



## RECORD OF PROCEEDING

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

**NOVEMBER 3, 2008**

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

Girl Scout Troop 1688 from Green Trails Elementary led everyone in the Pledge of Allegiance. Mayor Nations followed with a moment of silent prayer. Mayor Nations recognized and thanked: Maya Rosenberg, Kelli Kinran, Nicole Fagin, Beth Cromer, Courtney Berghoff, Megan Weinstein, Tori Strege, Ashley Berghoff, Emily Goldstein, Emily Pfau and Amy Morgan for their participation in this opening ceremony. Also in attendance were Troop Leaders Cindy Weinstein, Bridget Cromer and Stephanie Berghoff. Mayor Nations presented a Proclamation to Girl Scout Troop 1688, commemorating their participation.

A roll call was taken with the following results:

PRESENT

Mayor John Nations  
Councilmember Barry Flachsbart  
Councilmember Gene Schenberg  
Councilmember Bruce Geiger  
Councilmember Lee Erickson  
Councilmember Dan Hurt  
Councilmember Mike Casey  
Councilmember Bob Nation  
Councilmember Connie Fults

ABSENT

None

## **APPROVAL OF MINUTES**

The minutes of the October 20, 2008, City Council meeting were submitted for approval. Councilmember Nation made a motion, seconded by Councilmember Schenberg, to approve the City Council minutes, as amended by Councilmember Erickson. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **INTRODUCTORY REMARKS**

Mayor Nations next commented on the October 31 tragedy regarding the shooting death of Sergeant Michael King, of the University City Police Department. Mayor Nations stated that Sergeant King was a 26-year veteran in law enforcement who was shot and killed in the line of duty near the Delmar Loop area in University City. Mayor Nations stated that Sergeant King's funeral will be held November 4, at 10:00 a.m., at the First Presbyterian Church at 7200 Delmar in University City and that he will be buried at Sunset Memorial. Mayor Nations stated that "It's always a tragedy to see a life cut short, but particularly those who devote their lives and their careers to protecting the public." Mayor Nations further stated that "All of us who serve and all of us who have the great privilege to reside in this country are always grateful to our law enforcement people who are the first line of defense for us and they do such an outstanding job. We are extremely fortunate here in the City of Chesterfield to have what is widely regarded as one of the finest municipal police departments in the country, led by Chief Johnson. Although Sergeant Michael King was not a member of our department, I know that every member of law enforcement feels the loss very acutely." Mayor Nations requested that everyone stand to observe a moment of silence on behalf of the people of Chesterfield for Sergeant Michael King of the University City Police Department. Mayor Nations stated that he directed that a proclamation be prepared from him on behalf of the City to be sent to the family of Sergeant King and to the people of University City. Mayor Nations requested that Chief Johnson express condolences in person on his behalf and on the behalf of the City of Chesterfield, all of its employees and the people of Chesterfield at the funeral of Sergeant King.

## **PRESENTATION**

Mayor Nations next recognized Ms. Darcy Capstick, Co-Chair of the Citizens Committee for the Environment. Ms. Capstick recognized Polly Rutherford and Donna Pecherski, who are members of the Citizens Committee for the Environment. Ms. Capstick made a presentation to City Council regarding the 12<sup>th</sup> America/Missouri/Chesterfield Recycles Day event, which is scheduled for November 15, from 9 a.m. – 12 noon, in City Hall plaza. Mayor Nations expressed his appreciation to Ms. Capstick and the members of the Citizens Committee for the Environment for their efforts in the community and encouraged everyone to attend the 12<sup>th</sup> America/Missouri/Chesterfield Recycles Day event on November 15.

## **ADDITIONAL INTRODUCTORY REMARKS**

Mayor Nations encouraged everyone in attendance to vote in the November 4 General Election.

Mayor Nations announced that City Hall will be closed on Tuesday, November 11, in observance of Veterans Day and encouraged everyone to express their appreciation to veterans they know.

Mayor Nations announced that the next meeting of City Council has been scheduled for Monday, November 17, at 7 p.m.

## **COUNCIL COMMITTEE REPORTS**

### **Finance & Administration Committee**

Councilmember Lee Erickson, Chairperson of the Finance & Administration Committee, made a motion, seconded by Councilmember Geiger, to approve the proposed City Council Meeting Schedule for 2009. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Erickson announced that the Finance & Administration Committee-of-the-Whole meeting, regarding the proposed FY2009 Budget, will be held on Monday, November 17, starting at 5:30 p.m.

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

Councilmember Dan Hurt, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2679 (City of Chesterfield Nuisance Ordinance) will be read for the first time under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Hurt noted that he would move the discussion regarding a proposed contract extension for Allied Waste to end of his report.

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to approve a change order to an existing contract at the Chesterfield Valley Athletic Complex (CVAC), which would enable forward-funding for a number of “Phase Two” capital improvements, totaling \$1,701,231. One of the main components of this “change order” will be the construction of a 700-space parking lot, on the east end of the CVAC. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt made a motion, seconded by Councilmember Schenberg, to approve TSP 05-2008, Cricket Communications (Baxter Gardens). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Schenberg made a motion, seconded by Councilmember Flachsbart, to approve the St. Luke's Hospital Parcel "A" (West parking lot addition) site development section plan. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mayor Nations recognized Mr. Miller of St. Luke's Hospital in attendance at tonight's meeting and congratulated him on the on-going expansion of the hospital.

Councilmember Hurt reported that Bill No. 2681 (P.Z. 22-2008, St. Luke's Hospital, Parcel D), Bill No. 2681 [P.Z. 02-2008, Stallone Pointe (Conway Pointe LLC)], Bill No. 2682 (P.Z. 28-2007, THF Chesterfield Seven Development), and Bill No. 2683 (Typheris Israel Chevra Kadish Congregation) will be read for the first time under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Hurt next reported that Bill No. 2684 [Lot Split - Hobbit Hollow (405 Griffith Lane)] is scheduled for both first and second reading approval, under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Hurt recognized Tony Lamantia, Municipal Account Representative for Allied Waste, who was in attendance. Councilmember Hurt stated that he feels that Allied Waste does a good job, that he receives very few complaints and that he has no concerns related to the services provided by Allied Waste. Councilmember Hurt stated, however, that he believes in competition and opposes the award of an exclusive contract, for solid waste collection services, in Chesterfield. He also has concerns regarding the recommendation to award a five-year contract, with rate increases of 3% per year. Councilmember Hurt complimented Allied Waste for increasing efficiency and reducing labor costs for their service. At the request of Mayor Nations, City Administrator Mike Herring provided an overview of the history of the City's solid waste contracts and provided detailed information about the proposed contract extension with Allied Waste. He noted that, when Chesterfield incorporated, there were approximately seven different solid waste collection companies operating throughout Chesterfield. He noted that, at the request of the Citizens Committee for the Environment (CCE), the City had awarded solid waste contracts, for the past 18 years. The first contract awarded was a non-exclusive contract, for three years. All subsequent contracts or contract extensions awarded have been exclusive contracts, twice for five years and once for two years. He stated that he had checked with his fellow City Administrators throughout the region and every City confirmed that they, too, award exclusive contracts for solid waste collection. He further commented that this proposed five-year contract extension was a "good deal" for the residents of Chesterfield. If approved by City Council, Allied Waste would agree to increase the cost for the basic services of trash and recycling collection, from the current rate of \$12.01/month, by just 3% per year, thru 7/31/2014. For the first time, Allied has agreed to offer a TEN PERCENT discount for Senior Citizens, on all services. Allied Waste will also deliver 65-gallon mobile containers, for RECYCLING, at NO COST to residents. This was specifically requested by the CCE. The only request being made by Allied Waste, in exchange for these concessions, was that yard waste collection be consolidated, on a citywide basis, on Wednesdays, rather than the current system of

Monday-Tuesday-Thursday-Friday. In exchange for this, Allied Waste has confirmed that it will freeze rates, at their current levels, until 7/31/2011. After that, rates for this optional yard waste collection service will increase by no more than 3% per year, for the balance of the contract.

Councilmember Fults stated that she feels an exclusive contract is better because the collection trucks are only on the streets one day each week and it is easier for Staff to resolve issues or complaints, when there is only one company providing this service. Councilmember Flachsbart stated that no-one should be “compelled to take trash service from a specific firm, if they don’t want to” and that residents should not have to pay for trash service if they do not use it. Councilmember Flachsbart stated that he feels Allied Waste is doing a good job and complimented Mr. Herring and his Staff for their efforts to resolve any complaints. However, he feels the residents should have a choice of trash haulers. In response to Mayor Nations’ request for clarification, Mr. Herring stated that State law, as well as County and City ordinances, all require that garbage is to be collected by a licensed hauler, to insure proper disposal and that residents can only obtain solid waste collection services from a hauler approved by the City. He noted that an exclusive contract reduces street traffic, wear and tear on City streets and keeps pricing competitive. Councilmember Erickson stated that he supports the recommendation to extend the contract with Allied Waste. He suggested that Allied Waste offer residents the choice of continuing to use their 18-gallon bins or the new 65-gallon mobile containers.

Councilmember Hurt asked Mr. Herring to clarify the following wording, which is contained in the October 14 Allied Waste proposal: “...we would request that this contract contain the option for unlimited one-year extensions....” Mr. Herring stated that, assuming City Council approves this proposal for a five-year contract extension, “City Council would have the option of approving an unlimited number of 1-year contract extensions, at its sole discretion, at the end of the current contract (7/31/2014), assuming Allied Waste proposed a rate increase of 3%, or less. Each such 1-year contract extension would require City Council approval.” Mr. Herring noted that this is the same language that has been included in the last two contracts with Allied Waste.

Councilmember Geiger stated he is in favor of the contract extension with Allied Waste. At Councilmember Geiger’s request, Mr. Herring stated that he would work with Allied Waste to make sure that the changes regarding the yard waste collection and the availability of the new 65-gallon mobile recycling containers are communicated to all residents. Councilmember Casey stated he supports the contract extension and complimented Mr. Herring for negotiating such a favorable contract, on behalf of the residents of Chesterfield. He also complimented Allied Waste for the good work they do. Councilmember Nation stated that he supports the contract extension with Allied Waste and stated he feels that an exclusive contract is very practical. Mayor Nations stated that he, too, is in favor of the contract extension with Allied Waste. Mayor Nations complimented Allied Waste on their service and noted that Mr. Lamantia has been very responsive to the residents. Mayor Nations commended Mr. Herring for his efforts to negotiate this contract extension and noted that, in these uncertain economic times, the City was fortunate to be able to limit future increases to just 3% per year. He expressed

support for City's practice of awarding exclusive contracts for solid waste collection services. He noted that the City's experiences, these past fifteen years, are evidence of the fact that this practice has worked very effectively and that our residents are well-served. He also strongly supported the TEN PERCENT Senior Citizen discount and the PRICE FREEZE for the optional service of yard waste collection

Following some additional discussion, Councilmember Erickson made a motion, seconded by Councilmember Casey, to approve the recommendation for a five-year contract extension with Allied Waste, with the terms/conditions as noted above. A roll call vote was taken for the passage and approval of the motion to approve the recommendation to extend the contract with Allied Waste with the following results: Ayes – Nation, Erickson, Fults, Schenberg, Geiger and Casey. Nays – Flachsbart and Hurt. Mayor Nations declared the motion passed.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for Thursday, November 6, at 5:30 p.m.

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

City Administrator Mike Herring reported that a liquor license request has been received from Tribeca Restaurant & Bar, to be located at 14149 Olive Blvd., to sell liquor by the drink and Sunday sales. Councilmember Casey made a motion, seconded by Councilmember Fults, to approve issuance of the liquor license to Tribeca Restaurant & Bar. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that a liquor license request has been received by Agostino's Restaurant, Inc., to be located at 280 Long Road, to sell liquor by the drink and Sunday sales. Councilmember Casey made a motion, seconded by Councilmember Fults, to approve issuance of the liquor license to Agostino's Restaurant, Inc. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that a liquor license request has been received by Food Service Consultants, Inc. (at Logan College), located at 1851 Schoettler Road, to sell liquor by the drink and Sunday sales. Councilmember Casey made a motion, seconded by Councilmember Fults, to approve issuance of the liquor license to Food Service Consultants, Inc. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that a liquor license request has been submitted by Romano's Macaroni Grill, located at 963 Chesterfield Center, due to a change in ownership, to sell liquor by the drink and Sunday sales. Councilmember Casey made a motion, seconded by Councilmember Fults, to approve issuance of the liquor license to Romano's Macaroni Grill. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that a liquor license request has been submitted by Vineyards Wine and Spirits, located at 17223 Chesterfield Airport Road, due to a change in ownership, to sell liquor in the original packages and Sunday sales. Councilmember Casey made a motion, seconded by Councilmember Fults, to approve issuance of the liquor license to Vineyards Wine and Spirits. 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 landscaping projects on both Highway 340 (Clarkson Road) and Clayton Road. Based upon a review of the information provided by Director of Parks and Recreation Darren Dunkle, Mr. Herring joined with him in recommending award of a contract to Farinella Nursery, in an amount not to exceed \$32,000. The FY2008 Budget contains \$30,000 for these projects. Mr. Herring stated that even though Clayton Road is entirely with the City of Chesterfield, the City of Ballwin has agreed to cost-share one half of the \$13,242.50 associated with the Clayton Road project, which will result in reducing the City's actual costs to approximately \$26,000. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to Farinella Nursery, in an amount not to exceed \$32,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Flachsbart requested that Mayor Nations send a letter to Mayor Walt Young and City Administrator Bob Kuntz to thank the City of Ballwin for their support and partnership on this project. Mayor Nations agreed to do this.

Mr. Herring next reported that bids were recently sought for crack sealing services citywide. 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 McConnells of St. Louis, Inc., in an amount not to exceed \$125,000. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to McConnells of St. Louis, Inc., in an amount not to exceed \$125,000. Councilmember Nation made a motion to table award of this contract until the November 17 Council meeting. When there was no second made to this motion, Mayor Nations declared the motion failed. A voice vote was taken on the motion to award a contract to McConnells of St. Louis with an affirmative result (Councilmember Nation voted "No") and the motion was declared passed.

Mr. Herring next reported that Staff is recommending award of a negotiated contract to Volz Engineering, in an amount not to exceed \$65,000, for engineering/design services associated with Phase III of the Monarch-Chesterfield Levee Trail. Mr. Herring stated that Phase III will run from the I-64/Daniel Boone Bridge south to Centaur Road, a distance of approximately 3.1 miles. Mr. Herring stated that the entire contract amount will be funded by the Great Rivers Greenway District and the Chesterfield Valley Transportation Development District. Councilmember Casey made a motion, seconded by Councilmember Hurt, to award a contract to Volz Engineering, in an amount not to exceed \$65,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2679** REPEALS CITY OF CHESTERFIELD ORDINANCES 192, 385 AND 578 TO CODIFY THE REQUIREMENTS RELATED TO NUISANCES AND ENFORCEMENT AND TO ESTABLISH CRITERIA FOR NATIVE PLANTS, NOXIOUS WEEDS AND INVASIVE PLANTS. **(FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2679. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2679 was read for the first time.

**BILL NO. 2680** REPEALS CITY OF CHESTERFIELD ORDINANCE 2372 TO ALLOW FOR CHANGES TO THE PARKING REQUIREMENTS AND PARKING SETBACKS FOR A 14.0 ACRE TRACT OF LAND ZONED “MU” MEDICAL USE DISTRICT LOCATED TO THE NORTHWEST OF THE INTERSECTION OF CONWAY ROAD AND WOODS MILL ROAD. (P.Z. 22-2008 ST. LUKE’S HOSPITAL, PARCEL D) **(FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2680. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2680 was read for the first time.

**BILL NO. 2681** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “R3” RESIDENCE DISTRICT (10,000 SQ. FT.) AND A “PC” PLANNED COMMERCIAL DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 0.68 ACRE TRACT OF LAND LOCATED WEST OF THE CHESTERFIELD PARKWAY AND CONWAY ROAD INTERSECTION [P.Z. 02-2008 STALLONE POINTE (CONWAY POINTE LLC)] **(FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2681. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2681 was read for the first time.

**BILL NO. 2682**

AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR AN 6.7 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF CHESTERFIELD AIRPORT ROAD, ONE HALF MILE WEST OF THE CORNER OF CHESTERFIELD AIRPORT ROAD AND BOONE’S CROSSING [P.Z. 28-2007 THF CHESTERFIELD SEVEN DEVELOPMENT (THF SEVEN CHESTERFIELD DEVELOPMENT LLC)] (**FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2682. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2682 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Nation, to amend Bill No. 2682, Attachment A, Section K, on Page 7 to provide for Automatic Power of Review. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO. 2683**

AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO A “R2” RESIDENCE DISTRICT FOR A 4.94 ACRE TRACT OF LAND LOCATED AT 14550 LADUE ROAD, WEST OF THE INTERSECTION OF LADUE ROAD AND GREEN TRAILS (P.Z. 08-2008 TIPHERIS ISRAEL CHEVRA KADISH CONGREGATION) (**FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2683. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2683 was read for the first time.

**BILL NO. 2684**

PROVIDES FOR THE APPROVAL OF A LOT SPLIT FOR HOBBIT HOLLOW, FOR A 2.638 ACRE TRACT OF LAND ZONED “E-ONE ACRE” ESTATE DISTRICT LOCATED ¼ MILE SOUTHWEST OF THE INTERSECTION OF WILD HORSE CREEK ROAD AND WILSON ROAD. (**FIRST AND SECOND READINGS; DEPARTMENT OF PLANNING/PUBLIC WORKS RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2684. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2684 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2684. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2684 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2684 with the following results: Ayes – Hurt, Schenberg, Geiger, Nation, Casey, Flachsbart, Fults and Erickson. Nays – None. Whereupon Mayor Nations declared Bill No. 2684 approved, passed it and it became **ORDINANCE NO. 2497**.

### **ADJOURNMENT**

Mayor Nations adjourned the meeting at 8:02 p.m.

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Mayor John Nations

**ATTEST:**

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Judith A. Naggiar, City Clerk