



RECORD OF PROCEEDING

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

MAY 1, 2017

The meeting was called to order at 7:05 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

ABSENT

Mayor Bob Nation
Councilmember Barry Flachsbart
Councilmember Barbara McGuinness
Councilmember Ben Keathley
Councilmember Guy Tilman
Councilmember Dan Hurt
Councilmember Randy Logan
Councilmember Tom DeCampi
Councilmember Michelle Ohley

APPROVAL OF MINUTES

The minutes of the April 19, 2017 City Council meeting were submitted for approval. Councilmember Tilman made a motion, seconded by Councilmember Logan, 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

There were no speakers.

INTRODUCTORY REMARKS

Mayor Nation announced the Veteran's Honor Park Dedication Ceremony has been scheduled for Wednesday, May 3, at 5:30 p.m.

Mayor Nation announced that the next meeting of City Council has been scheduled for Monday, May 15, at 7 p.m.

APPOINTMENTS

After lengthy discussion, Mayor Nation stated that, due to lack of consensus, he is deferring re-appointment of Prosecuting Attorney Tim Engelmeyer and Assistant Prosecuting Attorney Tony Pezzani until such time as the Public Health & Safety Committee can review and research the validity of assertions that have been made by various members of the public regarding conflicts of interest and lack of prosecution of various cases. Mayor Nation continued by stating that he consulted with Mr. Engelmeyer in response to accusations that prosecution was not being properly pursued, and was satisfied with Mr. Engelmeyer's thorough response. Mayor Nation also stated that Mr. Engelmeyer held a town hall meeting in the month of February, explaining the Court processes and answering each and every question.

Discussion ensued with Councilmembers Keathley and McGuinness offering suggestions to consider investigating potential conflict of interest by having a prosecutor and assistant prosecutor from the same firm, and having a firm that offers criminal defense in addition to prosecutorial service. Councilmember Hurt noted his only concern was the regional conflict of interest. Councilmember Flachsbart stated that he was supportive of making the reappointments this evening and that he has never considered it a conflict of interest to have two prosecutors from the same firm. There was also discussion about selecting an individual to review the cases in question, who has prosecuting experience and would be impartial.

Mr. Engelmeyer made a brief statement addressing the concerns mentioned. In response to the conflict of interest concern about having two attorneys from the same firm, he stated that the assistant prosecuting attorney simply serves to assist in getting through a large volume of cases. The City utilizes a third-party prosecutor who handles any potential conflict cases. He offered to answer questions and provide the town hall presentation to anyone who is interested. He stressed that his firm is a civil litigation firm, and that even though they occasionally offer criminal defense services, they are not a criminal defense firm, and he offered to provide a breakdown of his firm's case load if requested. Mr. Engelmeyer emphasized that he is committed to doing whatever it takes to avoid any conflict of interest in providing service to the City.

COUNCIL COMMITTEE REPORTS

Planning/Public Works Committee

Councilmember Guy Tilman, Chairperson of the Planning/Public Works Committee, reported that Bill No. 3145 (P.Z. 17-2016 Grand Reserve [Hardesty Development, LLC]) will be read for the first time under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Tilman reported that Bill No. 3146 (P.Z. 04-2017 Dierbergs The Market Place [Amendment]) will be read for the first time under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Tilman reported that Bill No. 3147 (Canaan Crossing, Record Plat) is scheduled for both first and second reading approval under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Tilman made a motion, seconded by Councilmember Hurt, to approve recommended revisions to Public Works Policy Nos. 45 and 46 (Parking Restrictions and School Zones). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Tilman made a motion, seconded by Councilmember Hurt, to approve recommended revisions to Public Health and Safety Policy Nos. 1, 4 and 7 (Citizens Requests for traffic Control Devices and Street Enhancements; Painting of Curbs; and Street Light Installations). These policies would then be moved from the Public Health and Safety section of the Policy Manual to the Public Works section. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Tilman announced that the next meeting of this Committee has been scheduled for Thursday, May 4, at 5:45 p.m.

Finance and Administration Committee

Councilmember Tom DeCampi, Chairperson of the Finance and Administration Committee, indicated that he had no report this evening, and a meeting of the Committee is tentatively scheduled for Monday, May 8, at 5:30 p.m.

Parks, Recreation & Arts Committee

Councilmember Randy Logan, Chairperson of the Parks, Recreation & Arts Committee, indicated that he had no report this evening.

Public Health & Safety Committee

Councilmember Barry Flachsbart, Chairperson of the Public Health & Safety Committee, indicated that he had no report this evening.

REPORT FROM THE CITY ADMINISTRATOR

City Administrator Mike Geisel reported that Staff is recommending award of a contract for exterior painting of the Public Works Facility, including the exterior walls of the building itself, the storage areas and the salt dome. Based upon review of information provided by Public Works Director/City Engineer Jim Eckrich, Mr. Geisel joined with him in recommending award of a contract to PaintSmiths of St. Louis in an amount not to exceed \$37,500. This project is fully funded by the Capital Projects Fund.

Councilmember Logan made a motion, seconded by Councilmember Flachsbart, to authorize the City Administrator to enter into a contract with PaintSmiths of St. Louis in the amount of \$37,500. A roll call vote was taken with the following results: Ayes – Ohley, Tilman, McGuinness, DeCampi, Flachsbart, Logan, Keathley and Hurt. Nays – None. Whereupon Mayor Nation declared the motion passed.

Mr. Geisel reported that Staff is recommending award of a contract for a seal coat emulsion to asphalt parking lots and trails located on property owned or maintained by the City of Chesterfield. This includes the parking lots at City Hall, Central Park and the Chesterfield Valley Athletic Complex; along with the trails at the Levee and Dierbergs Park. Based upon review of information provided by Public Works Director/City Engineer Jim Eckrich, Mr. Geisel joined with him in recommending award of a contract to Parking Lot Maintenance LLC in an amount not to exceed \$185,000. This project is fully funded by the Capital Projects Fund. Councilmember Flachsbart made a motion, seconded by Councilmember Tilman, to authorize the City Administrator to enter into a contract with Parking Lot Maintenance LLC in the amount of \$185,000. A roll call vote was taken with the following results: Ayes – DeCampi, Keathley, Flachsbart, Ohley, Tilman, McGuinness, Hurt and Logan. Nays – None. Whereupon Mayor Nation declared the motion passed.

Mr. Geisel reported that AR Workshop Chesterfield, located at 135 Chesterfield Towne Center, has requested a new liquor license, to sell beer and wine by the drink and Sunday sales. Mr. Geisel reported that, per City policy, this application has been reviewed and is now recommended for approval by both the Police Department and Planning & Development Services. Councilmember Tilman made a motion, seconded by Councilmember Ohley, to approve issuance of a new liquor license to AR Workshop Chesterfield. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Geisel reported that 2016 Sewer Lateral Fund expenditures exceeded the budget by \$29,945. This fund allows for the repair of defective sanitary sewer laterals and is supported by an annual assessment of \$28 on Chesterfield homes. During 2016, the number of residents requesting repairs exceeded the amount projected for the year. The

City was adequately prepared to address this increased activity and maintains sufficient fund reserves in the Sewer Lateral Fund to handle such surges. Councilmember Flachsbart made a motion, seconded by Councilmember McGuinness, to approve a budget transfer from the Sewer Lateral Fund – Fund Reserves in the amount of \$29,945. A roll call vote was taken with the following results: Ayes – Ohley, McGuinness, DeCampi, Hurt, Logan, Keathley, Flachsbart and Tilman. Nays – None. Whereupon Mayor Nation declared the motion passed.

UNFINISHED BUSINESS

Councilmember Flachsbart made a motion, seconded by Councilmember Keathley, to postpone indefinitely the agenda item pertaining to the City's representative to the Chesterfield Valley Transportation Development District Board, with the understanding that the current assignments of the voting members are to remain the same. A roll call vote was taken with the following results: Ayes – McGuinness, Logan, Flachsbart and Tilman. Nays – DeCampi, Ohley, Keathley and Hurt. Mayor Nation voted "Aye" to break the tie and declared the motion passed.

NEW BUSINESS

Councilmember DeCampi made a motion, seconded by Councilmember Keathley, to add the agenda item pertaining to the City's representative to the Chesterfield Valley Transportation Development District Board for discussion at the June 5 City Council meeting.

Discussion ensued regarding the potential to appoint a civilian to serve on this Board, and the process for consideration and nomination of individuals.

Councilmember DeCampi made a motion, seconded by Councilmember Keathley, to amend the original motion to refer this item to the Finance and Administration Committee for discussion at their May 8 meeting, prior to discussion at the June 5 Council meeting. A voice vote was taken with an affirmative result (Councilmembers Flachsbart and Logan voted "No") and the motion to amend was declared passed.

A voice vote was taken on the main motion to add this item to the June 5 City Council meeting for discussion, with an affirmative result (Councilmembers Logan, Tilman and Flachsbart voted "No") and the motion was declared passed.

Councilmember DeCampi made a motion, seconded by Councilmember McGuinness, to refer the issue of a Victims' Rights ordinance to the Finance and Administration Committee.

Councilmember Logan made a motion, seconded by Councilmember Flachsbart, to amend the original motion by referring the Victims' Rights issue to the Public Health & Safety Committee, where it originated. A roll call vote was taken with the following

results: Ayes – Flachsbart, Tilman, Hurt and Logan. Nays – Ohley, McGuinness, DeCampi and Keathley. Mayor Nation voted “Nay” to break the tie and declared the motion to amend failed.

A roll call vote was taken on the original motion to refer the Victims’ Rights issue to the Finance and Administration Committee, with the following results: Ayes – McGuinness, Ohley, DeCampi, Keathley, Hurt and Tilman. Nays – Logan and Flachsbart. Whereupon Mayor Nation declared the motion passed.

LEGISLATION – PLANNING COMMISSION

BILL NO. 3145 AMENDS THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO AN “R-3” RESIDENTIAL DISTRICT FOR A 0.722 ACRE TRACT OF LAND AND “R-4” RESIDENTIAL DISTRICT FOR AN 11.883 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF OLIVE BOULEVARD, APPROXIMATELY 2,200’ EAST OF THE INTERSECTION OF OLIVE BOULEVARD AND CHESTERFIELD PARKWAY (P.Z. 17-2016 GRAND RESERVE [HARDESTY DEVELOPMENT, LLC] —18S620427, 18S620812, 18S620823, 18S640184, 18S620087, 18S620834, & 18S640205) (FIRST READING) (PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Tilman made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 3145. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3145 was read for the first time.

BILL NO. 3146 REPEALS ORDINANCE 2256 OF THE CITY OF CHESTERFIELD TO CHANGE THE CONDITIONS OF ATTACHMENT “A” RELATIVE TO THE “C-8” PLANNED COMMERCIAL DISTRICT FOR AN 11.35 ACRE TRACT OF LAND LOCATED EAST OF CLARKSON ROAD AND NORTH OF BAXTER ROAD (P.Z. 04-2017 DIERBERGS THE MARKET PLACE (AMENDMENT)) (FIRST READING) (PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Tilman made a motion, seconded by Councilmember Keathley, for the first reading of Bill No. 3146. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3146 was read for the first time.

BILL NO. 3147 PROVIDES FOR THE APPROVAL OF A RECORD PLAT FOR THE PETER STEFFAN SUBDIVISION, A 5.00 ACRE TRACT OF LAND ZONED “PI” PLANNED INDUSTRIAL DISTRICT LOCATED NORTH OF OLIVE STREET ROAD WEST OF ITS

**INTERSECTION WITH SPIRIT AIRPARK WEST DRIVE
(FIRST & SECOND READINGS) (PLANNING
COMMISSION RECOMMENDS APPROVAL)**

Councilmember Tilman made a motion, seconded by Councilmember Ohley, for the first reading of Bill No. 3147. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3147 was read for the first time.

Councilmember Tilman made a motion, seconded by Councilmember Hurt, for the second reading of Bill No. 3147. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3147 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3147 with the following results: Ayes – Flachsbart, McGuinness, DeCampi, Ohley, Keathley, Hurt, Tilman and Logan. Nays – None. Whereupon Mayor Nation declared Bill No. 3147 approved, passed it and it became **ORDINANCE NO. 2947**.

ADJOURNMENT

There being no further business to discuss, Mayor Nation adjourned the meeting at 8:30 p.m.



President Pro-Tem ~~Don Hurt~~ **DANIEL I. HURT**

ATTEST:



Vickie J. Hass, City Clerk

APPROVED BY CITY COUNCIL: 5/15/17