



## RECORD OF PROCEEDING

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

**MAY 16, 2016**

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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 Bridget Nations  
Councilmember Guy Tilman  
Councilmember Dan Hurt  
Councilmember Randy Logan  
Councilmember Tom DeCampi  
Councilmember Bruce DeGroot

APPROVAL OF MINUTES

The minutes of the May 9, 2016 Special City Council meeting were submitted for approval. Councilmember Logan made a motion, seconded by Councilmember Nations, to approve the Special City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **COMMUNICATIONS AND PETITIONS**

Mayor Nation presented a Proclamation to Mrs. Cynthia Fleck, who was crowned with the Mrs. Chesterfield, United States title and Mrs. Missouri USA Universal title. Mrs. Fleck is currently preparing for the Mrs. USA Universal Pageant in Reno, Nevada.

Former Mayor Bruce Geiger, 14787 Greenloch Court, spoke in support of proceeding with construction of the Veteran's Honor Park.

Ms. Jan Misuraca, 1414 Sycamore Manor, spoke in support of proceeding with construction of the Veteran's Honor Park. She pledged to continue her fund raising efforts.

Mr. Lee Wall, 14759 Plumas, spoke in support of proceeding with construction of the Veteran's Honor Park.

Mr. Randy Lipton, 7211 Delmar, St. Louis, stated he was available to answer questions related to the recommendation to approve a Site Development Plan for Spirit Energy, LLC (Starbucks).

Mr. Mike Voriverk, 11402 Gravois, St. Louis, stated he was available to answer questions related to the recommendation to approve a Site Development Plan for Spirit Energy, LLC (Starbucks).

Mr. Michael Clithero, Lathrop & Gage, 7701 Forsyth, St. Louis, stated he was available to answer questions related to the recommendation to approve a Site Development Plan for Spirit Energy, LLC (Starbucks).

Ms. Rebecca Chamberlin, 15698 Ranch Road, Wright City, stated she was available to answer questions related to the recommendation to approve a Site Development Plan for Spirit Energy, LLC (Starbucks).

Mr. Mark Kraus, 2796 Autumn Run Court, Wildwood, introduced himself as President of the Chesterfield Hockey Association. He thanked Councilmembers in advance for their consideration of a proposed facility to replace the Hardee's Iceplex.

Mr. Tom Kaiman, 7 Baxter Lane, spoke in support of the proposed facility to replace the Hardee's Iceplex.

Ms. Julie Nolfo, 11819 Lillian Avenue, St. Louis, stated she was available to answer questions related to traffic as it pertains to the recommendation to approve a Site Development Plan for Spirit Energy, LLC (Starbucks).

Mr. Richard Robinson, 3405 Hawthorne Blvd., St. Louis, stated he was available to answer questions related to the recommendation to approve a Site Development Plan for Spirit Energy, LLC (Starbucks).

Mr. Gary Cunningham, 1602 Timberlake Manor Pkwy., commended the Mayor and Council for opting to initiate a full search for City Administrator. He also asked Council to consider taking their time with the ordinance review project, to review and analyze the proposed revisions, being sure changes are consistent with all related areas.

### **INTRODUCTORY REMARKS**

Councilmember Flachsbart made a motion, seconded by Councilmember Logan, to suspend the rules and insert Item 10D – Bid Results – Veteran’s Honor Park. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Geisel reported that the Veteran’s Honor Park Committee has conducted considerable fund raising, the City has provided matching funds, and the City was successful in obtaining a \$525,000 grant from the Municipal Parks Commission in 2016. The Planning and Public Works Committee has unanimously recommended that City Council authorize construction of the entire Veteran’s Honor Park Project and authorize an additional transfer from General Fund – Fund Reserves, over and above the 40% reserve policy threshold, in the amount of \$693,000. 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 Volk Construction for the construction of the Veteran’s Honor Park in an amount not to exceed \$1,950,000, which includes the low bid (\$1,857,000) and a modest contingency. The Veteran’s Honor Park Committee has committed to continue their fund raising activities to offset and reimburse the City to the greatest extent possible. Councilmember Flachsbart made a motion, seconded by Councilmember McGuinness, to approve this recommendation and transfer \$693,000 from General Fund – Fund Reserves. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mayor Nation announced the Missouri Legislature has passed two different bills that are supportive of the City’s sales tax legislation. We anticipate the Governor’s signature on this legislation that says Chesterfield, and six other cities, that have been giving up more than fifty percent of the sales tax generated within their municipal boundaries, will be able to keep a minimum of fifty percent of this sales tax, going forward. This is subject to a hold harmless clause that says any other pool city, including St. Louis County, will not receive anything less than what they received from the pool in 2014. Mayor Nation stated that this is a small step in the right direction; however, it is a significant event given that this is the first change to the sales tax legislation statute since 1993. Mayor Nation expressed his gratitude to Senator Dave Schatz, Representative Mike Leara, Representative Sue Allen and Jeff Brooks, Lobbyist with Gamble & Schlemeier. He also expressed thanks to Councilmembers who have supported this effort for the past few years and Director of Finance Craig White.

Mayor Nation announced that the next meeting of City Council has been scheduled for Monday, June 6, at 7 p.m.

## **APPOINTMENTS**

There were no appointments.

## **COUNCIL COMMITTEE REPORTS**

### **Finance and Administration Committee**

Councilmember Bruce DeGroot, Chairperson of the Finance and Administration Committee, deferred to Councilmember Flachsbart who was the prior Chair of this committee. Councilmember Flachsbart made a motion, seconded by Councilmember DeGroot, to hold Bill No's 3082 through 3089 until the June 6 City Council meeting to provide time for further review by Interim City Attorney Chris Graville. These bills reflect attempts to clarify some items that were incorrectly changed during the codification process which took place in 1990. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

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

Councilmember Dan Hurt, Chairperson of the Planning/Public Works Committee, reported that Bill No. 3075 (P.Z. 13-2015, Chesterfield Valley Square [Burgundy Arrow, LLC]) will be considered for adoption under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Hurt reported that Bill No. 3079 (Restricts Parking on River Valley Dr.) will be considered for adoption under the "Legislation" portion of the agenda.

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to amend the motion to approve a Site Development Plan for Spirit Energy, LLC (Starbucks) to include a clause that if the property owner should receive approval for cross-access, they will be responsible for the subsequent closing of the current access points at no cost to the City. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember McGuinness made a motion, seconded by Councilmember Flachsbart, to further amend the motion to approve a Site Development Plan for Spirit Energy, LLC (Starbucks) to include the addition of two internal stop signs at the Olive exit and the Woods Mill exit, in accordance with the Manual on Uniform Traffic Control Devices. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt made a motion, seconded by Councilmember Nations, to approve a Site Development Plan, as amended, for Spirit Energy, LLC (Starbucks). A roll call vote was taken with the following results: Ayes – Logan, Nations, McGuinness, DeCampi, Hurt and Tilman. Nays – DeGroot and Flachsbart. Whereupon Mayor Nation declared the motion passed.

Councilmember McGuinness made a motion, seconded by Councilmember Flachsbart, to amend the motion to approve a Site Development Plan for Harmony Seven to include language requiring siding be placed no more than twelve inches above grade unless required by St. Louis County. The language should also require exposed concrete between the grade and the siding be painted the same color as the siding. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to approve a Site Development Plan, as amended, for Harmony Seven. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt reported that Bill No. 3092 (Temporary Traffic Control Devices and Signs) will be read for the first time under the “Legislation” portion of the agenda.

Councilmember Hurt reported that Bill No. 3093 (Wild Horse Heights Lots 2 & 3) is scheduled for both first and second reading approval under the “Legislation” portion of the agenda.

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

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

Acting City Administrator Mike Geisel reported that Stack House, located at 14156 Olive Blvd. (formerly Miller’s Crossing), has requested a new liquor license, to sell all kinds of liquor 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 Planning/Public Services Division and Police Department. Councilmember DeGroot made a motion, seconded by Councilmember Nations, to approve issuance of a new liquor license to Stack House. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Geisel reported that Staff had received bids for a contract for the construction of the River Valley Drive Road Closure. This recommendation was originally on the March 21 agenda, but was held due to concerns regarding the ability of the River Bend Trustees to convey the property rights associated with this project. Staff continues to work with Interim City Attorney Chris Graville relative to these issues and recommends that this bid approval continue to be held until the June 6 City Council meeting. Councilmember Flachsbart made a motion, seconded by Councilmember McGuinness, to hold the River Valley Road Closure bid results until the June 6 City Council meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Geisel reported that Staff is recommending award of a contract for Slab Replacement Project – B. 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 L. Keeley Construction, in an amount not to exceed \$100,650. This project is funded through the Capital Projects Sales Tax fund and is fully budgeted for 2016. Councilmember Logan made a motion, seconded by Councilmember Nations, to approve this recommendation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Bid Results – Veteran’s Honor Park was addressed during the “Introductory Remarks” portion of the agenda.

### **OLD BUSINESS**

Mr. Geisel stepped out of the meeting and Chief Ray Johnson took his place on the dais. Interim City Attorney Chris Graville made a brief statement about the integrity of the method to hire a search firm to conduct the City Administrator search, stating that Mr. Geisel has had no involvement in the process.

Interim City Attorney Chris Graville gave a brief summary of the proposed contract to hire The Novak Consulting Group to conduct the City Administrator search. Councilmember DeGroot made a motion, seconded by Councilmember McGuinness, to award a professional services contract to The Novak Consulting Group for City Administrator Search in an amount not to exceed \$24,900. Points of contact will be Chief Ray Johnson, Management Analyst James Mello Jr. and Interim City Attorney Chris Graville. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

### **NEW BUSINESS**

Mayor Nation informed Councilmembers that the contract with Jeff Brooks, Lobbyist with Gamble & Schlemeier, expires at the end of this month. Council will need to consider extending the existing contract or have another contract written to enable Mr. Brooks to continue working on the City’s behalf until the sales tax legislation is signed.

### **LEGISLATION**

**BILL NO. 3079      AMENDS SCHEDULE IX PARKING RESTRICTIONS OF SECTION 300 OF THE CITY OF CHESTERFIELD CODE OF ORDINANCES BY ADDING PROVISIONS THERETO TO RESTRICT PARKING ON RIVER VALLEY DRIVE (SECOND READING) (DEPARTMENT OF PUBLIC SERVICES RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, for the second reading of Bill No. 3079. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3079 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3079 with the following results: Ayes – Logan, Tilman, Nations, DeCampi, Flachsbart, DeGroot,

McGuinness and Hurt. Nays – None. Whereupon Mayor Nation declared Bill No. 3079 approved, passed it and it became **ORDINANCE NO. 2892.**

**BILL NO. 3092 REPEALS AND REPLACES SECTION 300.130 AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES WITHIN THE CITY OF CHESTERFIELD CODE OF ORDINANCES (FIRST READING; PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 3092. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3092 was read for the first time.

**BILL NO. 3093 PROVIDES FOR THE APPROVAL OF A BOUNDARY ADJUSTMENT PLAT FOR LOT 2 AND ADJUSTED LOT 3 OF WILD HORSE HEIGHTS ZONED “NU” NON-URBAN DISTRICT TO MODIFY THE SIDE PROPERTY LINE BETWEEN 234 AND 242 FICK FARM RD (18W310278 AND 18W320189) (FIRST AND SECOND READINGS; DEPARTMENT OF PUBLIC SERVICES RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 3093. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3093 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, for the second reading of Bill No. 3093. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3093 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3093 with the following results: Ayes – McGuinness, DeCampi, Flachsbart, DeGroot, Logan, Hurt, Nations and Tilman. Nays – None. Whereupon Mayor Nation declared Bill No. 3093 approved, passed it and it became **ORDINANCE NO. 2894.**

### **LEGISLATION – PLANNING COMMISSION**

**BILL NO. 3075 AMENDS THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A "PI" PLANNED INDUSTRIAL DISTRICT TO A "PC" PLANNED COMMERCIAL DISTRICT FOR A 6.07 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF CHESTERFIELD AIRPORT ROAD WEST OF ITS INTERSECTION WITH PUBLIC WORKS DRIVE (P.Z. 13-2015, CHESTERFIELD VALLEY SQUARE (BURGUNDY ARROW, LLC) (17U230320) (SECOND READING; PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember DeGroot, for the second reading of Bill No. 3075. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3075 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3075 with the following results: Ayes – DeCampi, DeGroot, Tilman and Nations. Nays – Hurt, Flachsbart, McGuinness and Logan. Whereupon Mayor Nation voted “Aye” to break the tie and declared Bill No. 3075 approved, passed it and it became **ORDINANCE NO. 2893**.

**ADJOURNMENT**

There being no further business to discuss, Mayor Nation adjourned the meeting at 8:19 p.m.

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Mayor Bob Nation

**ATTEST:**

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Vickie J. Hass, City Clerk