



## RECORD OF PROCEEDING

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

**APRIL 21, 2010**

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

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

A roll call was taken with the following results:

PRESENT

ABSENT

Mayor John Nations  
Councilmember Barry Flachsbart  
Councilmember Matt Segal  
Councilmember Bruce Geiger  
Councilmember Lee Erickson  
Councilmember Mike Casey  
Councilmember Randy Logan  
Councilmember Bob Nation  
Councilmember Connie Fults

APPROVAL OF MINUTES

The minutes of the March 15, 2010 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**

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

Noting the recent passage of Proposition “A”, a ½ cent sales tax to restore/expand Metro services throughout the region, Mayor Nations thanked everyone in the region for their overwhelming support. He then stated that he wanted to publicly thank Assistant City Administrator for Community Services and Economic Development Libbey Malberg for her many efforts in support of Metro bus service to/from Chesterfield, since being hired, in 2005. He noted that she had “gone the extra mile”, partnering with our Chamber of Commerce and local businesses, to insure the continuation of bus service to our community, by focusing on the importance of a viable public transportation system.

## **SWEARING-IN CEREMONY**

Mayor Nations next recognized the Honorable Richard K. Brunk, Jr., Municipal Judge, and expressed his appreciation to Judge Brunk for the great service he provides for the City and the region.

Judge Brunk then conducting the Swearing-in Ceremony for: Councilmember Barry Flachsbart–Ward I; Councilmember Bruce Geiger–Ward II; Councilmember Mike Casey–Ward III; and, Councilmember Connie Fults–Ward IV.

Mayor Nations extended congratulations to each of the individuals and also expressed his appreciation to the families of the City Councilmembers, for their support and for “sharing them” with the citizens of Chesterfield.

## **ROLL CALL**

A roll call was then re-taken, with the following results:

### **PRESENT**

Mayor John Nations  
Councilmember Barry Flachsbart  
Councilmember Matt Segal  
Councilmember Bruce Geiger  
Councilmember Lee Erickson  
Councilmember Mike Casey  
Councilmember Randy Logan  
Councilmember Bob Nation  
Councilmember Connie Fults

### **ABSENT**

None

## **PRESENTATION**

President Pro Tem Mike Casey, on behalf of the Chesterfield City Council, City Administrator Herring and City Attorney Heggie, presented Mayor Nations with a plaque, commemorating the successful passage of Proposition “A”, on April 6, 2010, and for his role as Chairperson of this campaign. President Pro Tem Casey also presented a restaurant gift certificate to Mayor Nations, to be shared with his family, in recognition of their support for the time and effort that he was required to put forth, on behalf of this election campaign. Mayor Nations thanked everyone for this very kind gesture and noted how much it meant to be recognized, by his own City, for this effort.

## **ADDITIONAL REMARKS**

President Pro Tem Casey invited everyone to attend the 19<sup>th</sup> Annual “Earth Day” events in Central Park on Saturday, April 24. President Pro Tem Casey commended the Citizens Committee for the Environment for their efforts in the community.

President Pro Tem Casey temporarily adjourned the meeting, at 7:25 p.m., for those in attendance to attend a reception for the re-elected officials.

## **RE-CONVENE MEETING**

Mayor Nations reconvened the meeting at 7:49 p.m.

## **COMMUNICATIONS AND PETITIONS**

There were no communications or petitions.

## **APPOINTMENTS**

Mayor Nations nominated Richard K. Brunk for re-appointment as Municipal Judge. Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to approve Resolution No. 369 (Re-Appoints Richard K. Brunk as Municipal Judge). A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Brunk’s four-year term expires June 15, 2014.

Mayor Nations next nominated Robert M. Heggie for re-appointment as City Attorney. Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to approve Resolution No. 370 (Re-Appoints Robert M. Heggie as City Attorney). A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Heggie’s four-year term expires June 15, 2014.

## **COUNCIL COMMITTEE REPORTS**

### **Planning/Public Works Committee**

Councilmember Connie Fults, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2780 (Prohibits parking on Wings of Hope Boulevard) and Bill No. 2781 (Restricts parking on Appalachian Trail, at Duxbury Way) will be considered for adoption under the “Legislation” portion of the Agenda.

Councilmember Fults next reported that Bill No. 2782 [P.Z. 01-2010, City of Chesterfield (Off-street parking, stacking and loading space requirements)] will be considered for adoption under the “Legislation - Planning Commission” portion of the Agenda.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for Thursday, April 22, at 5:30 p.m.

### **REPORT FROM THE CITY ADMINISTRATOR**

City Administrator Mike Herring reported that City Council had previously approved an appropriation of \$25,000, from the Capital Improvement Sales Tax Fund, to eliminate a sidewalk gap, between 1707 Claymont Estates Drive and Woods Bluff Drive, in Ward III. Mr. Herring stated that Staff has recently secured a bid, from SBC Contracting, totaling \$13,500 and Staff is asking for an authorization, not-to-exceed \$15,000, to cover any contingencies that might arise. With this in mind, Mr. Herring joined with Principal Engineer Sue Mueller in recommending approval of a contract, with SBC Contracting, in an amount not to exceed \$15,000. Councilmember Casey made a motion, seconded by Councilmember Logan, to approve the contract with SBC Contracting, in an amount not to exceed \$15,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Charlie Gittos’ From the Hill, 15525 Olive Blvd., has requested a new liquor license to sell all kinds of liquor by the drink and Sunday sales. Mr. Herring reported that this application has been reviewed and recommended for approval by the Departments of Planning/Public Works and Police. Councilmember Casey made a motion, seconded by Councilmember Nation, to approve issuance of a new liquor license to Charlie Gittos’ From the Hill. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Chesterfield Village Café, 700 Chesterfield Parkway West (Monsanto), has requested a new liquor license to sell all kinds of liquor by the drink. Mr. Herring reported that this application has been reviewed and recommended for approval by the Departments of Planning/Public Works and Police. Councilmember Casey made a motion, seconded by Councilmember Nation, to approve issuance of a new liquor license to Chesterfield Village Café. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Staff recommended the selection of Shively Geotechnical for construction inspection services, regarding street and sidewalk construction projects. Mr. Herring stated that the FY2010 Budget contains \$100,000 for this purpose. Based upon a review of information provided by Public Works Director/City Engineer Brian

McGownd, Mr. Herring joined with him in recommending award of a contract to Shively Geotechnical for construction inspection services, using the same hourly rates as contracted in 2009. Mr. Herring further stated that Staff recommends that, within the context of the \$100,000 budget established for this purpose, the City would be authorized to use the following "alternate firms": SCI Engineering; Gateway Geotechnical; Geotechnology; Shannon and Wilson, as necessary. Councilmember Casey made a motion, seconded by Councilmember Logan, to authorize the use of Shively Geotechnical for construction inspection services. A voice vote was taken with an affirmative result (7-0-1 - Councilmember Fults abstained) and the motion was declared passed.

Mr. Herring next reported that Staff was directed by the members of the Planning/Public Works Committee to seek proposals for the engineering/design of a pedestrian bridge, across I-64/Highway 40, parallel to the Chesterfield Parkway vehicular bridge. Staff is recommending that a contract be awarded to the Howard R. Green Company, in an amount not-to-exceed \$285,000. The source of funding for this work will be the North Outer 40 Trust Fund, which currently contains \$352,000. Based upon a review of the information provided by Director of Planning/Public Works Mike Geisel, Mr. Herring joined with him in recommending award of a contract to the Howard R. Green Company, in an amount not-to-exceed \$285,000. Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to award a contract to the Howard R. Green Company, in an amount not-to-exceed \$285,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Staff has negotiated a proposed contract with Shively Geotechnical to provide inspection services for Central Park improvements during FY2010. This work would be at the same hourly rate as charged during FY2009, not to exceed \$80,000. Adequate funds exist within the FY2010 Budget to cover this entire amount. Based upon a review of the information provided by Director of Planning/Public Works Mike Geisel, Mr. Herring joined with him in recommending award of this contract to the Shively Geotechnical, in an amount not-to-exceed \$80,000. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to award a contract to Shively Geotechnical, in an amount not-to-exceed \$80,000. A voice vote was taken with an affirmative result (7-0-1 - Councilmember Fults abstained) and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for the purchase of a one-ton truck, with dump body, snow plow and salt spreader. Based upon a review of the information provided by Public Works Director/City Engineer Brian McGownd, Mr. Herring joined with him in recommending award of a contract to Lou Fusz GMC, at a total cost not-to-exceed \$52,486. Mr. Herring stated that the FY2010 contains \$58,000 for this purpose. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to award a contract to Lou Fusz GMC, at a total cost not-to-exceed \$52,486. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **NEW BUSINESS**

Mayor Nations recognized President Pro Tem Mike Casey, who expressed his appreciation to City Council and the Committee Chairs for the fine job they did this past year.

President Pro Tem Mike Casey made a motion, seconded by Councilmember Geiger, to approve the following City Council Committee Assignments for April, 2010-April, 2011:

### **Planning/Public Works**

Councilmember Matt Segal - Ward I - **CHAIRPERSON**

Councilmember Bruce Geiger - Ward II

Councilmember Mike Casey - Ward III

Councilmember Connie Fults - Ward IV

### **Finance/Administration**

Councilmember Randy Logan - Ward III - **CHAIRPERSON**

Councilmember Matt Segal - Ward I

Councilmember Lee Erickson - Ward II

Councilmember Bob Nation - Ward IV

### **Parks/Recreation**

Councilmember Lee Erickson - Ward II - **CHAIRPERSON**

Councilmember Barry Flachsbart - Ward I

Councilmember Randy Logan - Ward III

Councilmember Connie Fults - Ward IV

### **Public Health/Safety**

Councilmember Bob Nation - Ward IV - **CHAIRPERSON**

Councilmember Barry Flachsbart - Ward I

Councilmember Bruce Geiger - Ward II

Councilmember Mike Casey - Ward III

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

Councilmember Casey made a motion, seconded by Councilmember Fults, to select Councilmember Barry Flachsbart - Ward I to serve as President Pro Tem, from April, 2010 through April, 2011. A voice vote was taken with a unanimous result and the motion was declared passed.

## **LEGISLATION**

**BILL NO. 2780** APPENDS SECTION 300 MODEL TRAFFIC ORDINANCE, SCHEDULE IX – PARKING RESTRICTIONS OF THE CHESTERFIELD CITY CODE TO PROHIBIT PARKING ON WINGS OF HOPE BOULEVARD WITHIN THE CITY OF

**CHESTERFIELD, MISSOURI. (SECOND READING  
APPROVAL – PLANNING AND PUBLIC WORKS  
COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, for the second reading of Bill No. 2780. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2780 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2780 with the following results: Ayes – Flachsbart, Logan, Erickson, Casey, Geiger, Nation, Fults and Segal. Nays – None. Whereupon Mayor Nations declared Bill No. 2780 approved, passed it and it became **ORDINANCE NO. 2601.**

**BILL NO. 2781** AMENDS ORDINANCE NUMBER 35, SCHEDULE IX OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY AMENDING PROVISIONS THERETO REGARDING THE RESTRICTION OF PARKING ON APPALACHIAN TRAIL. **(SECOND READING APPROVAL – PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Erickson, for the second reading of Bill No. 2781. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2781 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2781 with the following results: Ayes – Segal, Logan, Geiger, Flachsbart, Fults, Casey, Nation and Erickson. Nays – None. Whereupon Mayor Nations declared Bill No. 2781 approved, passed it and it became **ORDINANCE NO. 2602.**

**LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2782** REPEALS SECTION 1003.165 “OFF STREET PARKING AND LOADING REQUIREMENTS” OF THE CITY OF CHESTERFIELD ZONING ORDINANCE AND CREATING A NEW SECTION 1003.165 “OFF-STREET PARKING, STACKING, AND LOADING REQUIREMENTS” THAT REVISES THE PROCEDURES AND REQUIREMENTS FOR PARKING, LOADING, AND STACKING SPACES WITHIN THE CITY OF CHESTERFIELD (P.Z. 01-2010 CITY OF CHESTERFIELD {OFF-STREET PARKING, STACKING, AND LOADING SPACE REQUIREMENTS}). **(SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2782. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2782 was read for the second time.

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, to amend Bill No. 2782, pursuant to a proposed “blue sheet” amendment, prepared by City Attorney Heggie. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A roll call vote was taken for the passage and approval of Bill No. 2782, as amended, with the following results: Ayes – Fults, Casey, Nation, Segal, Flachsbart, Logan, Erickson and Geiger. Nays – None. Whereupon Mayor Nations declared Bill No. 2782, as amended, approved, passed it and it became **ORDINANCE NO. 2603.**

**ADDITIONAL REMARKS**

Mayor Nations recognized Mr. Dan Gosen, who will be the new State Representative in the 84<sup>th</sup> District. Mayor Nations stated that Mr. Gosen is unopposed in the Republican Primary and will be unopposed in the General Election. Mayor Nations congratulated Mr. Gosen, expressed his appreciation to Mr. Gosen for paying attention to Chesterfield matters, and stated he looks forward to working with him.

Mayor Nations stated that he would appear in front of the Rockwood School District Board of Education meeting on April 22. Mayor Nations said that the Rockwood School District Board of Education is expected to approve a donation of land to the City of Chesterfield Parks system. Mayor Nations stated that years ago, when Chesterfield Village was originally platted, Chesterfield Village provided a piece of land on the southeast corner of Wilson Road and what was to be Wilson Spur. This land was set aside to be a school but a school was never constructed there; instead Wild Horse Elementary School was built on Wild Horse Creek Road. Since the Rockwood School District decided that they would never use this land, they decided to donate this land to the City of Chesterfield.

**ADJOURNMENT**

Mayor Nations adjourned the meeting at 8:05 p.m.

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Mayor John Nations

**ATTEST:**

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Judith A. Naggjar, City Clerk

