (CVAC). Having reviewed the information provided to him, he joined with Mr. Geisel in recommending award of a contract to Budget Fence, in an amount not to exceed \$275,000. This cost will be split between insurance proceeds of \$114,994 and bond proceeds resulting from the passage of Proposition P, totaling \$160,006. Councilmember Casey made a motion, seconded by Councilmember Streeter, to award a contract to Budget Fence, in an amount not to exceed \$275,000. A voice vote was taken with an affirmative results (Councilmember Hurt was not present for the vote) and the motion was declared passed.

Mr. Herring next reported that Director of Public Works/City Engineer Mike Geisel is recommending award of a contract for the purchase/installation of lights for athletic fields at the Chesterfield Valley Athletic Complex (CVAC) to MUSCO Lighting, based upon a previously-approved cooperative pricing agreement, in an amount not to exceed \$196,157. The entire cost will be covered by bond proceeds resulting from the passage of Proposition P. Mr. Herring recalled that City Council was asked, at the February 7 City Council meeting, to approve a similar recommendation, in an amount not to exceed \$52,728. That recommendation involved lighting for the “Miracle Field” only. It was necessary for Staff to segregate these bid recommendations, since there are separate sources of funding for each. This particular recommendation, in an amount not to exceed \$196,157, will be for the lighting of CVAC fields 5, 6, 10, 11 and 12. Mr. Herring recalled that the City is able to charge a premium for those patrons who use lighted fields and that there is exceptional demand for this increased capacity at the CVAC. Councilmember Casey made a motion, seconded by Councilmember Brown, to award a contract for the purchase/installation of lights for athletic fields at the Chesterfield Valley Athletic Complex (CVAC) to MUSCO Lighting, based upon a previously-approved cooperative pricing agreement, in an amount not to exceed \$196,157. The entire cost will be covered by bond proceeds resulting from the passage of Proposition P. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that based upon information obtained from Director of Public Works/City Engineer Mike Geisel, he joined with him in recommending award of a contract to Bobcat of St. Louis, at a net cost of \$17,250. The F.Y. 2005 Budget contains an appropriation of \$9,200 for the purchase of one of these planers. Mr. Herring stated that it is the City’s plan, if approved by City Council, to charge \$8,625 against this appropriation. The additional \$8,625 will be charged against the \$500,000 appropriation, approved City Council for additional concrete street repairs. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to award of a contract to Bobcat of St. Louis, at a net cost of \$17,250. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **NEW BUSINESS**

Councilmember Geiger next reported that that at the December 5 City Council meeting, Council passed a motion stating that “no money for Economic Development will be expended from the \$100,000 line item prior to March 15, unless authorized by the City Council.” Since that meeting, Councilmember Geiger reported that the Chesterfield Community Development Corporation made a presentation to the Finance and Administration Committee on February 22. As a result of this meeting, a list of questions was forwarded to Mr. Herring for his response. Councilmember Geiger announced that a meeting of the F&A Committee has been scheduled for March 9 to discuss Mr. Herring’s responses/recommendation and a final vote could, possibly, be taken at the time, by the Committee. Councilmember Geiger stated that, if F&A voted to forward a recommendation to City Council, it could be voted on by City Council, as early as March 21. Councilmember Geiger made a motion that no money for economic development would be expended from the \$100,000 line item for Economic Development, prior to the April 18, 2005 City Council meeting, unless authorized by the City Council. The motion was seconded by Councilmember Casey. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart suggested that a “swipe” lock be installed on the new Council Room door for easy access to the room. The cost of the lock is approximately \$7,800. Mr. Herring confirmed that this item will be placed on the Finance and Administration agenda for discussion.

## **LEGISLATION**

**BILL NO. 2337**            **PROHIBITS THE FEEDING OF CERTAIN WILDLIFE WITHIN THE CITY OF CHESTERFIELD (FIRST READING – PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2337. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2337 was read for the first time.

Councilmember Flachsbart made a motion, seconded by Councilmember Durrell, to suspend the rules and have the second reading of Bill No. 2337. A voice vote was taken with a negative result (only Councilmember Flachsbart voted “Yes”) and the motion was declared defeated.

**BILL NO. 2338**            **AMENDS ORDINANCE NO. 35, SCHEDULE III OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY AMENDING THE SPECIAL SPEED LIMIT FOR EDISON AVENUE, EAST OF LONG ROAD TO BAXTER ROAD, TO SAID SCHEDULE III – SPECIAL SPEED LIMITS ON COUNTY HIGHWAYS, ROADS OR STREETS (FIRST READING – PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2338. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2338 was read for the first time. Councilmember Casey stated his intention to vote “No” at the second reading of this legislation. He noted his support for a possible increase to 40mph, but not to 45mph.

**BILL NO. 2339** AMENDS ORDINANCE NO. 35, SCHEDULE IV OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THERETO TO RESTRICT U-TURNS FOR EASTBOUND TRAFFIC ON CHESTERFIELD AIRPORT ROAD, APPROXIMATELY 1,500 FEET WEST OF OLIVE STREET ROAD (**FIRST READING – PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2339. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2339 was read for the first time.

### **LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2340** REPEALS CITY OF CHESTERFIELD ORDINANCE 2132 AND REPLACES IT WITH A NEW ORDINANCE AMENDING THE HOURS OF OPERATION AS OUTLINED IN SECTION I (B) (3) FOR CHESTERFIELD OAKS, A 6.494- ACRE “PC” PLANNED COMMERCIAL DISTRICT LOCATED NORTH OF LEA OAKS DRIVE, EAST OF CLARKSON ROAD, WEST OF OLD BAXTER ROAD AND SOUTH OF CHESTERFIELD PARKWAY EAST (CHESTERFIELD OAKS/CAPITOL LAND COMPANY) (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2340. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2340 was read for the first time.

### **ADJOURNMENT**

Councilmember Streeter made a motion, seconded by Councilmember Casey, to go into Executive Session (closed meeting) to discuss RSMo 610.021 (1) real estate and RSMo 610.021 (3) personnel matters. A roll call vote was taken with the following results: Ayes – Flachsbart, Durrell, Geiger, Streeter, Hurt, Casey, Brown and Fults. Nays – None. Mayor Nations declared the motion passed and adjourned the meeting at 8:45 p.m.

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Mayor John Nations

ATTEST:

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Martha L. DeMay, City Clerk