



## RECORD OF PROCEEDING

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

**NOVEMBER 16, 2009**

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The meeting was called to order at 7:02 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 November 2, 2009, City Council meeting were submitted for approval. Councilmember Logan made a motion, seconded by Councilmember Erickson, 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**

Mr. Robert Tice, who resides at 1709 Baxter Forest Valley Ct., requested that the City create a dog park. Mr. Tice also requested that Baxter Forest Valley Ct., which is a private street, be maintained by the City.

Mayor Nations first responded by noting that the decision on whether or not a subdivision has “private” or “public” streets is made when the developer of that subdivision submits his plans to the City. From that point forward, if the streets are originally designated as “private”, the City cannot/will not provide maintenance for those streets, unless they are ultimately brought up to City standards. In many cases, that is not possible, due to the fact that setbacks are smaller and development densities are higher, if a developer builds on “private” streets, than would otherwise be allowed on “public” streets. Further, anyone who purchases a home, in a private street subdivision, is advised of this fact, when he/she buys that home.

Mayor Nations next stated that the City has been discussing the issue of a dog park for several years and the City has looked at several locations for development of a such a park. Mayor Nations stated that the City has recently purchased the 18-acre Eberwein Farm (Baxter and Old Baxter) and the City is currently in the process of completing a “Master Plan” for this property to determine if it would be appropriate for a dog park.

Senator Jane Cunningham, who resides at 1602 Timberlake Manor Parkway, next spoke. Senator Cunningham introduced her Legislative Liaison, Susan Lueders, who is the District Liaison for Chesterfield. Senator Cunningham stated that Ms. Lueders will be communicating with the City regarding upcoming legislation. Mayor Nations expressed his appreciation to Senator Cunningham and Ms. Lueders for their communication efforts and responsiveness to the City.

## **INTRODUCTORY REMARKS**

Mayor Nations announced that City Hall will be closed Thursday, November 26, and Friday, November 27, in observance of the Thanksgiving holiday.

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

Mayor Nations announced that he will give the “State of the City” address at the Chesterfield Chamber of Commerce General Membership Meeting on November 18.

## **APPOINTMENTS**

There were no appointments.

## **COUNCIL COMMITTEE REPORTS**

### **Public Health & Safety Committee**

Councilmember Barry Flachsbart, Chairperson of the Public Health & Safety Committee, reported that Bill No. 2755 (Provides for the enforcement of seatbelt violations) will be considered for adoption under the “Legislation” portion of the Agenda.

### **Finance and Administration Committee**

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee, announced that the next meeting of this Committee has been scheduled for Monday, November 23, at 5:30 p.m.

### **Parks and Recreation Committee**

Councilmember Mike Casey, Chairperson of the Parks and Recreation Committee, made a motion, seconded by Councilmember Flachsbart, to approve the recommended fee reduction for the Family Aquatic Center during the last two weeks of the pool season. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Casey next made a motion, seconded by Councilmember Flachsbart, to approve the proposed CVAC Tournament rental fees for the Chesterfield Valley Athletic Complex. Mayor Nations stated that he has received great comments on the baseball, softball and soccer tournaments held at CVAC. Mayor Nations commended Director of Planning/Public Works Mike Geisel and Director of Parks and Recreation Darren Dunkle for their efforts on another great year of tournaments. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Casey next made a motion, seconded by Councilmember Segal, to approve the recommended pavilion rental rate increase for “holidays.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Casey next made a motion, seconded by Councilmember Flachsbart, to approve the recommendation regarding the City’s participation in the St. Louis Adventure Challenge. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

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

Councilmember Connie Fults, Chairperson of the Planning/Public Works Committee, reported that Bill Nos. 2756 and 2757 (Assignment of Property Acquisition Rights to St. Louis County regarding Mill Ridge Villa and Terra Vista Subdivisions) and Bill No.

2758 [City Code Amendment (membership)] will be considered for adoption under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Fults next reported that Bill No. 2760 (Approves Boundary Adjustment Plat for Chesterfield Village, Lots C140 and C144) is scheduled for both first and second reading approval, under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for Thursday, November 19, at 5:30 p.m.

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

City Administrator Mike Herring reported that the City has a current contract with Capri Pools and Aquatics, for maintenance/repairs at our Family Aquatic Center. Based upon a review of the information provided by Director of Parks and Recreation Darren Dunkle, Mr. Herring joined with him in recommending that the existing contract, with Capri Pools and Aquatics, be amended, in an amount not to exceed \$32,000, to cover repairs/upgrades resulting from the City’s need to be in full compliance with the Virginia Graeme Baker Act, regarding pool safety. Mr. Herring stated that adequate funds to cover this entire expense have been set aside within the City’s FY2009 Parks Sales Tax Fund Budget. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to amend the existing contract with Capri Pools and Aquatics, in an amount not to exceed \$32,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Public Works Director/City Engineer Brian McGownd has reported that growth in both the size and scope of the Stablestone/Greentrails Drive North project has resulted in construction inspection hours, provided by Oates and Associates, to be used quicker than originally anticipated. Based upon a review of the information provided by Mr. McGownd, Mr. Herring joined with him in recommending amending the existing contract, with Oates and Associates, by \$21,500. Mr. Herring stated that adequate funds remain within the Capital Improvement Sales Tax Fund to cover this additional expense. Councilmember Flachsbart made a motion, seconded by Councilmember Segal, to amend the existing contract with Oates and Associates, by \$21,500. 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 contract for work associated with provision of final plans for the Chesterfield Parkway Median Reconstruction project. Based upon a review of the information provided by Principal Engineer Susan Mueller, Mr. Herring joined with her in recommending award of a contract to Land Design Services, Inc., in an amount not to exceed \$85,000. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to Land Design Services, Inc., in an amount not to exceed \$85,000. 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. 2755** AMENDS ORDINANCE 51 OF THE CITY OF CHESTERFIELD, RELATING TO SEATBELTS BEING WORN WHILE RIDING IN A MOTOR VEHICLE (**SECOND READING; PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2755. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2755 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2755 with the following results: Ayes – Erickson, Fults, Logan, Segal, Nation and Casey. Nays – Geiger and Flachsbart. Whereupon Mayor Nations declared Bill No. 2755 approved, passed it and it became **ORDINANCE NO. 2576**.

## LEGISLATION – PLANNING COMMISSION

**BILL NO. 2756** ASSIGNS CERTAIN PROPERTY RIGHTS TO ST. LOUIS COUNTY FOR THE EXPANSION OF HIGHWAY 141 (**SECOND READING – PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2756. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2756 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2756 with the following results: Ayes – Fults, Nation, Flachsbart, Erickson, Logan, Geiger, Casey and Segal. Nays – None. Whereupon Mayor Nations declared Bill No. 2756 approved, passed it and it became **ORDINANCE NO. 2577**.

**BILL NO. 2757** ASSIGNS CERTAIN PROPERTY RIGHTS TO ST. LOUIS COUNTY FOR THE EXPANSION OF HIGHWAY 141 (**SECOND READING – PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2757. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2757 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2757 with the following results: Ayes – Nation, Segal, Fults, Erickson, Casey, Logan, Flachsbart and Geiger.

Nays – None. Whereupon Mayor Nations declared Bill No. 2757 approved, passed it and it became **ORDINANCE NO. 2578.**

**BILL NO. 2758** AMENDS ORDINANCE NUMBER 1441 AND THE CITY CODE SECTION 23-18 OF THE CITY OF CHESTERFIELD RELATIVE TO THE NUMBER OF MEMBERS AND THE QUALIFICATIONS THEREOF FOR THE PLANNING COMMISSION OF THE CITY OF CHESTERFIELD (**SECOND READING – PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2758. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2758 was read for the second time. Discussion ensued regarding the membership and qualifications of the Planning Commission. Mayor Nations requested that City Attorney Heggie review the State statutes regarding the Mayor and City Councilmembers serving as non-voting members. Councilmember Flachsbart stated that he feels it is appropriate that the Mayor, the City Councilmembers, and the City Engineer be non-voting members of the Planning Commission. Discussion ensued. City Administrator Herring stated that the change to this ordinance is technical, rather than fundamental. Discussion ensued about the current City policy regarding statutory committee membership. Councilmember Flachsbart made a motion, seconded by Councilmember Segal, to hold Bill No. 2758 until the next City Council meeting on December 7. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. After further discussion, Mayor Nations directed City Administrator Mike Herring to add this item to the Agenda of the November 19<sup>th</sup> Planning & Public Works Committee meeting for further discussion.

**BILL NO. 2760** PROVIDES FOR THE APPROVAL OF A BOUNDARY ADJUSTMENT PLAT FOR CHESTERFIELD VILLAGE, LOTS C140 AND C144, FOR A 2.914 ACRE TRACT OF LAND ZONED “PC&R” PLANNED COMMERCIAL AND RESIDENTIAL DISTRICT LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF CHESTERFIELD PARKWAY WEST AND WILD HORSE CREEK ROAD (**FIRST AND SECOND READINGS – DEPARTMENT OF PUBLIC WORKS RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2760. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2760 was read for the second time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2760. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2760 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2760 with the following

results: Ayes – Flachsbart, Nation, Logan, Fults, Casey, Erickson, Geiger and Segal.  
Nays – None. Whereupon Mayor Nations declared Bill No. 2760 approved, passed it and  
it became **ORDINANCE NO. 2579.**

**ADJOURNMENT**

Mayor Nations adjourned the meeting at 7:40 p.m.

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Mayor John Nations

**ATTEST:**

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Judith A. Naggiar, City Clerk