



RECORD OF PROCEEDING

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

JUNE 5, 2017

The meeting was called to order at 7 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 May 15, 2017 City Council meeting were submitted for approval. Councilmember Tilman made a motion, seconded by Councilmember Flachsbart, 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 May 15, 2017 Executive Session were submitted for approval. Councilmember McGuinness made a motion, seconded by Councilmember Tilman, 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

Dr. Eric Nepute, 1646 Baxter Road, spoke in support of the Power Plex project.

Ms. Tracy Ellis, 699 Trade Center Blvd., spoke in support of the Power Plex project.

Mr. Michael Ebert, 12785 Strathearn Drive, spoke in support of the Power Plex project.

Mr. Bill Lawson, 2114 Riding Trail Drive, expressed his disappointment that an email he sent to Council was shared with the media and no one has responded to him regarding his concern.

Ms. Colleen O'Neill, 17057 N. Outer 40 Road, spoke in support of the Power Plex project.

Mr. Steve Randall, 8 E. Main, Wentzville, stated he was available to answer questions related to Bill No. 3154 (P.Z. 14-2016 18331, 18333 & 18335 Chesterfield Airport Road).

Mr. Quinn Buck, 2803 Barvilla Court, Ballwin, spoke in support of the Power Plex project.

Ms. Marjie Saiter, 1328 Carriage Crossing Lane, spoke in opposition to the extension of TDD funds to support the proposed ice rink.

Mr. Rick Sems, 2007 Kingspointe Drive, Clarkson Valley, spoke in support of the Power Plex project.

Ms. Nora Amato, 101 Chesterfield Business Parkway, spoke in support of the Power Plex project on behalf of the Chesterfield Chamber of Commerce.

Mr. John Hammond, 1203 Walnut Hill Farm Drive, spoke in support of the Power Plex project, but recommended re-negotiating the rent portion of the lease agreement or selling the land.

Mr. Ron Cawood, 16992 Riverdale Drive, spoke in opposition to taxpayer funding for private ventures, specifically the TDD extension to support the proposed ice rink.

Mr. Dick Shaiper, 15 West Drive, spoke in support of the Power Plex project.

Mr. Dan Buck, Big Sports Properties, gave a presentation on the status of funding for the Power Plex project and requested a 60 day extension to enable St. Louis County to make their infrastructure investment into the City of Chesterfield.

Mr. Mark Harder, St. Louis County Council – District 7, assured City Council that County Executive Steve Stenger and the Economic Development Partnership are working diligently to find ways to finalize funding for the infrastructure portion of the Power Plex project.

Councilmember Flachsbart made a motion, seconded by Councilmember Logan, to suspend the rules in order to address item 11A (Land Acquisition). A roll call vote was taken with the following results: Ayes – Hurt, Tilman, Keathley, Logan and Flachsbart. Nays – McGuinness, Ohley and DeCampi. Whereupon Mayor Nation declared the motion failed (two-thirds vote required for motion to suspend the rules).

[Mayor Nation called for a five minute recess at 8:30 p.m. and the meeting re-convened at 8:35 p.m.]

INTRODUCTORY REMARKS

Mayor Nation announced that the next meeting of City Council has been scheduled for Monday, June 19, at 7 p.m.

APPOINTMENTS

Mayor Nation nominated Timothy Andrew Engelmeyer and the firm of Engelmeyer Pezzani LLC for reappointment as the City's Prosecuting Attorney for another four year term. Councilmember Flachsbart made a motion, seconded by Councilmember Hurt, to approve a proposed resolution for this reappointment. A roll call vote was taken with the following results: Ayes – Flachsbart, Tilman, Hurt, Logan and McGuinness. Nays – Ohley, Keathley and DeCampi. Whereupon Mayor Nation declared the motion passed. The successful resolution became Chesterfield Resolution No. 435.

COUNCIL COMMITTEE REPORTS

Planning/Public Works Committee

Councilmember Guy Tilman, Chairperson of the Planning/Public Works Committee, reported that Bill No. 3148 (P.Z. 16-2016 EJ Properties [16625 & 16635 Old Chesterfield Rd]) will be considered for adoption under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Tilman reported that Bill No. 3149 (P.Z. 06-2017 City of Chesterfield [Unified Development Code – Articles 3 & 4]) will be considered for adoption under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Tilman reported that Bill No. 3153 (Placement of Solid Waste Containers) will be read for the first time under the “Legislation” portion of the agenda.

Councilmember Tilman reported that Bill No. 3154 (P.Z. 14-2016 18331, 18333 & 18335 Chesterfield Airport Road) will be read for the first time under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Tilman reported that Bill No. 3157 (Warwick on White Road – Record Plat) is scheduled for both first and second reading approval under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Tilman announced that the next meeting of this Committee has been scheduled for Thursday, June 8, at 5:45 p.m.

Finance and Administration Committee

Councilmember Tom DeCampi, Chairperson of the Finance and Administration Committee, made a motion, seconded by Councilmember Keathley, to release emails between Prosecuting Attorney Tim Engelmeyer and former Councilmember Connie Fults, which had previously been deemed privileged closed records, regarding a municipal code violation for visible placement of solid waste containers. A roll call vote was taken with the following results: Ayes – Keathley, DeCampi, McGuinness and Ohley. Nays – Logan, Hurt, Flachsbart and Tilman. Mayor Nation voted “Aye” to break the tie and declared the motion passed.

Councilmember DeCampi made a motion, seconded by Councilmember Logan, to approve a policy to reduce the total number of members on the MIS Citizens Advisory Committee. This recommendation was jointly offered by the Chair of the Committee and Staff, who expressed that the smaller sized committee could more effectively address the technical issues that they are charged with. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember DeCampi announced that the next meeting of this Committee has been scheduled for Monday, June 26, at 5:30 p.m.

Parks, Recreation & Arts Committee

Councilmember Randy Logan, Chairperson of the Parks, Recreation & Arts Committee, announced that the next meeting of this Committee has been scheduled for Tuesday, June 6, at 6:00 p.m.

Public Health & Safety Committee

Councilmember Barry Flachsbart, Chairperson of the Public Health & Safety Committee, reported that Bill No. 3152 (Revised Ordinance – Deer Hunting Regulations &

Requirements) will be considered for adoption under the "Legislation" portion of the agenda.

Councilmember Flachsbart reported that Bill No. 3155 (Unmanned Aircraft Systems [Drones]) will be read for the first time under the "Legislation" portion of the agenda.

Councilmember Flachsbart reported that Bill No. 3156 (Short Term Rental of Single Family Dwellings) will be read for the first time under the "Legislation" portion of the agenda.

Councilmember Flachsbart made a motion, seconded by Councilmember Logan, to endorse the City's participation in a trial program offered by Axon (formerly TASER). The company is offering to provide Body Worn Cameras (BWCs) for all Chesterfield officers along with all necessary "back-office" storage and retrieval equipment/capabilities for a full one year period with no cost or obligation. A voice vote was taken with an affirmative result (Councilmember DeCampi voted "No") and the motion was declared passed.

REPORT FROM THE CITY ADMINISTRATOR

City Administrator Mike Geisel reported that the City budgeted and scheduled the purchase of a cargo van to replace the existing 2009 ½ ton pick-up truck used by the facility maintenance division. This vehicle was originally planned to be purchased as a CNG conversion vehicle, but that option is not currently available on that vehicle. Accordingly, Mr. Geisel joined with Director of Public Works/City Engineer Jim Eckrich in recommending that the City Council authorize the City Administrator to approve a purchase order with Don Brown Chevrolet for the purchase of a ¾ ton Chevrolet Express 2500 Cargo Van in an amount not to exceed \$24,312. This Cargo Van will be purchased using existing budgeted funds. Councilmember Flachsbart made a motion, seconded by Councilmember Tilman, to approve this recommendation. A roll call vote was taken with the following results: Ayes – McGuinness, Ohley, Flachsbart, DeCampi, Keathley, Hurt, Logan and Tilman. Nays – None. Whereupon Mayor Nation declared the motion passed.

Mr. Geisel reported that the City of Chesterfield manages the St. Louis APWA Metro Branch Salt cooperative, which coordinates the purchase and delivery of deicing salt for 51 cities and six school districts. In doing so, the City is able to secure a stable, reliable, and economical supply of deicing chemicals. Staff recommends approval for a one year extension for the supply of deicing salt by Compass Materials at a cost of \$49.23/ton; as well as a one-year extension for salt delivery by Beelman Logistics LLC at a cost of \$8.62/ton. Both companies have agreed to extend this pricing, which is priced at competitively low levels and this would be the third year at these levels. These costs are below the 2014 bid prices and substantially below the second bidder in 2015 bid pricing. Mr. Geisel joined with Director of Public Works/City Engineer Jim Eckrich in recommending a one year extension of the current salt supply and delivery contracts with Compass Materials and Beelman Logistics LLC respectively. Councilmember Flachsbart

made a motion, seconded by Councilmember Tilman, to approve this recommendation. A roll call vote was taken with the following results: Ayes – DeCampi, Logan, McGuinness, Flachsbart, Hurt, Tilman, Ohley and Keathley. Nays – None. Whereupon Mayor Nation declared the motion passed.

Mr. Geisel reported that Staff is recommending award of a contract for the Public Works Facility Roof Replacement Project. Based upon review of information provided by Senior Civil Engineer Chris Krueger, Mr. Geisel joined with him in recommending award of a contract to Greg Glandt Roofing Incorporated in an amount not to exceed \$96,000. This figure includes the bid amount (\$89,000) and a modest contingency to account for any change orders which may become necessary during the project. Greg Glandt Roofing has successfully performed similar work in the St. Louis area, and has positive references checked by Public Works staff. This is a budgeted item in 2017. Councilmember Flachsbart made a motion, seconded by Councilmember Tilman, to approve this recommendation. A roll call vote was taken with the following results: Ayes – Flachsbart, Logan, Keathley, Ohley, McGuinness, DeCampi, Hurt and Tilman. Nays – None. Whereupon Mayor Nation declared the motion passed.

Councilmember Tilman made a motion, seconded by Councilmember Logan, to suspend the rules and proceed to the “Legislation” portion of the agenda before addressing “Unfinished Business”. A roll call vote was taken with the following results: Ayes – DeCampi, Hurt, McGuinness, Keathley, Ohley, Logan and Tilman. Nays – Flachsbart. Whereupon Mayor Nation declared the motion passed.

LEGISLATION

**BILL NO. 3152 UPDATES DEER CONTROL AND DEER HUNTING
REGULATIONS AND REQUIREMENTS (SECOND
READING) (PUBLIC HEALTH AND SAFETY COMMITTEE
RECOMMENDS APPROVAL)**

Councilmember Flachsbart made a motion, seconded by Councilmember Tilman, for the second reading of Bill No. 3152. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3152 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3152 with the following results: Ayes – Tilman, Keathley, DeCampi, Ohley, Flachsbart and McGuinness. Nays – Logan and Hurt. Whereupon Mayor Nation declared Bill No. 3152 approved, passed it and it became **ORDINANCE NO. 2952.**

**BILL NO. 3153 REPEALS AND REPLACES SECTION 25-28 OF THE CITY OF
CHESTERFIELD MUNICIPAL CODE REGARDING THE
PLACEMENT OF WASTE CONTAINERS, TREE WASTE AND
FIREWOOD (FIRST READING) (PLANNING & PUBLIC
WORKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Tilman made a motion, seconded by Councilmember Ohley, for the first reading of Bill No. 3153.

Councilmember McGuinness made a motion to amend Bill No. 3153 by increasing the number of containers allowed from 7 to 10. The motion died for lack of a second.

A voice vote was taken for the first reading of Bill No. 3153 with a unanimous affirmative result and the motion was declared passed. Bill No. 3153 was read for the first time.

**BILL NO. 3155 REGULATES UNMANNED AIRCRAFT SYSTEMS (DRONES)
(FIRST READING) (PUBLIC HEALTH AND SAFETY
COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Flachsbart made a motion, seconded by Councilmember Tilman, for the first reading of Bill No. 3155. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3155 was read for the first time.

**BILL NO. 3156 AMENDS SECTION 21-77 TO CHAPTER 21, ARTICLE VI OF
THE CHESTERFIELD CITY CODE RELATING TO THE
REGULATION OF RENTING OF SINGLE-FAMILY
DWELLINGS (FIRST READING) (PUBLIC HEALTH AND
SAFETY COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Flachsbart made a motion, seconded by Councilmember Tilman, for the first reading of Bill No. 3156. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3156 was read for the first time.

LEGISLATION – PLANNING COMMISSION

**BILL NO. 3148 REPEALS ORDINANCE 2791 OF THE CITY OF
CHESTERFIELD TO CHANGE THE CONDITIONS OF
ATTACHMENT “A” RELATIVE TO THE “PI” PLANNED
INDUSTRIAL DISTRICT FOR A 1.95 ACRE TRACT OF LAND
LOCATED AT 16625 OLD CHESTERFIELD ROAD AND 16635
OLD CHESTERFIELD ROAD. (P.Z. 16-2016 EJ PROPERTIES
{16625 & 16635 OLD CHESTERFIELD ROAD}) (SECOND
READING) (PLANNING COMMISSION RECOMMENDS
APPROVAL; PLANNING & PUBLIC WORKS
COMMITTEE RECOMMENDS APPROVAL, AS AMENDED)**

Councilmember Tilman made a motion, seconded by Councilmember Ohley, for the second reading of Bill No. 3148. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3148 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3148 with the following results: Ayes – Keathley, Hurt, Logan, McGuinness, DeCampi, Ohley,

Flachsbart and Tilman. Nays – None. Whereupon Mayor Nation declared Bill No. 3148 approved, passed it and it became **ORDINANCE NO. 2953.**

BILL NO. 3149 AMENDS ARTICLE 3 SECTION 03-06 USE TABLE FOR RESIDENTIAL DISTRICTS AND ARTICLE 4 SECTION 04-01 SITE AND BUILDING DESIGN TABLE OF THE UNIFIED DEVELOPMENT CODE (P.Z. 06-2017 CITY OF CHESTERFIELD (UNIFIED DEVELOPMENT CODE ARTICLES 3 AND 4) (SECOND READING) (PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING & PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)

Councilmember Tilman made a motion, seconded by Councilmember Ohley, for the second reading of Bill No. 3149. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3149 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3149 with the following results: Ayes – Flachsbart, Ohley, McGuinness, Hurt, Logan, Tilman, Keathley and DeCampi. Nays – None. Whereupon Mayor Nation declared Bill No. 3149 approved, passed it and it became **ORDINANCE NO. 2954.**

BILL NO. 3154 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “M3” PLANNED INDUSTRIAL DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 16.0 ACRE TRACT OF LAND AT 18331, 18333, AND 18335 CHESTERFIELD AIRPORT ROAD, LOCATED AT THE NORTHWEST SIDE OF THE INTERSECTION OF CHESTERFIELD AIRPORT ROAD AND SPIRIT OF ST. LOUIS BOULEVARD. (P.Z. 14-2016 18331, 18333 & 18335 CHESTERFIELD AIRPORT ROAD {LSL I, LLC AND LSL II, LLC} 17V410060, 17V410026 AND 17V410037) (FIRST READING) (PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING & PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, AS AMENDED)

Councilmember Tilman made a motion, seconded by Councilmember Logan, for the first reading of Bill No. 3154. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3154 was read for the first time.

BILL NO. 3157 PROVIDES FOR THE APPROVAL OF A RECORD PLAT AND ESCROW AGREEMENTS FOR THE WARWICK ON WHITE ROAD SUBDIVISION, AN 8.31 ACRE TRACT OF LAND ZONED “R-2” RESIDENCE DISTRICT LOCATED SOUTHEAST OF THE INTERSECTION OF WHITE ROAD AND GREENTRAILS DRIVE (FIRST & SECOND READING) (PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Tilman made a motion, seconded by Councilmember Hurt, for the first reading of Bill No. 3157. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3157 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Ohley, for the second reading of Bill No. 3157. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3157 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3157 with the following results: Ayes – Tilman, Logan, Ohley, Hurt, McGuinness, Flachsbart, DeCampi and Keathley. Nays – None. Whereupon Mayor Nation declared Bill No. 3157 approved, passed it and it became **ORDINANCE NO. 2955**.

[Mayor Nation called for a five minute recess at 9:30 p.m. and the meeting re-convened at 9:35 p.m.]

UNFINISHED BUSINESS

Councilmember McGuinness made a motion, seconded by Councilmember DeCampi, to terminate the City's land purchase option for the Successful Investors tract.

Councilmember Logan made a motion, seconded by Councilmember Flachsbart, to amend the original motion by instructing staff to attempt to seek a 60 day extension on the real estate purchase agreement and attempt to re-negotiate the ground lease agreement similar to the agreement that had expired. A roll call vote was taken with the following results: Ayes – Flachsbart, Tilman and Logan. Nays – Ohley, McGuinness, Keathley, Hurt and DeCampi. Whereupon Mayor Nation declared the motion to amend failed.

A roll call vote was taken on the original motion to terminate the City's land purchase option for the Successful Investors tract with the following results: Ayes – McGuinness, Hurt, Keathley and DeCampi. Nays – Logan, Tilman, Flachsbart and Ohley. Mayor Nation voted "Nay" to break the tie and declared the original motion failed.

Councilmember Ohley made a motion, seconded by Councilmember DeCampi, to reconsider the vote to terminate the City's land purchase option for the Successful Investors tract. A roll call vote was taken with the following results: Ayes – Keathley, DeCampi, Ohley, Hurt and McGuinness. Nays – Logan, Tilman and Flachsbart. Whereupon Mayor Nation declared the motion to reconsider passed.

A roll call vote was taken on the original motion to terminate the City's land purchase option for the Successful Investors tract with the following results: Ayes – Keathley, McGuinness, DeCampi, Hurt and Ohley. Nays – Logan, Flachsbart and Tilman. Whereupon Mayor Nation declared the original motion to terminate the purchase option passed.

Council simultaneously communicated that the ground lease and development agreement with Big Sports had automatically terminated effective June 1, 2017 due to terms specified in the development agreement, and they did not approve any extensions.

At the May 15 City Council meeting, it was approved to contribute 5% (\$1,542.35) of Chesterfield's \$30,847 share of the TracFone Wireless cash settlement to the Missouri Municipal League (MML) Advocacy Fund to replenish the reserve for future litigation and municipal legislative efforts. Following a 4-4 tie vote, President Pro-Tem Hurt voted "Aye" to break the tie and declared the motion passed. He requested that payment not be processed until after the June 5, 2017 meeting in case the Mayor desired to reconsider. Councilmember Keathley made a motion, seconded by Councilmember McGuinness to rescind the payment to MML from the TracFone settlement. A roll call vote was taken with the following results: Ayes – DeCampi, Keathley and Ohley. Nays – Logan, Hurt, Tilman, Flachsbar and McGuinness. Whereupon Mayor Nation declared the motion to rescind failed.

NEW BUSINESS

There was no new business.

ADJOURNMENT

There being no further business to discuss, Mayor Nation adjourned the meeting at 10:27 p.m.



Mayor Bob Nation

ATTEST:



Vickie J. Hass, City Clerk

APPROVED BY CITY COUNCIL: 6/19/17