



## RECORD OF PROCEEDING

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

NOVEMBER 21, 2016

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The meeting was called to order at 7:10 p.m.

Mayor Bob Nation 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

Mayor Bob Nation  
Councilmember Barbara McGuinness  
Councilmember Bridget Nations  
Councilmember Guy Tilman  
Councilmember Dan Hurt  
Councilmember Randy Logan  
Councilmember Tom DeCampi  
Councilmember Bruce DeGroot

#### ABSENT

Councilmember Barry Flachsbart

#### APPROVAL OF MINUTES

The minutes of the November 3, 2016 Robert's Rules of Order Training were submitted for approval. Councilmember Tilman made a motion, seconded by Councilmember DeGroot, to approve the Robert's Rules of Order Training minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

The minutes of the November 7, 2016 City Council meeting were submitted for approval. Councilmember Tilman made a motion, seconded by Councilmember McGuinness, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

The minutes of the November 7, 2016 Executive Session were submitted for approval. Councilmember Tilman made a motion, seconded by Councilmember Nations, to approve the Executive Session minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **COMMUNICATIONS AND PETITIONS**

The following individuals expressed their appreciation for the successful completion of the Broadmoor Neighborhood Improvement District (NID):

Ms. Karen Fishman, 15038 Claymoor Court  
Mr. Dean Jeffries, 15009 Claymoor Court

Mayor Nation made a brief statement as follows:

There appears to be a good deal of misunderstanding and mis-information related to the proposed dome project that is being promoted by Mr. Dan Buck and Mr. Mike Matheny. In reading commentaries in various publications, there have been accusations that the City of Chesterfield has not been transparent and is supporting private development at the expense of our parks programs. That is not the case.

The Missouri Sunshine Law requires meetings of elected officials to be publicly posted and to be open to the public. However, under this State Statute 610.021, there are also criteria under which closed meetings “executive sessions” may be held. In very narrow circumstances, the public body can meet in closed session to discuss a very limited number of issues that could not be discussed publicly without negatively impacting lease negotiations or land acquisition prices. It could be very damaging to the public if a seller was made aware of the public body’s acquisition strategy or purchase limitations. This has been the case with the dome project. Specifically, the negotiation of lease or purchase of real estate was discussed in executive session as permitted by the sunshine law. City officials were negotiating the terms of a lease and land acquisition to minimize costs and maximize lease benefits. Immediately after the terms were negotiated and agreed to, all terms, details and related information was made available to the public as required by sunshine law.

In this specific negotiation, the City of Chesterfield has not offered, nor will the City offer any financial contribution or subsidy. The City has tentatively agreed to lease land that the City already owns or may purchase.

The lease terms provide a reasonable revenue stream and allows the City to fully recover the original land purchase cost and receive a desirable rate of return on top of that. There is no subsidy, no partnership, or support of a private development. Chesterfield has no financial involvement other than to lease land which is currently a liability, in exchange for annual revenues that can be used toward maintenance and improvements to existing parks facilities. I hope this clears up any misunderstanding there may have been!

Councilmember McGuinness stated that, while the City Council may vote to hold closed meetings in certain circumstances, it is not a requirement.

## **INTRODUCTORY REMARKS**

Mayor Nation announced that the next meeting of City Council has been scheduled for Monday, December 5, at 7 p.m. It will be preceded by a public hearing for the 2017 Budget.

## **APPOINTMENTS**

There were no appointments.

## **COUNCIL COMMITTEE REPORTS**

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

Councilmember Dan Hurt, Chairperson of the Planning/Public Works Committee, made a motion, seconded by Councilmember DeGroot, to refer Bill No. 3110 (P.Z. 04-2016 US Ice Sports Complex & Valley Gates [Topgolf USA Chesterfield LLC]) back to the Planning/Public Works Committee for review, at the request of the petitioner. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt reported that Bill No. 3117 (Schoettler Road Bridge – Water Main Relocation – Contract for Water Facility Relocation) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Hurt reported that Bill No. 3118 (Schoettler Road Bridge – Water Main Relocation – Utility Attachment Agreement) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Hurt made a motion, seconded by Councilmember Logan, to approve P.Z. 02-2015 Falling Leaves Estates II time extension request. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt reported that Bill No. 3123 (Unified Development Code: Updates to Article 2) will be read for the first time under the “Legislation” portion of the agenda.

Councilmember Hurt made a motion, seconded by Councilmember Tilman, to approve voluntary decertification from the Council of Local Governments (CLG). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt made a motion, seconded by Councilmember Logan, to approve \$518,000 to be funded by General Fund – Fund Reserves for costs associated with the Emerald Ash Borer Preparedness Plan and Action Strategy for 2017. A roll call vote was taken with the following results: Ayes – DeGroot, DeCampi, Nations, Logan, Hurt, McGuinness and Tilman. Nays – None. Whereupon the motion was declared passed.

Councilmember Hurt made a motion, seconded by Councilmember McGuinness, to approve \$162,765 to be funded by General Fund – Fund Reserves for the continuation of the Snow Removal Recoupment Program for Private Streets. A roll call vote was taken with the following results: Ayes – Hurt, Nations, McGuinness and Logan. Nays – DeCampi, Tilman and DeGroot. Whereupon the motion was declared passed.

Due to some confusion with the original vote, Councilmember Logan made a motion, seconded by Councilmember McGuinness, to reconsider Item No. 8 (Snow Removal Recoupment Program for Private Streets). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt made a motion, seconded by Councilmember DeCampi, to approve \$162,765 to be funded by General Fund – Fund Reserves for the continuation of the Snow Removal Recoupment Program for Private Streets. A second roll call vote was taken with the following results: Ayes – DeCampi, Logan, Hurt, Nations and McGuinness. Nays – Tilman and DeGroot. Whereupon the motion was declared passed.

Councilmember Hurt made a motion, seconded by Councilmember Logan, to approve the Agreement for City Limit Signs on MODOT right of way. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt reported that Bill No. 3124 (Kraus Farm Office Center – Easement Dedication) will be read for the first time under the “Legislation” portion of the agenda.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for Thursday, December 8, at 5:30 p.m.

### **Finance and Administration Committee**

Councilmember Bruce DeGroot, Chairperson of the Finance and Administration Committee, reported that Bill No. 3122 (Broadmoor NID) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember DeGroot announced that the next meeting of this Committee has been scheduled as a Committee of the Whole for Monday, November 28, at 5:30 p.m.

## **Parks, Recreation & Arts Committee**

Councilmember Barbara McGuinness, Chairperson of the Parks, Recreation & Arts Committee, invited everyone to attend the 17<sup>th</sup> Annual Turkey Trot on Thursday, November 24 at 8:30 a.m.

## **Public Health & Safety Committee**

Councilmember Bridget Nations, Chairperson of the Public Health & Safety Committee, reported that Bill No. 3125 (Restricting Compression Release Breaking Systems) will be read for the first time under the “Legislation” portion of the agenda.

## **REPORT FROM THE CITY ADMINISTRATOR**

City Administrator Mike Geisel indicated that he had no report this evening.

## **UNFINISHED BUSINESS**

There was no unfinished business.

## **NEW BUSINESS**

Councilmember DeGroot announced that he was successful in his bid to become the State Representative for this area, and invited everyone to attend the Governor’s Ball on January 9, 2017.

## **LEGISLATION**

Councilmember Hurt made a motion, seconded by Councilmember DeGroot, to suspend the rules and allow consideration of Bill No. 3122 (Broadmoor NID). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO. 3122      DECLARES CERTAIN IMPROVEMENTS OF THE  
BROADMOOR CONDOMINIUMS NEIGHBORHOOD  
IMPROVEMENT DISTRICT COMPLETE. AUTHORIZING THE  
LEVY OF SPECIAL ASSESSMENTS UPON BENEFITTED  
PROPERTY IN SAID DISTRICT, PROVIDING FOR THE  
TERMS AND CONDITIONS OF SAID SPECIAL ASSESSMENT  
AND OTHER ACTIONS IN CONNECTION THEREWITH  
(SECOND READING; CITY ADMINISTRATION  
RECOMMENDS APPROVAL)**

Councilmember DeGroot made a motion, seconded by Councilmember Hurt, for the second reading of Bill No. 3122. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3122 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3122 with the

following results: Ayes – Hurt, McGuinness, Tilman, DeGroot, Nations, Logan and DeCampi. Nays – None. Whereupon Mayor Nation declared Bill No. 3122 approved, passed it and it became **ORDINANCE NO. 2921.**

**BILL NO. 3117      AUTHORIZES THE CITY ADMINISTRATOR TO EXECUTE A CONTRACT FOR WATER FACILITY RELOCATION WITH THE MISSOURI AMERICAN WATER COMPANY REGARDING UTILITY RELOCATION FOR THE RECONSTRUCTION OF THE SCHOETTLER ROAD BRIDGE OVER CREVE COEUR CREEK (SECOND READING; PLANNING & PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember DeGroot, for the second reading of Bill No. 3117. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3117 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3117 with the following results: Ayes – McGuinness, DeCampi, DeGroot, Nations, Logan, Tilman and Hurt. Nays – None. Whereupon Mayor Nation declared Bill No. 3117 approved, passed it and it became **ORDINANCE NO. 2922.**

**BILL NO. 3118      AUTHORIZES THE CITY ADMINISTRATOR TO EXECUTE A UTILITY ATTACHMENT AGREEMENT WITH THE MISSOURI AMERICAN WATER COMPANY REGARDING UTILITY RELOCATION FOR THE RECONSTRUCTION OF THE SCHOETTLER ROAD BRIDGE OVER CREVE COEUR CREEK (SECOND READING; PLANNING & PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Tilman, for the second reading of Bill No. 3118. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3118 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3118 with the following results: Ayes – Hurt, DeCampi, Logan, Nations, DeGroot, McGuinness and Tilman. Nays – None. Whereupon Mayor Nation declared Bill No. 3118 approved, passed it and it became **ORDINANCE NO. 2923.**

**BILL NO. 3123      AMENDS ARTICLE 2 SECTION 02-12 OF THE UNIFIED DEVELOPMENT CODE (ARTICLE 2-12 INSTALLATION OR GUARANTEE OF REQUIRED IMPROVEMENTS) (FIRST READING; PLANNING & PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Logan, for the first reading of Bill No. 3123. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3123 was read for the first time.

BILL NO. 3124      AUTHORIZES THE MAYOR TO EXECUTE EASEMENTS FOR VARIOUS UTILITES IN CONJUNCTION WITH THE DEVELOPMENT OF AN OFFICE BUILDING AT 14730 CONWAY ROAD **(FIRST READING; PLANNING AND DEVELOPMENT SERVICES RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Logan, for the first reading of Bill No. 3124. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3124 was read for the first time.

BILL NO. 3125      RESTRICTS COMPRESSION RELEASE BRAKING SYSTEMS **(FIRST READING; PUBLIC HEALTH & SAFETY RECOMMENDS APPROVAL)**

Councilmember Nations made a motion, seconded by Councilmember Logan, for the first reading of Bill No. 3125. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3125 was read for the first time.

**ADJOURNMENT**

There being no further business to discuss, Mayor Nation adjourned the meeting at 7:59 p.m.



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Mayor Bob Nation

**ATTEST:**



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Vickie J. Hass, City Clerk

APPROVED BY CITY COUNCIL: 12/5/16