



## RECORD OF PROCEEDING

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

**MARCH 7, 2016**

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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 Bridget Nations  
Councilmember G. Elliot Grissom  
Councilmember Mike Casey  
Councilmember Dan Hurt  
Councilmember Bruce DeGroot  
Councilmember Connie Fults

APPROVAL OF MINUTES

The minutes of the February 17, 2016 City Council meeting were submitted for approval. Councilmember Nations 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.

## **INTRODUCTORY REMARKS**

Mayor Nation recognized various candidates for office in attendance, and thanked them for their willingness to serve.

Mayor Nation announced that the next meeting of City Council has been scheduled for Monday, March 21, at 7 p.m.

## **COMMUNICATIONS AND PETITIONS**

Mr. Jeff Chapple, 328 Marmont Court, spoke in opposition to Bill No's. 3077 and 3078 (Amends Previously Adopted Ordinances re: Prosecuting Attorney and Municipal Judge).

Former Councilmember Mary Brown, 62 Chesterfield Lakes Road, expressed her appreciation for Mr. Herring's years of excellent service to the City of Chesterfield.

Former Councilmember Derek Grier, 2271 Baxter Road, encouraged Council to approve payment of the invoice for legal services from Kevin O'Keefe. He also encouraged Council to proceed with appointing a new City Administrator without further delay. Mr. Grier then officially introduced himself as a candidate for State Representative in Missouri's 100<sup>th</sup> District.

Senator Jane Cunningham, 1602 Timberlake Manor Parkway, expressed her thanks to Representative Sue Allen for assisting with evaluating the City's ordinances to determine that they comply with state law. Ms. Cunningham then expressed her appreciation to Councilmember Flachsbart, Chairperson of the Finance & Administration Committee, for working to insure transparency on the City's website and for continuing to make sure that ordinances adopted by the City Council are, in fact, fully-reflected within the codified version of same.

## **APPOINTMENTS**

Mayor Nation stated that he does not anticipate a motion for Bill No. 3070 (Appointment of City Attorney). However, it will come up under the "Legislation" portion of the agenda if the Council should decide to act on it.

Mayor Nation stated he would like to reserve the right to re-institute Resolution No. 419 (Authorizes Mayor to Hire Special Legal Counsel [\$1600] re: Bill No's. 3073/3074) into the "Old Business" portion of the agenda, should the need arise.

## **COUNCIL COMMITTEE REPORTS**

### **Finance and Administration Committee**

Councilmember Barry Flachsbart, Chairperson of the Finance and Administration Committee, announced that the Committee voted unanimously to support Staff's

recommendation to proceed with refunding debt from 2008 Certificates of Participation, saving a projected \$300,000 over the remaining life of the debt. It is anticipated that ordinances to accomplish this refunding will be included on the March 21 City Council Agenda and will be scheduled for both first and second reading approval, at that time.

Councilmember Flachsbart made a motion, seconded by Councilmember McGuinness, to hold Bill No's. 3076, 3077 and 3078 (Amends Previously-Adopted Ordinances re: City Attorney, Prosecuting Attorney and Municipal Judge) until the next City Council meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Flachsbart noted that he has asked Chesterfield's Municipal Judge and Prosecuting Attorney to review these proposed ordinances and that, pending their review, he may ask that these proposed ordinances be held for an additional amount of time.

Councilmember Flachsbart announced that the next meeting of this Committee has been scheduled for Monday, March 28, at 5:30 p.m.

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

Councilmember Connie Fults, Chairperson of the Planning/Public Works Committee, made a motion, seconded by Councilmember DeGroot, to approve Public Works Policy #5 (Street Trees) and the Emerald Ash Borer Plan modifications with a transfer of \$43,000 from General Fund - Fund Reserves. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults made a motion, seconded by Councilmember DeGroot, to hold Bill No. 3075 (P.Z. 13-2015, Chesterfield Valley Square [Burgundy Arrow LLC]) until the next City Council meeting, at the request of the petitioner. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults reported that Bill No. 3071 (P.Z. 12-2015, Warwick on White Road [1050 and 1060 White Road]) will be considered for adoption under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Fults reported that Bill No. 3072 (Authorizes Execution of License Agreement with MoDOT re: Chesterfield Parkway Pedestrian Bridge) will be considered for adoption under the "Legislation" portion of the agenda.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for Thursday, March 10, at 5:30 p.m.

### **Committee-of-the-Whole**

President Pro Tem Connie Fults reported that no action will be taken pertaining to Bill No. 3073 (Amends City Ordinances to Authorize City Council to Establish and Fill the Position of "City Administrator Pro Tem") or Bill No. 3074 (Appoints a "City

Administrator Pro Tem”; Establishes Compensation for Said Position; Authorizes Execution of Employment Agreement).

Councilmember McGuinness made a motion, seconded by Councilmember DeGroot, to remove Bill No. 3073 (Amends City Ordinances to Authorize City Council to Establish and Fill the Position of “City Administrator Pro Tem”) and Bill No. 3074 (Appoints a “City Administrator Pro Tem”; Establishes Compensation for Said Position, Authorizes Execution of Employment Agreement) from the agenda. A voice vote was taken with an affirmative result (Councilmember Casey voted “No”) and the motion was declared passed.

### **REPORT FROM THE CITY ADMINISTRATOR**

City Administrator Mike Herring reported that Staff is recommending award of a contract for the purchase of a Fraise Mower for use in field maintenance operations at the Chesterfield Valley Athletic Complex. Based upon review of information provided by Parks, Recreation and Arts Director Tom McCarthy, and with the endorsement of Director of Public Services Mike Geisel, Mr. Herring joined with them in recommending award of a contract to Commercial Turf and Tractor for the purchase of a Fraise Mower, for \$33,060, which is \$5,940 below the budgeted amount. Councilmember Flachsbart made a motion, seconded by Councilmember DeGroot, to approve this recommendation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Staff is recommending award of a contract for Selective Slab Replacement, citywide, as identified as Project “A”. Based upon review of information provided by Public Works Director/City Engineer Jim Eckrich, Mr. Herring joined with him in recommending award of a contract to Amcon Municipal Concrete in an amount not to exceed \$1,442,116. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to approve this recommendation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Staff is recommending award of a contract for Selective Slab Replacement, citywide, as identified as Project “B”. Based upon review of information provided by Public Works Director/City Engineer Jim Eckrich, Mr. Herring joined with him in recommending award of a contract to J.M. Marschuetz Construction Company in an amount not to exceed \$1,127,270. Councilmember Flachsbart made a motion, seconded by Councilmember Hurt, to approve this recommendation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Herring noted that the total amount for both projects was slightly over budget, but that sufficient funds exist within the Capital Improvement Sales Tax Fund to cover this total expense. He noted that it has long been City Council’s policy to spend all available dollars, within this Fund, on an annual basis.

City Administrator Mike Herring reported that in support of Capital Improvement projects planned for 2016, Staff is recommending award of a contract for construction

testing/inspection services. Based upon review of information provided by Public Works Director/City Engineer Jim Eckrich, Mr. Herring joined with him in recommending award of a contract to Geotechnology, Inc. in an amount not to exceed \$105,000, which is slightly below budget. Councilmember Flachsbart made a motion, seconded by Councilmember Hurt, to approve this recommendation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

### **OLD BUSINESS**

Mayor Nation stated that Council has been discussing the topic of the Invoice for Legal Services (Kevin O’Keefe) in Executive Session, but they have not completed their discussion, so they will re-convene into Executive Session at the close of the City Council meeting.

Discussion ensued regarding why this topic is not being discussed in open session at this time, and it was determined that once discussion is concluded and a vote is taken in Executive Session, the results will become public.

### **NEW BUSINESS**

There was no new business.

### **LEGISLATION**

**BILL NO. 3072      AUTHORIZES THE CITY ADMINISTRATOR TO EXECUTE A LICENSE AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR CONSTRUCTION OF THE CHESTERFIELD PARKWAY PEDESTRIAN BRIDGE OVER INTERSTATE 64 (SECOND READING; PLANNING/PUBLIC WORKS COMMITTEE)**

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, for the second reading of Bill No. 3072. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3072 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3072 with the following results: Ayes – Casey, Fults, McGuinness, Hurt, Flachsbart, Nations, Grissom and DeGroot. Nays – None. Whereupon Mayor Nation declared Bill No. 3072 approved, passed it and it became **ORDINANCE NO. 2886**.

### **LEGISLATION – PLANNING COMMISSION**

**BILL NO. 3071      AMENDS THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO AN “R-2” RESIDENTIAL DISTRICT, FOR AN 8.31 ACRE TRACT OF LAND, LOCATED SOUTHEAST OF THE INTERSECTION OF WHITE ROAD AND**

**GREENTRAILS DRIVE (SECOND READING; PLANNING  
COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember DeGroot, for the second reading of Bill No. 3071. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3071 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3071 with the following results: Ayes – Casey, McGuinness, Grissom, Nations, Hurt, DeGroot, Flachsbart and Fults. Nays – None. Whereupon Mayor Nation declared Bill No. 3071 approved, passed it and it became **ORDINANCE NO. 2887**.

**ADJOURNMENT**

Mayor Nation entertained a motion to reconvene into Executive Session. Councilmember Flachsbart made a motion, seconded by Councilmember Nations, to go into closed session, pursuant to RSMo 610.021(1) for the purpose of allowing for confidential communication among the City Attorney and the City’s elected officials, regarding litigation and other matters. A roll call vote was taken with the following results: Ayes – Nations, Fults, Hurt, Casey, DeGroot, Flachsbart, Grissom and McGuinness. Nays – None. Whereupon Mayor Nation declared the motion passed.

There being no further business to discuss, Mayor Nation adjourned the meeting at 7:44 p.m.

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Mayor Bob Nation

**ATTEST:**

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Vickie J. Hass, City Clerk