



## RECORD OF PROCEEDING

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

**OCTOBER 18, 2010**

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

Boy Scout Troop #631 from St. Mark Presbyterian Church led everyone in the Pledge of Allegiance. Mayor Nations followed with a moment of silent prayer. Mayor Nations recognized and thanked: Alexey Archer, Karl Aufenthie, Alex Ke, Andrew Deadwyler, Andrew Englemeyer, Stephen Fuglsang, Mitchell Griffin, John Hays, Alex Hoffman, Chris Jacob, Jacob Laws, Ben Neary, Parker Nenonen, Derek Radke, Carson Smith, Chris Thornberry, Chris Wetzel, Calvin Bradley, Andrew Caplinger, Ben Jarasek, Andrew Sellers, Justin Sellers and Nathan Sellers for their participation in this opening ceremony. Also in attendance were Troop Leaders Paul Ke, Ellen Aufenthie and Glenn Archer. Mayor Nations presented a Proclamation to Boy Scout Troop #631, commemorating their participation.

A roll call was taken with the following results:

PRESENT

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

ABSENT

Councilmember Bruce Geiger

## **APPROVAL OF MINUTES**

The minutes of the October 4, 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, November 1, at 7 p.m.

## **COMMUNICATIONS AND PETITIONS**

Mr. Gary Mudd, Development Director of STAGES-St. Louis, read a statement on behalf of Jack Lane, Michael Hamilton and the STAGES Board of Trustees and Staff who expressed their gratitude to Mayor Nations for all that he has done to advance their performance and educational missions. Mr. Mudd thanked Mayor Nations for his support of STAGES-St. Louis, his leadership and his vision of a performing arts center in "Downtown Chesterfield".

Senator Jane Cunningham presented an official PROCLAMATION, issued by the Missouri Senate, which enumerated Mayor Nations many accomplishments and said that he kept residential, cultural and economic growth balanced in Chesterfield. Senator Cunningham said that Mayor Nations is respected by so many people in the community.

Representative Tim Jones, 89<sup>th</sup> District (Eureka and Wildwood), on behalf of Mike Doster and all of the attorneys at Doster Ullom, congratulated Mayor Nations on doing a great job during his many years of public service and wished him well at Metro. Representative Jones presented Mayor Nations with a memento from his law firm.

Mr. Walt Young, former Mayor of the City of Ballwin, said he is proud of the great working relationship he and Mayor Nations had and congratulated Mayor Nations on doing a terrific job.

Former Acting-Mayor and Former Councilmember Charles Fawcett stated that Mayor Nations fulfilled the dream of the City founders and exemplified their vision.

Former Mayor Fred Steinbach stated that everyone is very proud of the tremendous job Mayor Nations did for the City and that he appreciates the way Mayor Nations brought the community together, especially during these difficult times.

Former Councilmember Mary Brown, on behalf of Stacy Morse, Executive Director of Chesterfield Arts, expressed appreciation to Mayor Nations for all that he has done for Chesterfield Arts and the arts in the community. Mrs. Brown commended Mayor

Nations for being an outstanding Mayor and always making himself available to the Councilmembers.

Former Councilmember Dan Hurt, expressed his appreciation to Mayor Nations for his service to the community and thanked Mayor Nations' wife and children for their unselfish support of him.

Mr. Jack Hoffmann, Chairman of the Board of the Chesterfield Chamber of Commerce, expressed his and the Chamber's appreciation to Mayor Nations for his passion and leadership, and for everything he has done for the Chamber of Commerce.

Mr. Harvey Rosenberg, member of the Police Personnel Board and former Special Assistant to the Mayor for Renewable Energy, expressed his appreciation to Mayor Nations for all that he has done for the City and for being responsive to residents.

Mr. Bob Grant, former Planning Commissioner for the City and current Deputy County Counselor, said he is extremely proud to be a Chesterfield citizen and expressed his appreciation to Mayor Nations for all that he has done.

Master Jack Nations, son of Mayor Nations, said that his father being Mayor was a big part of their lives and he and the family would not have had it any other way. Master Nations said he and his family are very proud of everything Mayor Nations has done. Mayor Nations expressed his appreciation to his family for their continued support.

Mrs. Bridget Nations, wife of Mayor Nations, thanked her husband for having the great idea of moving to Chesterfield, having the courage to follow his dream, and showing how to give of oneself and to the community, and making Chesterfield a great place to raise a family.

### **SPECIAL PRESENTATION**

President Pro Tem Barry Flachsbart, on behalf of City Council and Staff, presented a plaque to Mayor Nations, in commemoration of his service and dedication to the citizens of Chesterfield. Councilmember Flachsbart said that Mayor Nations has been an outstanding Mayor and has left a legacy to be proud of. Councilmember Flachsbart extended his good wishes to Mayor Nations in his new job at Metro.

Councilmember Casey said Mayor Nations has been an inspiration to the Councilmembers and that the residents have benefited from his leadership.

Councilmember Nation extended best wishes to Mayor Nations in his new job and said that Metro will benefit from Mayor Nations' leadership, intellect and passion.

Councilmember Fults thanked Mayor Nations for his vision and leadership. She said that Mayor Nations defined Chesterfield, set the City on a course, and that future generations will thank him for all the work he has done as Mayor.

Councilmember Logan said that Mayor Nations has been the guiding force of the City for the past ten years which ensured that everything ran smoothly. He wished him good luck at Metro.

Councilmember Erickson said that Mayor Nations taught the Councilmembers that municipal government is all about quality of life and that what everyone does at the City makes a big difference. He extended good wishes to Mayor Nations in his new job.

Councilmember Segal expressed his appreciation to Mayor Nations' family for sharing his time. Councilmember Segal said that Mayor Nations left the legacy that Chesterfield is a superior city today and its impact will be felt by future generations.

City Attorney Rob Heggie, on behalf of Prosecuting Attorney Tim Engelmeyer, Judge Rick Brunk and Judge Doug Beach, expressed appreciation to Mayor Nations for his support throughout the years and wished him success in his new position.

City Administrator Mike Herring said he and Mayor Nations had a special Mayor/City Administrator relationship which provided them the opportunity to dream about the vision of the City. Mr. Herring thanked Mayor Nations for allowing him the privilege of working with him to achieve that dream.

### **MAYOR'S FAREWELL ADDRESS**

Mayor Nations thanked everyone for turning opportunities into realities. Mayor Nations said the community is proud of Chesterfield and the City government. He said that the City is a basic municipal services corporation and the City provides these services in a way that enhances the quality of life for everyone throughout the community. Mayor Nations said he is proud of the fact that Chesterfield is a city that people are proud of, proud of everything the City accomplished in the past ten years, proud that citizens feel welcome at City Hall and want to volunteer in the community, and proud that Chesterfield is considered one of the finest cities in the country. Mayor Nations said he is grateful to live in the United States and the City of Chesterfield, grateful for the community's support of his dreams and ideals, grateful that he was endorsed at the polls three times to pursue his dreams on behalf of the people, grateful that the City could attract so many people to serve on its boards and commissions, grateful that he is blessed to have the very best staff found in any community across the country, and grateful for the tremendous work of the prior and present Councilmembers. Mayor Nations expressed his appreciation to City Administrator Mike Herring, who has been the driving force of the City for the past twenty-two years and is one of the best City Administrators in the country. Mayor Nations said he is grateful for the support of all of his friends and his family. Mayor Nations said he will always be grateful for the privilege of being Mayor of the City of Chesterfield.

Mayor Nations temporarily adjourned the meeting, at 7:42 p.m., for those in attendance to attend a reception, in honor of his almost ten years of service to Chesterfield as Mayor.

The meeting was reconvened at 8:26 p.m.

### **COMMUNICATIONS AND PETITIONS**

Mr. Todd Williams, who resides at 1517 Sail Island Court, and is a member of the Landmarks Preservation Commission, stated for the record that he supports Joan Schacht and Alice Fugate, who are former members of the Landmarks Preservation Commission. Mr. Williams asked Mayor Nations how the four members of the Landmarks Preservation Commission should proceed since they do not have a quorum and are not allowed to hold a meeting. Mayor Nations responded that Mr. Flachsbart, as Acting Mayor, and City Council will address this issue in the future. Mr. Williams asked Mayor Nations and the Council if the Landmarks Preservation Commission can proceed in trying to get the Eberwein property on St. Louis County Landmarks. Mayor Nations said that this issue would need to be referred to a Committee of Council for possible consideration by City Council.

Mrs. Joan Schacht, who resides at 1511 Mallard Landing Court, spoke about her resignation from the Landmarks Preservation Commission. Mrs. Schacht said she feels that Bill No. 2810 (Approves Amendments to the City Code regarding Landmarks Preservation Commission) should not be considered for adoption without the courtesy of having the Landmarks Preservation Commission discuss it. Mrs. Schacht said she feels that citizens who volunteer to serve on any committee should be given training and guidelines for serving.

Mrs. Alice Fugate, who resides at 14165 Cross Trails Drive, stated that she and Joan Schacht received a letter from Mayor Nations on September 13 that told them to resign from Landmarks Preservation Commission or they would be removed. Mrs. Fugate then summarized the events which led up to her receipt of Mayor Nations' letter, indicating that she had done nothing to deserve that letter. Mrs. Fugate said she and Mrs. Schacht acted with the concurrence of the Landmarks Preservation Commission (LPC). Mrs. Fugate said that Mayor Nations should have asked her and Mrs. Schacht what happened at the St. Louis County meeting instead of asking City Staff to find out what happened at the County meeting. Mayor Nations said he specifically asked her at the August 19<sup>th</sup> meeting about how the designation came about and that he did not get an answer from anyone. Mayor Nations said that she misquoted his letter in public. Mayor Nations said that his letter stated that she did not act with the concurrence of the LPC, since no public meeting of the LPC took place, during which any such vote was taken. Mrs. Fugate said she did have the concurrence of the Landmarks Preservation Commission. Mayor Nations noted that, if the LPC had taken action, it was done without the City Council or Staff liaisons being in attendance. He told Mrs. Fugate that the issue is how the public is informed and how the public business is processed. Mayor Nations said the City does not withhold public information. Mayor Nations said it was incumbent upon Mrs. Fugate to inform the City that this issue was being discussed at St. Louis County and that she and

Ms. Schacht were planning to attend a meeting with a County Commission, advocating that that County Commission take a position. Mayor Nations said that the LPC, at its inception and through the years, promised City Council that the Commission would never take action on a property unless the public was informed, the owner of the property was informed, and that the Commission would not do anything without working with the City. Mayor Nations said that every one of those assurances was violated. Mayor Nations said the City of Chesterfield is the owner of the Eberwein property and should have been notified, directly, before the LPC took any action. Mayor Nations said this issue is not about the historic designation of a house; this issue is about how the business of this community is conducted.

## **APPOINTMENTS**

There were no Appointments.

## **COUNCIL COMMITTEE REPORTS**

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

Councilmember Matt Segal, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2810 (Approves amendments to City Code regarding Landmarks Preservation Commission) and Bill No. 2811 (Approves stop signs on Chesterfield Commons Drive at Frontage Road) will be considered for adoption under the “Legislation” portion of the Agenda.

Councilmember Segal made a motion, seconded by Councilmember Flachsbart, to approve the proposed use of \$200,000 from General Fund Fund Reserves, to match the existing \$200,000 already set aside in General Fund Fund Reserves, to provide a total of \$400,000 for interchange enhancements on Highway 141 at both Ladue and Olive. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Segal announced that the next meeting of this Committee has been scheduled for Thursday, October 21, at 5:30 p.m.

### **Finance and Administration Committee**

Councilmember Randy Logan, Chairperson of the Finance and Administration Committee, made a motion, seconded by Councilmember Fults, to approve Resolution No. 375 (Adopts Strategic Plan for Community Services/Economic Development). Councilmember Logan commended Mrs. Libbey Tucker and Mrs. Angela Crawford for their work with the Economic Development Commission. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Logan announced that the next meeting of this Committee, which had originally been scheduled for Monday, October 25, at 5:30 p.m. has been postponed.

## **REPORT FROM THE CITY ADMINISTRATOR**

City Administrator Mike Herring reported that Tee's Golf Grill, 103 Chesterfield Valley Dr., 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 Logan, to approve issuance of a new liquor license to Tee's Golf Grill. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that St. Louis Wine Market, 164 Chesterfield Commons East Road, has requested a new liquor license to sell all kinds of liquor by the drink and wine tasting. 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 Logan, to approve issuance of a new liquor license to St. Louis Wine Market. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that the Finance and Administration Committee previously discussed/endorsed passage of Resolution No. 374 , regarding the Chesterfield Hill Neighborhood Improvement District. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to approve Resolution No. 374 – Chesterfield Hill Neighborhood Improvement District. Councilmembers Casey and Logan commended Mrs. Libbey Tucker for her work on this project. A voice vote was taken with an affirmative result (6-0-1 - Councilmember Logan “Abstained”) and the motion was declared passed.

Mr. Herring next reported that proposals were recently sought for the purchase of a fleet maintenance software package, for use at the City's Public Works Maintenance Facility. 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 Chevin Fleet Solutions, for the purchase of their software product, “Inventory”, at a total cost-not-to-exceed \$45,000. Mr. Herring said that City Council recently approved the purchase of a new fuel system, at the Public Works Maintenance Facility, at a total cost of \$60,000. The amount budgeted for both the new fuel system and the Fleet Maintenance Software was \$112,000. As a result, \$52,000 remains within the FY2010 Budget, to cover the \$45,000 expense. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to Chevin Fleet Solutions, for the purchase of their software product, “Inventory”, at a total cost-not-to-exceed \$45,000. 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 cracksealing throughout the City. Based upon a review of the information provided by Principal Engineer Sue Mueller, Mr. Herring joined with her in recommending award of a contract to B&D

Pavement Management, in an amount-not-to-exceed \$100,000. Adequate funds exist within the FY2010 Budget to cover this entire amount. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to award a contract to B&D Pavement Management, in an amount-not-to-exceed \$100,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **NEW BUSINESS**

There was no New Business.

## **LEGISLATION**

**BILL NO 2810** REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 2414 AND REPLACES IT WITH A NEW ORDINANCE WHICH PROVIDES LANGUAGE RELATIVE TO THE PROCEDURES, RESPONSIBILITIES AND MEMBERSHIP OF THE CHESTERFIELD LANDMARKS PRESERVATION COMMISSION. **(SECOND READING; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL; BLUE SHEET AMENDMENT)**

Councilmember Segal made a motion, seconded by Councilmember Flachsbart, for the second reading of Bill No. 2810. A voice vote was taken with an affirmative result (6-1-0 - Councilmember Flachsbart voted “No”) and the motion was declared passed. Bill No. 2810 was read for the second time.

Councilmember Segal made a motion, seconded by Councilmember Fults, to amend Bill No. 2810 pursuant to the attached “Blue Sheet.” 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. 2810, as amended, with the following results: Ayes – Fults, Erickson, Segal, Casey and Logan. Nays – Nation and Flachsbart. Whereupon Mayor Nations declared Bill No. 2810 approved, passed it and it became **ORDINANCE NO. 2628**.

**BILL NO 2811** AMENDS ORDINANCE NUMBER 35, SCHEDULE VI, INTERSECTION STOPS, OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THERETO TO INCLUDE CHESTERFIELD COMMONS DRIVE AT FRONTAGE ROAD. **(SECOND READING; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Segal made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2811. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2811 was read for the second time.

A roll call vote was taken for the passage and approval of Bill No. 2811 with the following results: Ayes – Nation, Segal, Fults, Logan, Erickson, Casey and Flachsbart. Nays – None. Whereupon Mayor Nations declared Bill No. 2811 approved, passed it and it became **ORDINANCE NO. 2629**.

**LEGISLATION – PLANNING COMMISSION**

There was no Legislation from the Planning Commission.

**ADJOURNMENT**

Mayor Nations adjourned the meeting at 8:50 p.m.

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Mayor John Nations

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Acting-Mayor Barry Flachsbart

**ATTEST:**

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Judith A. Naggiar, City Clerk