

# RECORD OF PROCEEDING

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

**March 18, 2002**

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

A roll call was taken with the following results:

PRESENT

ABSENT

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 Charles Scheidt

None

The Pledge of Allegiance was led by Girl Scout Troop #4375 from River Bend Elementary School: Ashley Campbell, Kaitlin Bumpus, Eliah Overbey, Katie Strutz, Sophie Wrobel, Melody Mann, Allison Taylor, Courtney Guenther and Carley Kerstin. Also in attendance were Troop Leaders Marlene Strutz, Beverly Wrobel and Deb Guenther.

Mayor Nations led those in attendance in a moment of silent prayer.

**APPROVAL OF MINUTES**

The minutes of the March 4, 2002, City Council meeting were submitted for approval. Councilmember Casey made a motion to approve the City Council minutes. Councilmember Streeter seconded the motion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**INTRODUCTORY REMARKS**

Mayor Nations reminded those in attendance to vote on Tuesday, April 2.

Mayor Nations reported that the next City Council meeting is April 15, 2002.

Mayor Nations invited the public to participate in two public meetings regarding parks on March 27 at 7:00 p.m. and March 28 at 8:00 p.m. at City Hall.

### **COMMUNICATIONS AND PETITIONS**

Marcia McDonald, who resides at 14986 Chateau Village Drive, spoke in opposition to the medians proposed for the Baxter Road Project, due to cost and safety issues.

William Kientz, who resides at 14981 Chateau Village Drive, opposed the proposed medians included in the Baxter Road Project.

Alan Politte, who resides at 14972 Manor Ridge, spoke in favor of the proposed medians included in the Baxter Road Project.

Karyn Griffin, who resides at 16657 Chesterfield Manor Drive, expressed concern about the recommended changes in procedures regarding Executive Sessions.

Barbara Burkemper, who resides in Chesterfield Lakes Subdivision, spoke in favor of hiring a consultant for Spirit Airport operations.

Bob Henrikson, who resides at 22 Baxter Lane, opposed hiring a consultant for Spirit Airport operations. Mr. Henrikson asked for clarification on the motive of the environmental study. Mayor Nations responded that the proposal is for the City to hire its own independent consultant to determine what ability, if any, the City has to regulate the operations at Spirit Airport. He noted that the City has no view in favor or against the operations at Spirit Airport. City Attorney Beach stated that one of the issues is whether or not Spirit Airport has complied with all of the environmental requirements to date or are there additional environmental issues, which might be related to future development.

Bob Nation, who resides at 17669 Bridgeway Circle, spoke in favor of hiring a consultant for Spirit Airport operations.

Rod Falgout, who resides at 1224 Hillcrest Field Dr., spoke in favor of hiring a consultant for Spirit Airport operations.

Peter Field, who resides at 17619 Bridgeway Circle Dr., opposed hiring a consultant for Spirit Airport operations.

Craig Decker, who resides at 15518 Century Lake Dr., opposed hiring a consultant for Spirit Airport operations.

Jeff Edwards, who resides at 17704 Greystone, opposed hiring a consultant for Spirit Airport operations.

Michael Griffin, who resides at 16657 Chesterfield Manor Drive, opposed hiring a consultant for Spirit Airport operations.

Ron Jewell, who resides at 14516 Britannia Drive, opposed hiring a consultant for Spirit Airport operations.

Bernice Wehmer, who resides at #1 Wilson Ridge Ct., opposed hiring a consultant for Spirit Airport operations.

Councilmember Geiger made a motion, seconded by Councilmember Scheidt, to suspend the rules of Council to amend the agenda to address the Public Health and Safety Committee item regarding the proposal to hire a consultant regarding Spirit Airport issues. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **COUNCIL COMMITTEE REPORTS**

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

Councilmember Flachsbart made a motion, seconded by Councilmember Brown, to authorize the hiring of a consultant relative to Spirit Airport operations at a cost not to exceed \$15,000 to be taken from fund reserves.

Councilmember Streeter stated his objections to the recommendation to hire a consultant for Spirit Airport operations since the City cannot control patterns, noise, hours of operation, etc. Councilmember Streeter stated that the intent of the proposal is nebulous and the City has no authority to affect the operation of Spirit Airport. Councilmember Brown stated the study would provide information to help answer residents' concerns. Councilmember Brown stated her interest is to hire an impartial expert to give the City information on aviation law and how cities function with an airport in their municipality controlled by the County Government. Councilmember Brown then stated that the City hires many consultants and it is the City's responsibility to evaluate the information that is provided. Councilmember Hurt stated he concurred with Councilmember Streeter's comments regarding the nebulous nature of the proposal. Councilmember Hurt stated he concurred with Councilmember Brown's statement that the City should pursue collecting information that is related to the issues that residents are concerned about. Councilmember Hurt stated that he has a concern with the vagueness of the proposals received. Councilmember Casey stated one of the two proposals has a puzzling paragraph: "Please note that the scope of work relating to the engagement does not include matters relating to compliance with local, State and Federal environmental laws, rules, regulations, court orders and decrees to the extent that these issues become relevant we will identify the same and review such matters with the City of Chesterfield to determine if the scope of work should be expanded to cover environmental compliance matters and the cost of the same." Councilmember Casey stated that voting for this proposal would open the possibility of costs far exceeding \$15,000 and on October 9 the City got the answers to its initial list of five questions for free. Councilmember Casey made a motion, seconded by Councilmember Streeter, to send back the two proposals to the Public Health and Safety Committee to recommend to the full Council one law firm to make the study. Mayor Nations stated that there already was a motion on the floor. Discussion continued.

Councilmember Flachsbart made a motion, seconded by Councilmember Scheidt, to call the question. A voice vote was taken with an affirmative result and the motion was declared passed by a vote of 7-1. (Councilmember Casey voted “No”).

Mayor Nations stated that Council would vote on the original motion to authorize the City to enter into a contract not to exceed \$15,000 to procure the services of an airport consultant. A roll call vote was taken for passage and approval of the recommendation to hire a consultant regarding Spirit Airport issues, with the following results: Ayes - Scheidt, Flachsbart, Brown, Geiger and Durrell. Nays – Casey, Hurt and Streeter. The motion was declared passed.

Councilmember Geiger made a motion, seconded by Councilmember Brown, to recommend the approval of the proposal from Green, Hennings & Henry to conduct the Spirit Airport study at a cost not to exceed \$15,000. Councilmember Streeter made a motion, seconded by Councilmember Casey, to table the discussion until the Public Health and Safety Committee has an opportunity to discuss the relevance of the proposal and make changes. A roll call vote was taken for passage and approval of the recommendation to table the proposal regarding a consultant for Spirit Airport issues, with the following results: Ayes – Hurt, Streeter and Casey. Nays – Geiger, Scheidt, Brown, Durrell and Flachsbart. The motion was declared failed.

Councilmember Hurt made a motion, seconded by Councilmember Casey, to delete Section IA2, A-D, from the scope of work contained in the Green, Hennings, and Henry proposal of March 18, 2002. Discussion ensued. A roll call vote was taken to remove Section IA2, A-D, from the Green, Hennings, and Henry proposal with the following results: Ayes – Hurt, Streeter and Casey. Nays – Geiger, Scheidt, Flachsbart, Brown and Durrell. The motion was declared failed.

Councilmember Flachsbart made a motion to call the question, seconded by Councilmember Scheidt. A voice vote was taken with an affirmative result and the motion was declared passed (Councilmember Streeter voted “No”). A roll call vote was taken for the approval of the proposal from Green, Hennings & Henry to conduct the Spirit Airport study at a cost not to exceed \$15,000 with the following results: Ayes – Geiger, Flachsbart, Scheidt, Durrell and Brown. Nays – Hurt, Casey and Streeter. The motion was declared passed

## **Finance and Administration Committee**

Councilmember Jane Durrell, Chairperson of the Finance and Administration Committee, reported recommended changes in procedure during Executive Sessions. Councilmember Durrell made a motion, seconded by Councilmember Brown, to describe the topic to be discussed in Executive Session as clearly as possible, whenever possible, on the Executive Session agenda, and, that City Council vote on all ordinances in open sessions, whenever possible. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Durrell next reported a recommended change in the selection process for President Pro Tem be by written ballot with the votes counted by the Mayor, City Attorney and City Administrator and then the result would be announced publicly. Councilmember Durrell made a motion, seconded by Councilmember Streeter, to revise the selection process for President Pro Tem, as recommended by the Finance and Administration Committee. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Durrell next reported that Bill No. 2059, which amends the City Retirement Plan because of mandated changes from the Federal Government, will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Durrell announced that the next meeting of this Committee has been scheduled for March 25 at 5:30 p.m.

## **Public Works/Parks Committee**

Councilmember Barry Streeter, Chairperson of the Public Works/Parks Committee, reported that Bill No. 2049, (authorizes agreement with St. Louis County regarding the Baxter Road Project), and Bill No. 2060 (approves fire hydrants) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Streeter announced that the next meeting of this Committee has been scheduled for April 3 at 5:30 p.m.

## **Planning and Zoning Committee**

Councilmember Charles Scheidt, Chairperson of the Planning and Zoning Committee, announced that the next meeting of this Committee has been scheduled for March 21 at 5:30 p.m.

## **REPORT OF THE CITY ADMINISTRATOR**

City Administrator Michael G. Herring reported that New York Burrito, located at 17289 Chesterfield Airport Road, has applied to the City for a liquor license to sell all kinds of liquor by the drink for consumption on premises. This specific request is due to a change in ownership. Councilmember Streeter made a motion, seconded by Councilmember

Geiger, to approve the liquor license. 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 Project Area "A" for street reconstruction. Based upon review of the bids received, and based upon Mr. Geisel's recommendation, Mr. Herring recommended acceptance of the low bid submitted by Vee Jay Cement Contracting, in an amount not to exceed \$1,113,000. Mr. Herring stated that funds exist within the current budget for this project. Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, to accept the bid submitted by Vee Jay Cement Contracting, in an amount not to exceed \$1,113,000, for street reconstruction. 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 Project Area "B" for street reconstruction. Based upon review of the bids received, and based upon Mr. Geisel's recommendation, Mr. Herring recommended acceptance of the low bid submitted by J.M. Marschuetz, in an amount not to exceed \$516,500. There is a \$300,000 balance remaining in the contract issued to J.M. Marschuetz, in 2001. Mr. Herring stated that he is requesting \$516,500 to award the contract to J.M. Marschuetz that would be coupled with the \$300,000 from FY2001 to fund the contract of \$816,500. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to accept the low bid submitted by J.M. Marschuetz, in an amount not to exceed \$816,500, with an appropriation of \$516,500 from the current budget for street reconstruction. 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 reel mower, to be used at the Chesterfield Valley Athletic Complex. Based upon a recommendation by Director of Public Works/City Engineer Mike Geisel, he recommends approval of the bid submitted by Erb Equipment, in an amount totaling \$17,999. He noted that the FY 2002 Budget provides \$15,000 for this purpose. Staff has stated that the \$2,999 balance will be funded within the context of the current departmental budget and no transfer of funds is necessary. Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, to accept the bid submitted by Erb Equipment, in an amount totaling \$17,999, for the purchase of a reel mower. 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 replacement skid steer loader, to be used exclusively by the Public Works Maintenance and Parks Division. Having reviewed this information, he joined with Director of Public Works/City Engineer Mike Geisel in recommending approval of the bid submitted by Bobcat of St. Louis, in an amount totaling \$19,093.60. He noted that the FY 2002 Budget provides \$19,600 for this purpose. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to accept the bid submitted by Bobcat of St. Louis, in an amount totaling \$19,093.60, for the purchase of a skid steer loader. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## NEW BUSINESS

Councilmember Streeter asked that the Planning and Zoning Committee look at the issue of a proliferation of signs in the Chesterfield Historical District on Chesterfield Airport Road, between Baxter and Wild Horse Creek Road. Mayor Nations asked City Administrator Herring to place this issue on the next agenda of the Planning and Zoning Committee.

## LEGISLATION

### **BILL NO. 2049**

**AUTHORIZES THE CITY ADMINISTRATOR TO EXECUTE AN ARTERIAL ROAD SYSTEM LANDSCAPE REHABILITATION PROGRAM MEMORANDUM OF UNDERSTANDING WITH THE ST. LOUIS COUNTY DEPARTMENT OF HIGHWAYS AND TRAFFIC REGARDING THE BAXTER ROAD PROJECT, PROJECT NO. AR-856 (SECOND READING – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Streeter made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 2049. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2049 was read for the second time. Councilmember Flachsbart stated that the original issue was beautification with medians and a secondary issue was improved safety with medians. Councilmember Hurt stated that St. Louis County states Baxter Road is a safe road and is meeting minimum safety standards. Councilmember Hurt further stated that professionals say Baxter Road could be safer by exceeding the minimum requirements. Councilmember Durrell stated that Mr. Geisel said medians would make Baxter Road “marginally safer.” Councilmember Geiger stated that medians work well on five-lane roads and the safety issue is not an overriding consideration. A roll call vote was taken for passage and approval of Bill No. 2049, with the following results: Ayes – Flachsbart, Brown and Hurt. Nays – Casey, Geiger, Durrell, Scheidt and Streeter. Whereupon Mayor Nations declared Bill No. 2049 **DEFEATED**.

### **BILL NO. 2059**

**AMENDS THE CITY OF CHESTERFIELD RETIREMENT PLAN (SECOND READING – FINANCE AND ADMINISTRATION COMMITTEE)**

Councilmember Durrell made a motion, seconded by Councilmember Flachsbart, for a second reading of Bill No. 2059. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2059 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2059, with the following results: Ayes – Streeter, Scheidt, Brown, Casey, Flachsbart, Durrell, Hurt and Geiger. Nays - None. Whereupon Mayor Nations declared Bill No. 2059 approved, passed it and it became **ORDINANCE NO. 1836**.

**BILL NO. 2060**

APPROVES THE INSTALLATION OF FIRE HYDRANTS IN CHESTERFIELD RIDGE SUBDIVISION AND DUGSFORD COMMONS, LOCATED WITHIN THE CITY OF CHESTERFIELD (**FIRST AND SECOND READINGS – PUBLIC WORKS/PARKS COMMITTEE**)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2060. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2060 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2060. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2060 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2060, with the following results: Ayes – Durrell, Brown, Casey, Streeter, Geiger, Scheidt, Hurt and Flachsbart. Nays - None. Whereupon Mayor Nations declared Bill No. 2060 approved, passed it and it became **ORDINANCE NO. 1837**.

**ADJOURNMENT**

Mayor Nations adjourned the meeting at 8:40 p.m.

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Mayor John Nations

**ATTEST:**

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Judith A. Naggiar, Deputy City Clerk