



**REVISED AGENDA REVIEW MEETING
CHESTERFIELD CITY COUNCIL
Monday, February 1, 2016
5:45 PM**

- 1. Finance and Administration Committee – Chairperson Barry Flachsbart, Ward I**
 - A. Recommendation re: Membership in St. Louis County Municipal League**
 - B. Next meeting - Monday, 2/29/16 (5:30pm)**

- 2. Planning and Public Works Committee – Chairperson Connie Fults, Ward IV**
 - A. Veteran’s Honor Park – Grant Funds Received/Bids to be sought**
 - B. Proposed Policy – Chesterfield Historic and Landmark Preservation Committee (CHLPC)**
 - C. Bill No. 3069 – Approves Parking Restriction – Silver Buck Lane (Bur Oaks Subdivision) (SECOND READING)**
 - D. Next meeting – Thursday, February 4, 2016 (5:30pm)**

- 3. Report from the City Administrator – Michael G. Herring**
 - A. Proposal – Legal Services Re: Proposed Sales Tax Legislation**
 - B.**

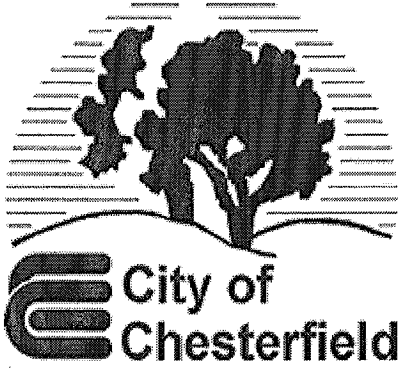
- 4. New Business –Mayor Bob Nation**

- 5. Adjourn –**

- 6. Executive Session – RSMo 610.021 (1) (3) AND (12)**
 - A. Legal Issues/Personnel Matters/Engagement**

NOTE: City Council will consider and act upon the matters listed above and such other matters as may be presented at the meeting and determined to be appropriate for discussion at that time.

Notice is hereby given that the City Council may also hold a closed meeting for the purpose of dealing with matters relating to one or more of the following: legal actions, causes of action, litigation or privileged communications between the City's representatives and its attorneys (RSMo 610.021(1) 1994; lease, purchase or sale of real estate (RSMo 610.021(2) 1994; hiring, firing, disciplining or promoting employees within employee groups (RSMo 610.021(3) 1994; bidding specification (RSMo 610.021(11) 1994; and/or proprietary technological materials (RSMo 610.021(15) 1994.



REVISED AGENDA
CHESTERFIELD CITY COUNCIL MEETING
Chesterfield City Hall
690 Chesterfield Parkway West
Monday, February 1, 2016
7:00PM

- I. CALL TO ORDER** – Mayor Bob Nation
- II. PLEDGE OF ALLEGIANCE** – Mayor Bob Nation
- III. MOMENT OF SILENT PRAYER** – Mayor Bob Nation
- IV. ROLL CALL** –City Clerk Vickie Hass
- V. APPROVAL OF MINUTES** – Mayor Bob Nation
 - A. City Council Meeting Minutes** – January 20, 2016
- VI. COMMUNICATIONS AND PETITIONS** – Mayor Bob Nation
- VII. INTRODUCTORY REMARKS** – Mayor Bob Nation
- VIII. APPOINTMENTS** – Mayor Bob Nation
 - A. Appointment of City Attorney (See Bill No. 3070)**

IX. COUNCIL COMMITTEE REPORTS

A. Finance and Administration Committee – Chairperson Barry Flachsbart, Ward I

1. Recommendation re: **Membership in St. Louis County Municipal League**
2. **Next meeting** - Monday, 2/29/16 (5:30pm)

B. Planning and Public Works Committee – Chairperson Connie Fults, Ward IV

1. **Veteran's Honor Park** – Grant Funds Received/Bids to be sought
2. **Proposed Policy** – Chesterfield Historic and Landmark Preservation Committee (CHLPC)
3. **Bill No. 3069** – Approves Parking Restriction – Silver Buck Lane (Bur Oaks Subdivision) (**SECOND READING**)
4. **Next meeting** - Thursday, February 4, 2016 (5:30pm)

X. REPORT FROM THE CITY ADMINISTRATOR – Michael G. Herring

A. Proposal – Legal Services Re: Proposed Sales Tax Legislation

B.

XI. OLD BUSINESS – Mayor Bob Nation

XII. NEW BUSINESS – Mayor Bob Nation

XIII. LEGISLATION

A. BILL NO. 3069 – AMENDS SCHEDULE IX: PARKING RESTRICTIONS OF SECTION 300 OF THE CODE OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THERETO TO RESTRICT PARKING ON SILVER BUCK LANE (SECOND READING; DEPARTMENT OF PUBLIC SERVICES RECOMMENDS APPROVAL)

B. BILL NO. 3070 – APPOINTS THE CITY ATTORNEY AND AUTHORIZES THE MAYOR TO EXECUTE A CONTRACT FOR LEGAL SERVICES (FIRST READING)

XV. ADJOURNMENT

NOTE: City Council will consider and act upon the matters listed above and such other matters as may be presented at the meeting and determined to be appropriate for discussion at that time.

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AGENDA REVIEW – Monday, February 1 - 5:45 PM

An AGENDA REVIEW meeting has been scheduled to start at 5:45 **pm**, on **Monday, February 1, 2016**. Please let me know, ASAP, if you will be unable to attend this meeting.

UPCOMING MEETINGS/EVENTS

Tuesday, February 2

**HAPPY BIRTHDAY TO COUNCILMEMBER ELLIOT
GRISSOM!**

Thursday, February 4

Planning & Public Works Committee (5:30pm)

Monday, February 8

Planning Commission (7pm)

Monday, February 15

President's Day (City Hall Closed)

Wednesday, February 18

Next City Council meeting (7pm)



RECORD OF PROCEEDING

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

JANUARY 20, 2016

The meeting was called to order at 7:00 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 January 4, 2016 City Council meeting were submitted for approval. Councilmember Grissom made a motion, seconded by Councilmember Nations, 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 announced that candidate filing for the April 5, 2016 Municipal Election closed January 19th. The names of the candidates were announced and Mayor Nation recognized those in attendance:

Councilmember – Ward I (1 year unexpired term)

Barbara McGuinness

David Kaplan

Councilmember – Ward I

Barry Flachsbart (incumbent)

Mark Van Donsel

Councilmember – Ward II

Guy Tilman

Pat Flynn

Lynn Schmidt

Councilmember – Ward III

Alan Politte

Randy Logan

Councilmember – Ward IV

Connie Fults (incumbent)

Tom DeCampi

Mayor Nation announced that the next meeting of City Council has been scheduled for Monday, February 1, at 7 p.m.

COMMUNICATIONS AND PETITIONS

Mayor Nation presented Proclamations to Ms. Sydnee Stottlemire and Ms. Hayley Michel. Ms. Stottlemire was crowned Miss Missouri USA 2016 on October 4, 2015 and Ms. Michel was named Miss Missouri Teen by the Miss American Coed (MAC) pageant organization in October 2015.

Dr. Alan Politte, 14972 Manor Ridge Drive, complimented and thanked Mr. Herring for his years of service. He encouraged Council not to rush into replacing Mr. Herring upon his retirement, highlighting the importance of the position of City Administrator.

APPOINTMENTS

There were no appointments.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Barry Flachsbart, Chairperson of the Finance and Administration Committee, reported that Bill No. 3063 (Authorizes/Directs that an election be held, on April 5, 2016, to continue a Motor Vehicle Sales Tax on Out-of-State Vehicle Purchases) will be considered for adoption under the "Legislation" portion of the agenda.

Councilmember Flachsbart announced that the next meeting of this Committee has been scheduled for Monday, January 25, at 5:30 p.m.

Planning/Public Works Committee

Councilmember Connie Fults, Chairperson of the Planning/Public Works Committee, reported that Bill No. 3064 (Accepts Arbor Grove Court as a Public Street) will be considered for adoption under the "Legislation" portion of the agenda.

Councilmember Fults reported that Bill No. 3065 (Accepts Spirit Valley East Drive, Spirit Valley Central Drive and Spirit Valley West Drive as public streets) will be considered for adoption under the "Legislation" portion of the agenda.

Councilmember Fults reported that Bill No. 3066 (Amends City Ordinances to Establish Parking Restrictions on August Hill Drive) will be considered for adoption under the "Legislation" portion of the agenda.

Councilmember Fults reported that Bill No. 3067 (Approves Record Plat and Escrow Agreements for Bur Oaks) is scheduled for both first and second reading approval under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Fults reported that Bill No. 3068 (Approves Record Plat and Escrow Agreements for Schoettler Grove) is scheduled for both first and second reading approval under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Fults reported that Bill No. 3069 (Approves Parking Restriction – Bur Oaks) will be read for the first time under the "Legislation" portion of the agenda.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for Thursday, January 21, at 5:30 p.m.

REPORT FROM THE CITY ADMINISTRATOR

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

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

LEGISLATION

BILL NO. 3063 SUBMITS TO THE QUALIFIED VOTERS OF THE CITY OF CHESTERFIELD, MISSOURI, FOR THEIR APPROVAL AT THE GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON THE 5TH DAY OF APRIL, 2016, A PROPOSITION TO AUTHORIZE THE CITY TO CONTINUE APPLYING AND COLLECTING THE LOCAL SALES TAX ON THE TITLING OF MOTOR VEHICLES, TRAILERS, BOATS AND OUTBOARD MOTORS THAT WERE PURCHASED FROM A SOURCE OTHER THAN A LICENSED MISSOURI DEALER (SECOND READING; F&A COMMITTEE RECOMMENDS APPROVAL)

Councilmember Flachsbart made a motion, seconded by Councilmember Grissom, for the second reading of Bill No. 3063. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3063 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3063 with the following results: Ayes – Flachsbart, DeGroot, Hurt, McGuinness, Grissom, Fults and Nations. Nays – Casey. Whereupon Mayor Nation declared Bill No. 3063 approved, passed it and it became **ORDINANCE NO. 2879**.

BILL NO. 3064 PERTAINS TO THE ACCEPTANCE OF ARBOR GROVE COURT AS A PUBLIC STREET IN THE CITY OF CHESTERFIELD (SECOND READING; P/PW COMMITTEE RECOMMENDS APPROVAL)

Councilmember Fults made a motion, seconded by Councilmember DeGroot, for the second reading of Bill No. 3064. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3064 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3064 with the following results: Ayes – Nations, Casey, Grissom, Flachsbart, DeGroot, Fults, McGuinness and Hurt. Nays – None. Whereupon Mayor Nation declared Bill No. 3064 approved, passed it and it became **ORDINANCE NO. 2880**.

BILL NO. 3065 PERTAINS TO THE ACCEPTANCE OF SPIRIT VALLEY EAST DRIVE, SPIRIT VALLEY CENTRAL DRIVE AND SPIRIT VALLEY WEST DRIVE AS PUBLIC STREETS IN THE CITY OF CHESTERFIELD **(SECOND READING; P/PW COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember DeGroot, for the second reading of Bill No. 3065. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3065 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3065 with the following results: Ayes – Fults, Flachsbart, Hurt, Nations, Casey, McGuinness, DeGroot and Grissom. Nays – None. Whereupon Mayor Nation declared Bill No. 3065 approved, passed it and it became **ORDINANCE NO. 2881.**

BILL NO. 3066 APPENDS SECTION 300, MODEL TRAFFIC ORDINANCE, SCHEDULE IX - PARKING RESTRICTIONS OF THE CHESTERFIELD CITY CODE TO PROHIBIT PARKING ON AUGUST HILL DRIVE, WITHIN THE CITY OF CHESTERFIELD, MISSOURI **(SECOND READING; P/PW COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember DeGroot, for the second reading of Bill No. 3066. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3066 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3066 with the following results: Ayes – Nations, Grissom, DeGroot, Flachsbart, Fults, Casey, Hurt and McGuinness. Nays – None. Whereupon Mayor Nation declared Bill No. 3066 approved, passed it and it became **ORDINANCE NO. 2882.**

BILL NO. 3069 AMENDS SCHEDULE IX: PARKING RESTRICTIONS OF SECTION 300 OF THE CODE OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THERETO TO RESTRICT PARKING ON SILVER BUCK LANE **(FIRST READING; DEPARTMENT OF PUBLIC SERVICES RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember DeGroot, for the first reading of Bill No. 3069. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3069 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 3067 PROVIDES FOR THE APPROVAL OF A RECORD PLAT AND ESCROW AGREEMENTS FOR BUR OAKS, A 21.88 ACRE TRACT OF LAND ZONED “E - ONE-HALF ACRE”, ESTATE DISTRICT, WITH A “WH”, WILD HORSE CREEK ROAD OVERLAY DISTRICT DESIGNATION, LOCATED ON THE NORTH SIDE OF WILD HORSE CREEK ROAD AND EAST OF ITS INTERSECTION WITH SAVONNE COURT (FIRST AND SECOND READINGS; PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Fults made a motion, seconded by Councilmember DeGroot, for the first reading of Bill No. 3067. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3067 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember DeGroot, for the second reading of Bill No. 3067. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3067 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3067 with the following results: Ayes – McGuinness, Grissom, Nations, DeGroot, Flachsbart, Casey, Hurt and Fults. Nays – None. Whereupon Mayor Nation declared Bill No. 3067 approved, passed it and it became **ORDINANCE NO. 2883**.

BILL NO. 3068 PROVIDES FOR THE APPROVAL OF A RECORD PLAT AND ESCROW AGREEMENTS FOR SCHOETTLER GROVE, A 17.0 ACRE TRACT OF LAND ZONED “PUD”, PLANNED UNIT DEVELOPMENT, LOCATED NORTHWEST OF THE INTERSECTION OF CLAYTON ROAD AND SCHOETTLER ROAD (FIRST AND SECOND READING; PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Fults made a motion, seconded by Councilmember DeGroot, for the first reading of Bill No. 3068. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3068 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember DeGroot, for the second reading of Bill No. 3068. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3068 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3068 with the following results: Ayes – Flachsbart, Fults, Casey, Nations, Grissom, Hurt and McGuinness. Nays – DeGroot. Whereupon Mayor Nation declared Bill No. 3068 approved, passed it and it became **ORDINANCE NO. 2884**.

ADJOURNMENT

Mayor Nation entertained a motion to reconvene into Executive Session. Councilmember Flachsbart made a motion to go into closed session, pursuant to RSMo 610.021(1)(3) and (12) for the purpose of allowing for confidential communication among the City Attorney and the City's elected officials, regarding litigation and other matters. Mayor Nation declared the motion failed due to lack of a second.

There being no further business to discuss, Mayor Nation adjourned the meeting at 7:31 p.m.

Mayor Bob Nation

ATTEST:

Vickie J. Hass, City Clerk

RECOMMENDATIONS – FINANCE AND ADMINISTRATION (F&A) COMMITTEE

As detailed in the enclosed MINUTES, the F&A Committee met on Monday, January 25. The following is a listing of the item discussed by this Committee, which is being forwarded for consideration by City Council, at Monday's meeting:

5. Recommendation re: **Membership in St. Louis County Municipal League**
7. **Next meeting:** Monday, 2/29/16 (5:30pm)

If you have any questions, regarding the items listed above or any of the other items discussed by this Committee, please contact Chairperson Barry Flachsbart, any other member of this Committee or me, prior to Monday's meeting.

MEMORANDUM

TO: Members – F&A Committee
FROM: Michael G. Herring, City Administrator 
DATE: January 26, 2016
SUBJECT: Minutes – 1-25-16

The Finance and Administration Committee met on January 25, 2016. Those in attendance included: Chairperson Barry Flachsbart, Ward I; Council Committee Member Dan Hurt, Ward III; Council Committee Member Bruce DeGroot, Ward IV; City Administrator Mike Herring; Finance Director Craig White; Director of Public Services Mike Geisel; and Interim City Attorney Harry O'Rourke. Those also in attendance included: Mayor Bob Nation, Councilmember Barbara McGuinness, Ward I; Councilmember Bridget Nations, Ward II; Councilmember Mike Casey, Ward III; Councilmember Connie Fults, Ward IV; Management Analyst James Mello Jr and 14 members of the public. Council Committee Member Elliot Grissom, Ward II, was absent.

Chairperson Barry Flachsbart announced that the anticipated report pertaining to agenda item #3 had not yet been received, so the item would be placed on a future agenda. He then called the meeting to order at 5:32 p.m.

1. Approval of Minutes from October 26, 2015

Chairperson Flachsbart asked if there were any comments or changes to the October 26, 2015 F&A Committee Minutes. Hearing none, Councilmember DeGroot motioned to approve the Minutes. Councilmember Hurt seconded the motion. A voice vote was taken, with a unanimous result 3-0, and the motion was approved.

2. Approval of Minutes from November 16, 2015 Budget Workshop

Chairperson Flachsbart asked if there were any comments or changes to the November 16, 2015 Budget Workshop Minutes. Hearing none, Councilmember DeGroot motioned to approve the Minutes. Councilmember Hurt seconded the motion. A voice vote was taken, with a unanimous result 3-0, and the motion was approved.

3. Review of all City Ordinances

Chairperson Barry Flachsbart reminded everyone that the anticipated report from "Jeff City" had not be received, so the item would be deferred to a future meeting

4. Discussion re: City Attorney, Municipal Judge, and City Prosecutor Ordinance

Chairperson Flachsbart explained that the ordinance outlined specifics for the positions of City Attorney, Municipal Judge and Prosecutor including qualifications, duties, and other

information. He reminded those present that this ordinance would not affect the incumbents for these positions.

A general discussion ensued regarding how the ordinance was developed and if it conflicted in anyway with current or proposed state statutes. The Committee indicated that, while these changes would not address any specific issues that had occurred in Chesterfield, they would eliminate the perception of potential conflicts.

Councilmember DeGroot motioned to direct the Interim City Attorney to compare the drafted ordinance language with existing state statutes, including Missouri Senate Bill No. 5, and deliver any findings to the Committee at the next meeting. Councilmember Hurt seconded the motion. A voice vote was taken, with a unanimous result 3-0, and the motion was approved.

5. Discussion re: St. Louis County Municipal League Membership

Mr. Herring stated that, per the Committee's direction, payment of the St. Louis County Municipal League's 2015-16 membership dues were not paid during FY2015. As a result, the City of Chesterfield is not a current member of the League.

A general discussion amongst the Councilmembers and Mayor ensued regarding the benefits and drawbacks of rejoining the St. Louis County Municipal League. Members of the Committee generally expressed concern for joining an organization that directly opposed the City on the Pooled Sales Tax System. Mayor Nation shared this concern but suggested that withdrawing from the League would cost the City a voice/vote in future League discussions.

Mr. Herring reminded the Committee that the FY2015 budgeted League Membership dues lapsed, as of 12/31/15 and Council would need to authorize payment from General Fund – Fund Reserves if the 2015-16 membership dues were to be paid. Upcoming dues for the 2016-17 year, which will come due sometime after July 1, 2016, are approved as a part of Chesterfield's 2016 budget.

The general discussion resumed.

Councilmember Hurt motioned to recommend to City Council approval of payment from General Fund – Fund Reserves, for 2015-16 St. Louis County Municipal League dues (\$7722.00) and that the Committee revisit the 2016-17 membership dues, at the July 2016 Committee meeting, before payment of League dues. Councilmember DeGroot seconded the motion. A voice vote was taken, with a unanimous result 3-0, and the motion was approved.

Public Comments

At this time, Chairperson Barry Flachsbart acknowledged the public in attendance and asked if any of them had comments or announcements that they would like to make.

Senator Jane Cunningham spoke on several issues including the Monarch Fire Protection District's Transparency Portal, the status of a potential bill to the City for 2015 services rendered by Attorney Kevin O'Keefe, and Chesterfield's relationship with the Municipal League.

Ms. Marjie Saiter also spoke and raised a question about cyber security of Chesterfield's new transparency portal.

6. Discussion re: Implementation of Chesterfield's 'Transparency Portal'

Finance Director Craig White revisited the "Transparency Portal" discussion from the October Finance and Administration Committee meeting. At that time, the City discussed the term "transparency portal" and compared information on Chesterfield's website to other local municipalities, noting that it rated among the top. The Committee directed Staff to add information to the City's existing website which would meet and exceed its peers. This included, check registers, monthly financial reports, a financial snapshot/revenue and expense charts, and positions/pay ranges. Mr. White demonstrated that this information was now accessible on the City's website.

While reviewing the City's positions/pay ranges, Councilmember Hurt commented that a column should be added indicating the number of employees that occupy each position. After a brief discussion, the Committee agreed with this change. Councilmember Hurt also requested that overtime expense information be tracked and reported. Chairperson Flachsbart directed that Staff prepare a recommendation for how this information could be incorporated and to forward same for consideration/discussion, at the next Committee meeting. This could include TOTAL OVERTIME paid, by department, during FY2015.

Chairperson Flachsbart suggested that exact salaries be listed per employee, but names be removed and employees would be identified only by their job title only. This was supported by the Committee and Staff was directed to bring this back to the Committee, at the next meeting, for further consideration/discussion.

Councilmember McGuinness suggested that a document detailing employee benefits be added to the website. The Committee agreed and Staff was directed to prepare a recommendation for how this information could be incorporated and to forward same to the Committee, for consideration/discussion, at the next meeting.

Councilmember Fults stated that the whole City website is effectively a transparency portal and a different title for the financial information be considered. Chairperson Flachsbart agreed with this idea. She also stated that information for ongoing Planning and Zoning issues are perhaps more commonly requested than exhaustive financial information, and adding information to that effect would be more widely beneficial to residents. Chairperson Flachsbart directed Staff to develop recommendations, working

with Matt Haug, Information Technology Director, for how to best accomplish this and to bring those recommendations back to the Committee, for further discussion.

Councilmember McGuinness requested that the email retention policy for councilmembers, currently 60 days, be extended. Chairperson Flachsbart directed that this item be added to the next Committee meeting's AGENDA.

7. Next Meeting / Adjournment

The next meeting has been tentatively scheduled for February 29, 2016.

There being no additional business to discuss, the meeting was adjourned at 6:45 PM.

RECOMMENDATIONS – PLANNING/PUBLIC WORKS (P/PW) COMMITTEE

As detailed within the enclosed MINUTES, prepared by Director of Public Services Mike Geisel, the Planning/Public Works (P/PW) Committee met on Thursday, January 21, 2016. The following is a list of the items discussed, by this Committee, which will be discussed in greater detail, at Monday's meeting:

IIB. Veteran's Honor Park – GRANT FUNDS RECEIVED!

IIIA. Proposed Policy – CHLPC

The following item is scheduled for SECOND READING APPROVAL, at Monday's meeting:

---- **Bill No. 3069 – Approves Parking Restriction – Silver Buck Lane (Bur Oaks Subdivision)**
(SECOND READING)

As always, if you have any questions, please contact Councilmember Connie Fults, Chairperson, any other member of this Committee, Mr. Geisel or me, prior to Monday's meeting.

MEMORANDUM

TO: Michael G. Herring, City Administrator
FROM: Mike Geisel, Director of Public Services
SUBJECT: Planning & Public Works Committee Meeting Summary
Thursday, January 21, 2016



A meeting of the Planning and Public Works Committee of the Chesterfield City Council was held on Thursday, January 21, 2016 in Conference Room 101.

In attendance were: **Chair Connie Fults** (Ward IV), **Councilmember Barbara McGuinness** (Ward I), **Councilmember Bridget Nations** (Ward II) and **Councilmember Dan Hurt** (Ward III).

Also in attendance were: Mayor Bob Nation; Councilmember Barry Flachsbart (Ward I); Councilmember Mike Casey (Ward III); Councilmember Bruce DeGroot (Ward IV); Harry O'Rourke, Interim City Attorney; Guy Tilman, Planning Commission Member; Mike Geisel, Director of Public Services; Jim Eckrich, Public Works Director/City Engineer; Aimee Nassif, Planning & Development Services Director; Jeff Paskiewicz, Senior Civil Engineer, Zach Wolff, Civil Engineer; Mindy Mohrman, City Arborist/Urban Forester; and Kathy Juergens, Recording Secretary.

** TO BE DISCUSSED AT MONDAY'S MTE (2/1/16)*

The meeting was called to order at 5:30 p.m.

I. APPROVAL OF MEETING SUMMARY

A. Approval of the December 10, 2015 Committee Meeting Summary

Councilmember Nations made a motion to approve the Meeting Summary of December 10, 2015. The motion was seconded by Councilmember Hurt and **passed** by a voice vote of 4-0.

II. OLD BUSINESS

A. Valley Stormwater Update with Monarch-Chesterfield Levee District - Presentation

STAFF REPORT

Mike Geisel, Director of Public Services, introduced the Executive Director of the Monarch-Chesterfield Levee District (Levee District), David Human and Cary Spiegel from the Monarch Fire Protection District. He then gave a lengthy PowerPoint presentation which is highlighted below:

1. Illustrations were presented depicting the Federal Emergency Management Agency (FEMA) regulatory floodplain in 1996 versus present day. From a regulatory insurance standpoint, less than 25% of the Valley is designated as floodplain. FEMA flood maps are dynamic and are continuously updated by FEMA and maintained by the City.

2. The relationship between the City and Levee District can best be described as a partnership. The City and Levee District have mutual constituents and common expectations for the properties in Chesterfield Valley. Even though the City is not responsible for the Levee or stormwater in the Valley, the City does have a vested interest in protecting the Valley properties and development within the Valley.
3. The City has an Emergency Operations Plan that covers most conceivable events and dictates the City's actions in response to each event. The Plan includes an appendix on the Chesterfield Valley Watch/Warning/Evacuation Plan. The City's plans parallel the Levee District's plans, which are incorporated in their Operations and Maintenance Manual. This Manual was required in conjunction with the Levee re-certification process and is regularly reviewed by the Corps of Engineers (Corps).
4. The Levee District performs regular inspections of the Levee and performs regular maintenance activities such as mowing grass and repairing rodent damage. The levee and associated facilities are also regularly inspected by the Corps of Engineers.
5. There are three flood risk scenarios to be considered. Each of which have different risk profiles and are considered independent events.
 - a. Riverine Flooding – Missouri River. Upstream – watch Hermann River gauge, downstream – watch St. Charles gauge.
 - b. Flash Flooding – Bonhomme Creek which runs generally along the Valley at Edison and Long Road.
 - c. Interior Rain Event – 7" of rain in a 24-hour period. The City's Valley floodplain is defined by a local rain event and not the river as this type of event generates the maximum storage volume within the Valley.
6. Mr. Geisel provided exhibits of the Missouri River basin and discussed the basin characteristics including reservoirs in the basin, which are used for attenuating flood flows, and the elapsed time between river gauges that provides some predictive planning. Gavins Point, located in the Missouri River Basin close to Sioux City, Iowa, is a critical reservoir which is monitored in the Missouri Basin. The Hermann Gage is six days below Gavins Point. There are a series of reservoirs and dams along the Missouri River Basin that are actively managed to control river conditions, providing some ability to reduce flood flows.
7. An exhibit was provided that depicted the size of the Levee in 1993 and the improvements that have been made to the Levee since then. The 1993 event crested slightly above 40 feet at the St. Charles gauge. The current Monarch-Chesterfield Levee height would roughly equate to a gauge reading slightly above 48 at St. Charles.
8. Mr. David Human explained the following:
 - a. The City's relationship with the Levee District is excellent.
 - b. The Levee District owns the Levee either through fee or easements.
 - c. The Levee District is funded by an annual assessment. Every property owner in the Valley, including the City of Chesterfield, MSD, and St. Louis County, is assessed based on the benefits provided to each property.

- d. The Levee District Board consists of property owners or designees of property owners. Many of the Board Members are long term members. Members are elected by the property owners at an annual meeting.
 - e. The Levee District owns and maintains the stormwater pumps in the Valley.
9. A history of the Levee was provided. St. Louis County initiated a flood insurance study to determine a master plan for drainage. However, there was no coordinated plan for implementation nor was funding provided for the required improvements.
 10. After the 1993 flood, FEMA notified the City that because the Levee failed prior to being overtopped, they de-certified the Levee. Without certification, the entire Valley was considered floodplain.
 11. Immediately after the 1993 flood, the City applied for an EDA Disaster Recovery Grant. This grant partially funded three stormwater pump stations, #4, #6, and #7. These pumps preceded the stormwater modeling for the Valley.
 12. A Chesterfield Valley Ponding Study was performed in June of 1996 to enable re-certification of the Levee and to replace the 1985 FEMA Flood Study. The Study provided an updated and modernized stormwater model. However, the pumps were not incorporated into the original ponding study used for recertification. The City subsequently submitted a Letter of Map Revision (LOMAR) to incorporate the three pump stations that had since been completed.
 13. The City has also modeled an ultimate build-out of the Valley and the ultimate completion of the interior stormwater system so we have some predictive capability of what the end result will be. When the Corps approved the feasibility study, they based it on the level of development in 1993 and the flood risk in 1993.
 14. In 1998, Booker Associates developed a Master Plan for planned stormwater improvements for Chesterfield Valley.
 15. The Valley was initially divided into seven watersheds for modeling purposes.
 16. Pump interconnectivity was explained along with the capacity of each pump. Channel and culvert interconnectivity was also discussed. A slide was presented depicting the significant system improvements that are still required to complete the Stormwater Master Plan. Discussions are currently underway between the Levee District and the Corps regarding future improvements. A contract has been let for an additional Corps pump station in watershed 4, with construction scheduled to begin in September of 2016.
 17. The recent CVAC pump failure was caused by an electrical surge which is suspected to have occurred in an underground reach of wiring. The Levee District is investigating this possibility further and plans to replace the pump. This pump station was designed solely to drain the athletic complex site and was not identified in the original overall stormwater master plan.
 18. The City held after-action reviews both internally and with the Levee District after the recent heavy rainfall event. The need for improved maintenance along the channels was emphasized as debris flows to the pumps and can clog the screens.

19. The current fiscal impact of Chesterfield Valley was discussed in terms of potential revenues lost in the event of a flood occurrence such as in 1993.
20. Mr. Geisel advised the committee that the agricultural levee sustained substantial damage during the recent event, but the extent of that damage is still being triaged due to the continued high water in the area. He reminded the Committee that the agricultural levee is not maintained by the Monarch-Chesterfield Levee District, but is generally maintained by the underlying property owners. Staff will report on this damage at a subsequent date.

Councilmember Hurt thanked both City Staff and the Levee District for their past and future efforts in working together.

Mr. Geisel thanked Mr. Cary Spiegel from the Monarch Fire District for his assistance with moving City assets from the CVAC complex during the recent high water event.

***Note:** Councilmember Nations left the meeting at 6:10 p.m.*

★ **B. Veterans Honor Park**

STAFF REPORT

Mike Geisel, Director of Public Services, reported that Staff applied for a grant through the Municipal Parks Grant Commission to help fund Veterans Honor Park. The Commission has awarded the City the maximum allowable grant amount of \$525,000. In addition, City Council previously authorized partial funding of \$500,000 for this project subject to matching funds provided by Veterans Honor Park fundraising efforts. These fundraising efforts have successfully surpassed the \$500,000 level.

To expedite the project, City Council funded \$225,000 for the design phase including construction services with Powers-Bowersox. Accordingly, there remains at least \$1.3 million to initiate the construction of Veterans Honor Park.

For the purpose of the grant application, Staff developed a strategy to “phase” the project in the event sufficient funding was not available immediately. The “core” project can be constructed with the present funding of \$1.3 million. The “core” project consists of the main monument and all of the project infrastructure for all improvements within the first concentric ring surrounding the monument feature. The “core” project does not include the ground cover, successive concentric rings of benches nor the grove trees.

To provide further fundraising, Staff has developed bid language that provides contractors an opportunity to incorporate a “charitable donation” as part of their construction bid. Plus, members of the Veterans Honor Park Committee will continue their fundraising efforts as the project progresses.

The next step in the creation of the Veterans Honor Park is for Council to authorize Staff to proceed with the construction bidding process for the “core” project.

Councilmember McGuinness made a motion authorizing Staff to proceed with the construction bidding process for the Veterans Honor Park. The motion was seconded by **Councilmember Hurt** and **passed** by a voice vote of 3-0.

C. Street Tree Policy – Replanting

Councilmember Hurt stated he would like to keep the Street Tree Policy as it currently exists.

Mr. Mike Geisel, Public Services Director, explained that because of the volume of tree replacements and the time required to effectively manage the work associated with the Emerald Ash Borer (EAB) project, Staff is simply physically unable to monitor and contract for 700 tree replacements each year. Members of the Committee expressed some concern with this responsibility being transferred to residents and would prefer to fund additional staff to manage such contract efforts. Mr. Geisel indicated that he was unsure what staffing or contract model would be employed, but expressed an early estimate of \$50,000-\$60,000 per year for staff to continue operating the Street Tree Replacement program as is. He indicated that if it was the general consensus of the Committee to maintain the current program responsibilities through additional funding for temporary staff, then the Department would prepare a plan and return the plan to the Committee at a future meeting.

After further discussion, it was agreed that Staff would provide the Committee with a plan and costs for continuing the replacement of street trees as outlined in the current Street Tree Policy, and proceed with implementation under the assumption that staff would continue with their current policy responsibilities.

D. Reimbursement of Expenses for Snow Removal on Private, Gated Streets

It was agreed to defer discussion of this item until the next Committee meeting.

III. NEW BUSINESS

★ A. Chesterfield Historic and Landmark Preservation Committee - Requests

STAFF REPORT

Ms. Aimee Nassif, Planning and Development Services Director, stated the Chesterfield Historic and Landmark Preservation Committee (CHLPC) met on January 13 and discussed several items they would like to request of the Planning and Public Works Committee. These involve an update to City Policy #3, which governs this Committee, as well as project requests. These requests are summarized below:

1. The current roster for the CHLPC includes two non-voting membership categories- "Member Emeritus" and "Ex-Officio". However, neither of these were ever adopted into City Policy #3. The CHLPC would like to have these two categories included in the Policy for designated individuals.
2. If item number 1 is approved, the CHLPC would request that the number of people who could have either status (Emeritus or Ex-Officio) not be limited.

3. If Member Emeritus and Ex-Officio are approved for inclusion into the City Policy, the CHLPC is requesting to have authority to appoint individuals to either category.

Ms. Nassif then advised that the City's current Policy #CC 26 governs all the City's non-statutory committees and that the above three requests are not in concert with this Policy. Below is a chart comparing City Policy #CC 26 to City Policy #PPW 3, which pertains solely to the CHLPC.

City Policy #CC 26 (Non-statutory Committees)	City Policy #PPW 3 (CHLPC)
Membership limited to 16	Membership limited to 30
At-large members limited to 4	At-large members limited to 6
Term of office is 2 years	Term of office is 3 years

Ms. Nassif also pointed out that Policy #CC 26 requires that both Councilmembers in the Ward where the person resides must concur prior to the Mayor's appointment.

Discussion

Councilmember McGuiness, liaison to the CHLPC, stated she has concerns about allowing the Committee to appoint their own members and allowing an unlimited number of Emeritus and Ex-Officio members.

The following items were then discussed and clarified as necessary:

Quorum:

Because of the difficulty of obtaining a quorum with a 30-member Committee, the CHLPC's quorum requirements were reduced from 50% to 30%.

Emeritus and Ex-Officio members:

These types of members would be non-voting members and would not be considered for quorum purposes.

Mr. Tom Rothwell, Chair of the CHLPC, stated that the Committee would like the ability to reach out to Emeritus members for their expertise in particular areas without requiring them to attend all meetings. He also explained that they are requesting an unlimited number of these members due to the age and health of many of the members.

Mr. Jane Durrell, CHLPC member, stated that the Ex-Officio members are individuals who represent specific organizations such as Faust Park.

It was then suggested that these types of memberships be limited to 15 members.

Councilmember McGuiness made a motion to approve the above three requests pertaining to membership with the condition that: (1) the combined membership of Emeritus and Ex-Officio members is limited to 15; and (2) Emeritus and Ex-Officio members are restricted to individuals or entities who have previously been appointed by the Mayor as a regular member. The motion was seconded by Councilmember Hurt and **passed by a voice vote of 3-0.**

Ms. Nassif then outlined the remaining requests from CHLPC:

4. *Out and About* magazine has requested that CHLPC write an article each month on a historic business or organization in Chesterfield. Since this would be an ongoing public project, approval from the Planning and Public Works Committee is required.

Councilmember Hurt made a motion allowing the CHLPC to write articles for *Out and About* magazine. The motion was seconded by Councilmember McGuinness and **passed by a vote of 3-0.**

5. The CHLPC would like to purchase a display case with funds they have in their account. They would like the display case to be located in the main lobby for the public to view. They are seeking permission to have an area set aside for this new display case. No information has been provided on the dimensions of the display case as it has not yet been purchased.

Mr. Rothwell explained that they are considering a display case with a revolving tray in order to showcase more of the artifacts that are now in storage. Mr. Geisel pointed out that there is currently no room in the lobby area for such a display case without relocating something else. **The Committee agreed to postpone voting on this item at this time.**

6. The CHLPC would like to ask that the members of the Planning and Public Works Committee write a letter of support and/or acknowledgement of the CHLPC that could be used when they talk to schools, businesses and individuals about promoting the CHLPC and recruiting new members.

Councilmember Hurt made a motion to approve the preparation of a letter of support from the Planning and Public Works Committee with the condition that the letter be presented to the Committee for review and approval. The motion was seconded by Commissioner McGuinness.

Discussion

Councilmember Fults stated that she does not want such a letter used as support of a project until Council has heard about the project. Mr. Rothwell explained that the letter would be used on a very limited basis in member recruitment. The intent is to expand the skill sets of the Committee to make it more efficient with respect to such things as computer usage.

Councilmember Flachsbart suggested that the Planning and Development Services Division be notified of any uses of this letter and if there is a concern, it be brought to the attention of Council. Mr. Rothwell indicated his agreement with this suggestion.

The above motion to approve **passed by a vote of 3 – 0.**

[Please see the attached report prepared by Aimee Nassif, Planning and Development Services Director, for additional information on the Chesterfield Historic and Landmark Preservation Committee.]

IV. PROJECT UPDATES

Due to time constraints, a Project Update was not given.

V. OTHER – None.

VI. ADJOURNMENT

The meeting adjourned at 7:36 p.m.

City Council Memorandum Department of Public Services



To: Michael Herring, City Administrator
From: Aimee Nassif, Planning & Development Services Director
Date: January 22, 2016
CC Date: February 1, 2016
RE: **Amendment to City Policy #PPW 3 pertaining to the Chesterfield Historic and Landmark Preservation Committee (CHLPC)**

At the last meeting of the Planning and Public Works Committee, the Chesterfield Historic and Landmark Preservation Committee (CHLPC) requested several items from the Committee which included use of the City lobby for a display case, permission to contribute ongoing articles to Out and About Magazine, and a letter of support/recognition of the Committee to be used to assist them in attracting new members. These items were discussed with motions made for each and no further action is required of the City Council at this time.

Three other requests of the CHLPC pertained to "Membership" and do require a change to the City Policy governing this Committee. The CHLPC requested that several new membership categories be created, with unlimited membership, and appointments made by the CHLPC themselves.

After discussion, the Planning and Public Works Committee made a motion to approve the following by a vote of 3 to 0:

1. To allow 2 new categories of membership be added to the City Policy which are Member Emeritus and Ex-Officio.
2. That these two membership groups do not have voting authority nor do they count towards achieving quorum requirements.
3. That membership to both these new categories be limited to a total of 15.
4. That individuals must have at one time been a regular member, appointed by the Mayor upon concurrence of both Councilpersons in the Ward in which the person resides.
5. The CHLPC has the authority to transfer someone's full membership status to Member Emeritus or Ex-Officio. Previous appointment as a full member of the CHLPC is required in order to qualify for either of these two categories.

The updates regarding these two new membership categories can be found on pages 2 and 3 of the policy.

In addition, there was a reference to the old zoning ordinance still in this policy. Since the unified development code has replaced the zoning ordinance, Staff updated the language to reference the correct section of Code. This can be found on page 8, section 24 which now states "Chesterfield Unified Development Code" instead of "Chesterfield Zoning Ordinance" and also on page 8, section 26 now states "Article 02 of the Unified Development Code" instead of "Section 1003.191 of the Zoning Ordinance".

Attached please find a copy of the revised Policy Number PPW 3.

**CITY OF CHESTERFIELD
POLICY STATEMENT**

DEPARTMENT OF PUBLIC SERVICES

NO. 3

SUBJECT **Chesterfield Historic and Landmark
Preservation Committee**

INDEX PPW

DATE
ISSUED **8/16/13**

DATE
REVISED 2/1/16

CHESTERFIELD HISTORIC AND LANDMARK PRESERVATION COMMITTEE

Established

The City of Chesterfield hereby establishes the "Chesterfield Historic and Landmark Preservation Committee" or "CHLPC"

Mission

The purpose of the CHLPC is to promote the educational, cultural, economic, and general welfare of the community by:

1. Providing a mechanism to identify and preserve the distinctive historic, archaeological and architectural characteristics of Chesterfield which represent elements of the city's cultural, social, economic, political and architectural history;
2. Fostering civic pride in the beauty and noble accomplishments of the past as represented in Chesterfield's landmarks and historic designations;
3. Conserving and improving the value of property designated as landmarks or within historic designations;
4. Providing for economic benefits to encourage business and residential owners to locate and invest in historically significant properties;
5. Protecting and enhancing the attractiveness of the city to home buyers, tourists, visitors, and shoppers, and thereby supporting and promoting business, commerce and industry;
6. Fostering and encouraging preservation, restoration, and rehabilitation of the historic structures, areas and neighborhoods, and thereby preventing future urban blight;

7. Promoting the use of historic designations and landmarks for the education, pleasure, and welfare of the people of the city;
8. Promoting the identification, evaluation, protection and interpretation of the prehistoric and historic archaeological resources within the incorporated limits of the city;
9. Coordinating and managing the acquisition, storage, preservation, and documentation of information and artifacts related to past and living history of the area within the existing City Limits of Chesterfield;
10. Producing historical publications, newspaper articles, web sites, digital media, and public exhibits designed to promote interest in the history of the Chesterfield region and to provide public access to our repository of information and artifacts;
11. Preparation and delivery of activities designed to bring local history alive for the enjoyment and education of our citizens, i.e., lectures, public programs, tours, school and Scouting programs, etc.

Membership

1. Appointments to non-statutory citizen Committees are made by the Mayor with the concurrence of both Councilmembers in whose Ward the individuals reside.
2. The CHLPC is limited to 30 members – Six (6) from each ward and six (6) “At Large”, unless otherwise noted.
3. In addition, there shall be two (2) additional membership categories: “Member Emeritus” and “Ex-Officio”. “Ex-Officio” members may be an individual or a representative from a local business, organization or entity that have expertise or demonstrated interest in the history and preservation of Chesterfield.
4. “Member Emeritus” and “Ex-Officio” memberships shall:
 - a. Be limited to a total of 15 (this is cumulative, not 15 from each group); and,
 - b. Membership is restricted to those individuals or entities which have previously been appointed as a regular Member by the Mayor after concurrence of both Councilpersons in the ward which the resident or entity resides; and,
 - c. The CHLPC may transfer a regular member status to membership

in either of these two categories; and,

- d. Membership to either category shall not vote on matters of the CHLPC nor does their attendance count towards obtaining a quorum at meetings.
5. A member of the City Council and of the Planning Commission may be appointed to serve as liaisons. The Council and Planning Commission representatives shall not vote and shall not hold office.
6. Members shall be selected for their expertise in the various disciplines involved in historic preservation, with a demonstrated interest in the history and preservation of the City of Chesterfield.

Eligibility

1. Members of the CHLPC shall be residents of the City.
2. No member of the CHLPC shall be a current member of the Chesterfield Planning Commission.

Terms

1. The terms of office shall be for three (3) years.
2. The CHLPC shall hold at least four (4) meetings per year and any member who fails to attend at least fifty percent (50%) of all meetings, regular and special, in any calendar year, may thereby vacate the membership as provided by the by-laws or policies established.

Officers

1. Officers shall consist of a chairman, a vice-chairman, and a secretary elected by the CHLPC who shall each serve a term of one (1) year and shall be eligible for reelection each year.
2. The Council and Planning Commission representatives shall not be eligible for office. The chairman shall preside over meetings.
3. In the absence of the chairman, the vice-chairman shall perform the duties of the chairman. If both are absent, those present shall elect a temporary chairman.
4. The secretary of the CHLPC shall have the following duties:
 - a. Take minutes of each CHLPC meeting; and,

- b. Be responsible for publication and distribution of copies of the minutes, reports, and decisions to the members of the CHLPC; and,
- c. Give notice as provided herein by law for all public hearings conducted by the CHLPC; and,
- d. Advise the Mayor of vacancies on the CHLPC and expiring terms of members; and,
- e. Prepare to submit to the Council a complete record of the proceedings before the CHLPC on any matter requiring Council consideration.

Meetings

- 1. Because a number of the CHLPC members are engaged in committee activities which can occur in conflict with the scheduled monthly meetings, a quorum shall consist of 30% or more of the total number of appointed members on the committee.
- 2. All decisions or actions of the CHLPC shall be made by a majority vote of those members present and voting at any meeting where a quorum exists. However, votes on financial matters exceeding \$300.00 shall only be taken when 50% or more of the full membership is in attendance or votes by proxy.
- 3. Meetings shall be held at regularly scheduled times to be established by resolution of the CHLPC at the beginning of each calendar year or at any time upon the call of the chairman, but no less than four (4) times each year.
- 4. Meetings shall be held at City Hall unless otherwise authorized by the City Administrator or the Planning and Public Works Committee.
- 5. Meetings of the CHLPC, regardless of their location, are considered public meetings and therefore agendas shall be posted at least 48 hours in advance in accordance with the City of Chesterfield procedures and Sunshine Law requirements.
- 6. No member of the CHLPC shall vote on any matter that may materially or apparently affect the property, income, or business of that member and shall abide by any other city policies as to conflict of interest.
- 7. No action shall be taken by the CHLPC that could in any manner deprive or restrict the owner of property in use, modification, maintenance, disposition, or demolition until such owner shall first have had the opportunity to be heard at a public meeting of the CHLPC, as provided herein.

8. No action or vote, other than research and discussion, shall be taken by the CHLPC regarding any property without prior notification and approval from said property owner.
9. The CHLPC shall notify the City Administrator or Staff Liaison of any property they are made aware of which is subject to any application, request, or nomination before any historic or landmark related entity, organization, or commission.
10. All meetings of the CHLPC shall be open to the public except as allowed by state law.
11. The CHLPC shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the City Clerk and shall be public record.

Appropriation of Funds

The City Council may appropriate funds, within the budget limitations, for the operation of the CHLPC. The CHLPC may, with the consent of the City Council, apply for, receive or expend any federal, state or private grant, grant-in-aid, gift or bequest, in furtherance of the general purposes of this ordinance.

Powers and Duties

The CHLPC shall have the following powers and duties:

1. To adopt its own by-laws and procedural regulations, provided that such regulations are consistent with this policy and the Revised Statutes of the State of Missouri;
2. To conduct an ongoing survey for the identification of historically, archaeologically and architecturally significant properties, structures, sites and areas that exemplify the cultural, social, economic, political, or architectural history of the nation, state or city; and to maintain the research information in an inventory accessible to the public;
3. To investigate and recommend to the Planning Commission and to the City Council the adoption of ordinances designating properties or structures having special cultural, historic, archaeological, community or architectural value as "Landmarks;"
4. To investigate and recommend to the Planning Commission and the City Council the adoption of ordinances designating areas as having special

cultural, historic, archaeological, community, or architectural value as "Historic Designations" for placement on the Chesterfield Historic Register;

5. To keep a register of all properties and structures which have been designated as Landmarks or Historic Designation, including all information required for each designation;
6. To confer recognition upon the owners of Landmarks and property or structures within Historic Designations by means of certificates, plaques, or markers; and to make recommendations for the design and implementation of specific markings of the streets and routes leading from one Landmark or Historic Designation to another;
7. To advise and assist owners of Landmarks and property or structures within Historic Designations on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;
8. To nominate Landmarks and Historic Designations to the Chesterfield Historic Register, and to the National Register of Historic Places, and to review and comment on any nominations to the National Register of Historic Places;
9. To inform and educate the citizens of the City of Chesterfield concerning the historic, archaeological and architectural heritage of the City through publication or sponsorship of maps, newsletters, brochures, pamphlets, programs and seminars by the City, the CHLPC, or other appropriate parties;
10. To hold public hearings upon 30 days' notice published by the Department of Planning and Public Works, and to review applications for construction, alteration, removal or demolition affecting proposed or designated landmarks or structures within Historic Designations and issue or deny Certificates of Appropriateness for such actions. Applicants may be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions;
11. To hold public hearings on each proposed nomination of a Landmark and of a Historic Designation and on the guidelines developed for each nomination;
12. To request the Planning and Development Services Director to issue stop work orders for any construction, alteration, removal or demolition undertaken without a Certificate of Appropriateness or to stop work that violates the conditions of a certificate;
13. To be informed of all applications for demolition permits within the

corporate limits of the city to determine impact to significant cultural resources, including those not yet nominated as Landmarks or as contributing properties within a Historic Designation;

14. To consider applications for Certificates of Economic Hardship that would allow the performance of work for which a Certificate of Appropriateness has been denied;
15. To develop specific design guidelines based on the Secretary of the Interior's Standards for Rehabilitation for the alteration, construction, or removal of Landmarks or property and structures within Historic Designations;
16. To review applications for proposed zoning amendments, applications for special use permits, or applications for zoning variances that affect proposed or designated Landmarks or Historic Designations;
17. To administer on behalf of the City of Chesterfield any property of historical significance or full or partial interest in real property, including easements, that the City of Chesterfield may have or accept as a gift or otherwise, upon approval by the City Council;
18. To accept and administer on behalf of the City of Chesterfield, upon approval of the Council, such gifts, grants and money as may be appropriate for the purposes of this ordinance. Such money may be expended for publishing maps and brochures or for hiring of staff persons or consultants or performing other functions for the purpose of carrying out the duties and powers of the CHLPC and the purposes of this policy;
19. To call upon the City Administrator for assistance from available city staff members as well as other experts for technical advice;
20. To retain such specialists or consultants or to appoint such citizen advisory committees as may be required from time to time, with the approval of the City Council or Planning & Public Works Committee of Council;
21. To testify before all boards and commissions, including the Planning Commission and the Board of Adjustment, on any matter affecting historically, archaeologically, culturally and architecturally significant property, structures, sites and areas;
22. To make recommendations to the City Council concerning budgetary appropriations to further the general purposes of this ordinance;
23. To work with the city in the development of a preservation component in the Comprehensive Plan of the City of Chesterfield and to recommend it to the Planning Commission and to the City Council;

24. To periodically review the Chesterfield Unified Development Code and to recommend to the Planning Commission and the City Council any amendments appropriate for the protection and continued use of Landmarks or property, sites and structures within Historic Designations;
25. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the implementation of the purpose of this ordinance. However, any such action shall not be binding upon the City without City Council approval; and
26. To make recommendations on applications for Landmark Preservation Area Overlays (or LPA) as required and described in Article 02 of the Unified Development Code.

RECOMMENDED BY:

Department Head

Date

APPROVED BY:

City Administrator

Date

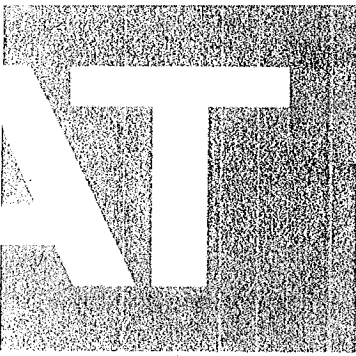
PROPOSAL – LEGAL SERVICES RE: PROPOSED SALES TAX LEGISLATION

As requested by the City's lobbyist and endorsed by Mayor Nation, I secured a quote from Rob Klahr, an Attorney with Armstrong Teasdale (see attached), who serves as legal counsel for the Valley TDD Board. Mr. Klahr has previously done work for the City.

If approved by City Council, he would review legislation that has been introduced, in Jeff City, regarding the proposed "50% Cap", for an estimated total cost of **\$2500**. Apparently, from reading emails provided by both Mayor Nation and Mr. Brooks, the St. Louis County Municipal League has questions/concerns regarding the impact of that legislation on St. Louis County and other cities in the Sales Tax Pool. Those concerns may, in fact, be baseless and/or potentially eliminated by a re-wording that Mr. Klahr may propose. Mayor Nation can provide further clarification at Monday's meeting.

If City Council wishes to authorize me to contract for his services, it would also be necessary to transfer \$2500 from General Fund – Fund Reserves.

Please contact Mayor Nation, prior to Monday's meeting, if you have any additional questions.



Robert D. Klahr

Direct T 314.552.6683 F 314.612.2330

rklahr@armstrongteasdale.com

MISSOURI KANSAS COLORADO NEVADA ILLINOIS SHANGHAI

January 26, 2016

VIA EMAIL

Michael Herring
City Administrator
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, MO 63017-2080

*✓ MKH
1/26/16*

Re: Proposal to Review Proposed Legislation Regarding St. Louis County Sales Tax Pool

Dear Mike:

As requested, this letter will confirm the terms of our proposed engagement to review proposed legislation regarding the St. Louis County sales tax pool and describe the basis on which our firm will provide legal services to the City of Chesterfield, Missouri (the "City").

Client. Our client in this matter will be the City.

Scope of Engagement. We would advise the City in connection with legislation that is currently pending in the Missouri General Assembly that proposes to amend the operation of the St. Louis County sales tax pool. Because we are not the City Attorney, our representation of the City in this matter does not involve an undertaking to represent the City or its interests in any other matter. We may agree with you to limit or expand the scope of our representation from time to time, provided that any such change is confirmed by us in writing.

Fees. While we anticipate most of our work for you will be performed by me, we may utilize other attorneys of our firm as appropriate. We recognize that cost efficiency is very important for you, and we will make certain that our work to you is completed in a cost-effective manner.

The principal basis for computing our fees will be the amount of time spent on the matter by various lawyers and legal assistants multiplied by their individual hourly billing rates. We propose to use the discounted hourly billing rates currently in effect for miscellaneous special counsel matters that we handle for the City, which range from \$250 per hour for associates to \$300 per hour for senior partners. My time would be billed at \$290 per hour.

Costs. We will include on our statements separate charges for performing services such as photocopying, messenger and delivery service, computerized research, travel, long-distance telephone and fax charges,

and search and filing fees. You also agree to pay the charges related to copying or digital reproduction of documents for retention in our files.

Estimates. We estimate that our fees in this matter will not exceed \$2,500. This estimate is subject to unforeseen circumstances and is by its nature inexact. Although we will use our best efforts to meet such estimate, we cannot be bound by such estimates, except to the extent expressly agreed to in writing. We will, however, notify you promptly if it reasonably appears that the scope of work has increased in a manner that would result in our fees exceeding this estimate.

Payment of Statements. Statements normally will be rendered on a monthly basis. Payment is due promptly upon receipt of our statement. If any statement remains unpaid for more than 60 days, we may suspend performing services for you until arrangements satisfactory to us have been made for payment of outstanding statements and the payment of future fees and expenses. You also agree to pay all costs of collection of delinquent invoices, including attorneys' fees and expenses, regardless of whether those fees are attributable to Armstrong Teasdale attorneys or outside attorneys engaged for the purpose of collection.

Client Responsibilities. You agree to pay our statements for services and expenses as provided below. In addition, you agree to be candid and cooperative with us and to keep us informed with complete and accurate factual information, documents, and other communications relevant to the subject matter of our representation or otherwise reasonably requested by us.

Advice about Possible Outcomes. Either at the commencement or during the course of our representation, we may express opinions or beliefs concerning the matter or various courses of action and the results that might be anticipated. Any such statement made by any lawyer of our firm is intended to be an expression of opinion only, based on information available to us at the time, and should not be construed by you as a promise or guarantee.

Termination of Engagement. The City may at any time terminate our services and representation upon written notice to the firm. Such termination shall not, however, relieve the City of the obligation to pay for all services already rendered, including work in progress and remaining incomplete at the time of termination, and to pay for all expenses incurred on behalf of the City through the date of termination.

We reserve the right to withdraw from our representation as required or permitted by the applicable rules of professional conduct upon written notice to the City. In the event that we terminate the engagement, we will take such steps as are reasonably practicable to protect the City's interests in the above matter, and the City agrees to take all steps necessary to free us of any obligation to perform further, including the execution of any documents necessary to perfect our withdrawal. We will be entitled to be paid for all services rendered and costs or expenses incurred on behalf of the City through the date of withdrawal.

Conclusion of Representation; Retention and Disposition of Documents. Unless previously terminated, our representation of the City in this matter will terminate upon our sending you our final statement for services rendered in the matter. At your request, your papers and property will be returned to you upon receipt of payment for outstanding fees and costs. Our own files pertaining to the matter will be retained by the firm. These firm files include, for example, firm administrative records, time and expense reports, personnel and staffing materials, and credit and accounting records; and internal lawyers' work product such as drafts, notes, internal memoranda, and legal and factual research, including investigative reports,

prepared by or for the internal use of lawyers. All such documents retained by the firm will be transferred to the person responsible for administering our records retention program. For various reasons, including the minimization of unnecessary storage expenses, we reserve the right to destroy or otherwise dispose of any such documents or other materials retained by us within a reasonable time after the termination of the engagement, and you agree that unless you have otherwise notified us in writing, we will have the right to dispose of files relating to your matter after the matter has been concluded for five years.

Post-Engagement Matters. You are engaging the firm to provide legal services in connection with a specific matter. After completion of the matter, changes may occur in the applicable laws or regulations that could have an impact upon your future rights and liabilities. Unless you engage us after completion of the matter to provide additional advice on issues arising from the matter, the firm has no continuing obligation to advise you with respect to future legal developments.

Please review this letter carefully. If it meets with your approval, sign the enclosed copy of the letter in the space provided below and return it to me so that we may begin work. However, please note that your instructing us or continuing to instruct us on this matter will constitute your full acceptance of the terms set out above. Please call me with any questions.

Please call me if you have any questions.

Sincerely,



Robert D. Klahr

RDK:

AGREED TO AND ACCEPTED:

CITY OF CHESTERFIELD, MISSOURI

By: _____

Title: _____

Date: _____

Michael Herring

From: Michael Herring
Sent: Monday, January 25, 2016 7:09 AM
To: 'Bob Nation'
Subject: RE: Request for Rob Klahr to rewrite or approve portion of sales tax bill

Mayor: I wanted to confirm that I have communicated with Mr. Klahr and he will prepare and forward to me a proposal, which I will include in the 2/1 City Council packet, in order to secure City Council approval of an engagement with him for the purposes requested below. MGH

Michael G. Herring, MPA
City Administrator
Chesterfield, Missouri

-----Original Message-----

From: Bob Nation [mailto:rsnation@aol.com]
Sent: Saturday, January 23, 2016 5:47 PM
To: Michael Herring <mherring@chesterfield.mo.us>
Cc: Harry O'Rourke <horourke@smhlaw.com>; Robert Klahr <RKLAHR@ArmstrongTeasdale.com>; Barry Flachsbart <barryf@mst.edu>; jeff@molobby.com
Subject: Re: Request for Rob Klahr to rewrite or approve portion of sales tax bill

Mike,

I appreciate the response, but I would rather get a more formal approval for Rob Klahr to spend a little time on it. Having talked with Jeff Brooks, it is still being clarified as to what is needed. I note that we have F& A on Monday and council on 2/1. Please see to it that it is coordinated in order to get this approved by the 2/1 Council Meeting. I appreciate the help!

Best Regards,

Bob Nation, Mayor
City of Chesterfield

> On Jan 23, 2016, at 4:36 PM, Michael Herring <mherring@chesterfield.mo.us> wrote:

>

> Mayor: The fastest way to have this done is for Mr. O'Rourke to "contract" with Mr. Klahr for this work. Mr. Klahr would then forward his bill to Harry.....Harry would pay it and then include that expense as a part of his monthly billing statement. If that's OK with you, I am, via this email, giving MY OK to this, in advance, by way of expediting Mr. Klahr's review. So, as soon as you give the OK, the wheels will be put into motion. MGH [Harry: Please indicate your concurrence and willingness to handle this in the manner described above. TY!]

>

> Michael G. Herring, MPA
> City Administrator
> City of Chesterfield, Missouri

>

> From: Bob Nation [rsnation@aol.com]
> Sent: Friday, January 22, 2016 4:33 PM
> To: Michael Herring; Harry O'Rourke; Robert Klahr; Barry Flachsbart
> Cc: jeff@molobby.com
> Subject: Request for Rob Klahr to rewrite or approve portion of sales tax bill

>

> Mike,
> Per Jeff Brooks and Senator Schatz, could we ask Rob Klahr to have a look at the bill language having to do with the hold harmless clause? I have not seen the language myself, but it apparently has caused some question and it would be helpful to eliminate confusion. I will forward bill as soon as I receive from Jeff Brooks. I appreciate obtaining whatever approvals (if any required) necessary as soon as possible. Thanks!

>

> Best Regards,

>

> Bob Nation, Mayor
> City of Chesterfield

Michael Herring

From: Jeff Brooks <jeff@molobby.com>
Sent: Saturday, January 23, 2016 5:32 PM
To: Bob Nation; Michael Herring
Subject: SB 788 (Schatz)

Gentlemen, please see below comments from Pat Kelly to Senator Schatz' office. Please take a look and let's discuss next steps. -jeff

Jeff Brooks
Gamble & Schlemeier
(314) 941-9235
jeff@molobby.com

Below is the our interpretation of Senate Bill 788. The concern is the reduction of revenue for the pool if the overall revenue stays the same or increase which would kick in the 50% concept.

If less than 2014 total collections, intent would seem to be no change – however they have presumably inadvertently left out a reference to the county getting a share under such circumstances - see lines 85-86

If greater than or equal to 2014 total collections (so no dollar change or just a dollar more), then some B cities presumably go up to get an assured 50% of point of sale equivalent, and therefore county and other B cities would go down accordingly

Two other apparent errors

Lines 65 and 95 refer to a formula for A cities “in this subsection”, but there is no such formula – this appears to be an error dating back to 1993-94. It would seem the reference was meant for what is in this bill renumbered as sub 6. It might be wise to change both places to “in this section” to be all inclusive. You might want to call Tim F to see if he has an historical perspective on this point. Seems to be something that has been glossed over.

Also at line 160 there is a reference to cost of collection that does not appear in similar places – compare to the preceding subsection

Pat Kelly
Executive Director
St. Louis County Municipal League
1034 Brentwood Blvd Suite 410
Richmond Heights, Mo. 63117
Cell: 314-252-1800
Office: 314-726-4748
Fax: 314-726-1520
Pkelly@Stlmuni.org
www.stlmuni.org

LEGISLATION

BILL NO. 3069 – AMENDS SCHEDULE IX: PARKING RESTRICTIONS OF SECTION 300 OF THE CODE OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THERETO TO RESTRICT PARKING ON SILVER BUCK LANE (**SECOND READING; DEPARTMENT OF PUBLIC SERVICES RECOMMENDS APPROVAL**)

BILL NO. 3070 – APPOINTS THE CITY ATTORNEY AND AUTHORIZES THE MAYOR TO EXECUTE A CONTRACT FOR LEGAL SERVICES (**FIRST READING**)

BILL NO. 3069

ORDINANCE NO. _____

AN ORDINANCE AMENDING SCHEDULE IX: PARKING RESTRICTIONS OF SECTION 300 OF THE CODE OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THERETO TO RESTRICT PARKING ON SILVER BUCK LANE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Schedule IX: Parking Restrictions of Section 300 of the Code of the City of Chesterfield is hereby amended by adding provisions thereto as follows:

Part of Road or Street Where Parking is Regulated	Parking Restrictions
Silver Buck Lane, east side, from its intersection with Wild Horse Creek Road to approximately 1,350 feet north, transitioning to the south side for the next approximate 400 feet, transitioning to the west side for the next approximate 350 feet, transitioning to the south side for the next approximate 150 feet to the terminus of Silver Buck Lane at the western property line of 17655 Wild Horse Creek Road. The regulated part of Silver Buck Lane can also be described as the side of the street with even numbered addresses in Bur Oaks subdivision.	No Parking Anytime

Section 2. In all other respects, Section 300 is in full force and effect.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2016.

Mayor

ATTEST:

CITY CLERK

First Reading held 1/20/2016

BILL NO. 3070

ORDINANCE NO. _____

**AN ORDINANCE APPOINTING THE CITY ATTORNEY AND
AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR
LEGAL SERVICES**

WHEREAS, due to a vacancy in the office of the City Attorney of Chesterfield, Missouri the Mayor with the consent of the City Council desires to appoint Daniel G. Vogel and the law firm of Cunningham, Vogel & Rost, P.C. as City Attorney and to provide legal services to the City; and

WHEREAS, to that end, the City Council desires to authorize the Mayor to execute a contract with Cunningham, Vogel & Rost, P.C. for legal services and to provide appointed City Attorney services;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
CHESTERFIELD, MISSOURI, AS FOLLOWS:**

Section One. The Mayor is hereby authorized to execute the Legal Services Agreement with Cunningham, Vogel & Rost, P.C. attached hereto and incorporated herein. Daniel G. Vogel and through Cunningham, Vogel & Rost, P.C., is hereby appointed City Attorney of the City of Chesterfield, Missouri. Cunningham, Vogel & Rost, P.C., in consultation with the City, shall designate and provide such attorneys in the firm and services to attend meetings and serve such other duties as City Attorney as may be deemed necessary or appropriate. The powers, duties, and terms of such office shall be as may be established by ordinance and as set forth in the attached Legal Services Agreement.

Section Two. This ordinance shall be in full force and effect on and after its passage and approval.

Passed and approved by the City Council of the City of Chesterfield, Missouri this _____ day of _____, 2016.

Presiding Officer

Bob Nation, Mayor

ATTEST:

Vickie Hass, City Clerk

LEGAL SERVICES AGREEMENT

This Legal Services Agreement (the "Agreement"), made and effective the date of the last signature dated below, by and between the **City of Chesterfield**, Missouri (hereinafter referred to as the "City"), and **Cunningham, Vogel & Rost, P.C.** (hereinafter referred to as "CVR"):

WHEREAS, CVR and their designated attorney, Daniel G. Vogel, have been appointed to serve as City Attorney for the City; and

WHEREAS, it is the desire of the of the City to engage CVR and its attorneys to perform legal services for the City as City Attorney; and

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES EXPRESSLY MADE HEREIN, IT IS AGREED BY THE PARTIES AS FOLLOWS:

1. Term. The term of engagement for legal services shall commence as of the date of this Agreement and shall continue at the pleasure of the Mayor and City Council until terminated by the City or CVR. CVR, through Daniel G. Vogel or other CVR attorneys in coordination with the designated City Attorney, shall attend the meetings and handle the Retainer/Basic Services as defined herein (the "City Attorney").

2. License. The City Attorney, any Assistant City Attorney (as hereinafter defined), as well as all supervising attorneys shall be duly licensed to practice law in the courts of the State of Missouri.

3. Substitute Attorney. In the event the designated City Attorney is unavailable to attend a meeting of the City Council or other board or commission as may be requested of him or her, the City Attorney shall designate an attorney with the firm ("Assistant City Attorney") to attend the meeting unless the Mayor and City Attorney determine that there is no need for legal counsel at such meeting. While attending meetings as provided herein, any Assistant City Attorney shall be Acting City Attorney and shall have all duties and authorities of the City Attorney. The City Attorney may designate an Assistant City Attorney, where appropriate and in communication with the City, to serve as the Acting City Attorney by default. Where CVR chooses to have the Assistant City Attorney and the City Attorney attend the same meeting, CVR agrees only to charge for that meeting time of the Assistant City Attorney only if two attorneys were requested by the City or CVR determines that the circumstance reasonably requires more than one attorney in attendance.

4. Retainer/Basic Services.

The following services shall be rendered to the City at the rate of \$165.00 per hour:

- a. Attendance and representation at all regular meetings of the City Council, including executive sessions;
- b. Attendance and representation at all regular meetings of the Planning Commission;
- c. Attendance and representation at all meetings of the Board of Adjustment;
- d. Consultations by telephone with the Mayor, Councilmembers, City Administrator and City Clerk, for legal advice on general municipal matters, up to five (5) hours per month.

5. Charges for Other Legal Services. Other legal services required by the City and not specified as Retainer/Basic services above shall be performed at the then applicable regular hourly rates of the applicable CVR attorneys or staff, which for 2016 range from between \$145.00/hour to \$190.00/hour for associates, and \$195.00/hour to \$335.00/hour for principals. To the extent paralegals or other legal staff perform designated tasks, 2016 regular hourly rates are currently \$80.00/hour to \$135.00/hour. The 2016 hourly rate schedule of CVR lawyers and staff is attached hereto. CVR and the City mutually agree that hourly rates designated in this Agreement and chargeable to the City may be adjusted upward each calendar year so that the rates, collectively, may increase in the aggregate not more than 5% per annum from the commencement of this Agreement. Bond Counsel Services requiring an opinion, or as otherwise specified by the parties, shall be compensated under such separately established mutually agreeable terms as are appropriate for the circumstances of the specific project and set forth in the bond approval document or other authority of the issuer. Any matters for which the City is entitled to reimbursement from a third party shall be billed at the regular hourly rates of CVR at the time the service is provided.

6. Billing Procedures. On a monthly basis, CVR shall bill the City for legal services and costs and shall provide the City with such details as it may request from time to time, including, without limitation, hourly reports and itemizations.

7. Cash Outlays. The City shall reimburse CVR for its normal cash outlays and costs, including those reflected on the hourly rate schedule attached hereto.

8. Right of Termination. The City and CVR shall have the right to immediately terminate this Agreement in its entirety at any time with or without cause.

9. Additional Terms of Engagement. Legal services shall be performed subject to the Additional Terms of Engagement attached hereto and incorporated herein.

10. Miscellaneous.

a. Severability. The provisions of this Agreement shall be deemed severable.

b. Contract Application/Award Requirements. The parties acknowledge that at the time of application and/or prior to award of this Agreement, the City has received on file proof of citizenship, residency or lawful presence of the signatory pursuant to §208.009 RSMo., and pursuant to §285.530 RSMo., a sworn affidavit and provision of documentation affirming enrollment and participation in a federal work authorization program.

c. Headings. The headings and captions of this Agreement are for convenience and reference only and in no way define, limit, or describe the scope or intent of this Agreement or any provision hereof.

d. Entire Agreement; Amendment. The parties hereto agree that this Agreement shall constitute the entire agreement between the parties and no other agreements or representations other than those contained in this Agreement have been made by the parties. This Agreement shall be amended only in writing and effective when signed by the duly authorized agents of the parties.

e. Counterparts. This Agreement may be executed in multiple counterparts.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the day and year first above written.

CUNNINGHAM, VOGEL & ROST, P.C.

CITY OF CHESTERFIELD, MISSOURI

By: _____
Daniel G. Vogel
333 S. Kirkwood Road, Suite 300
St. Louis, MO 63122

Bob Nation, Mayor

Dated: _____

Dated: _____

ATTEST:

Vickie Hass, City Clerk

ADDITIONAL TERMS OF ENGAGEMENT

Our Client. The person(s) or entity(ies) who are the client in this engagement are limited to those specifically stated in the accompanying engagement letter. In order to avoid misunderstandings and/or inadvertent conflicts of interest in the future, it is understood that, in the absence of written agreement to the contrary, neither this engagement nor our work in connection with this engagement shall be understood or taken to create an attorney-client relationship with other, including related or affiliated (e.g., parent, subsidiary, shareholder, partner, joint venture, etc.), persons or entities.

Provision of Legal Services, Generally. This engagement is for provision of professional legal services and not for the provision of business, personal, accounting, technical, financial or other advice not constituting legal services. It is agreed that the client is not relying upon counsel in this engagement for advice in areas other than professional legal services, even if such matters should be discussed in connection with the engagement.

Bond Counsel Services. If legal services involve bond/note counsel services, including the rendering of an approving opinion of bond or note counsel: except as expressly provided in the foregoing letter, such services do not include assisting in the preparation or review of an official statement, private placement memorandum or other form of offering or disclosure document to be disseminated in connection with the sale of the obligations or any other disclosure document with respect to the obligations, or performing an independent investigation to determine the accuracy, completeness or sufficiency of any such document or rendering advice regarding the official statement or other disclosure document. Other than preparation and delivery of transcripts, such services do not include providing continuing advice to you or to or any other party after closing on the obligations. Customarily, an approving opinion is delivered on the date the obligations are exchanged for their purchase price. An approving opinion will be based on and issued subject to facts and law existing as of its date. In rendering our approving opinion, we will rely upon the certified proceedings and other certifications of public officials and other persons furnished to us without undertaking to verify the same by independent investigation, and will assume continuing compliance by the issuer of the obligations with applicable laws relating to the obligations. During the course of this engagement, we will rely on you or other applicable parties to provide us with complete and timely information on all developments pertaining to any aspect of the obligations and their security. It is hereby acknowledged that the various legal opinions delivered concurrently with the delivery of bonds or notes express the professional judgment of the attorneys rendering the opinions as to the legal issues explicitly addressed therein. By rendering a legal opinion, the opinion giver does not become an insurer or guarantor of that expression of professional judgment, of the transaction opined upon, or of the future performance of parties to such transaction, nor does the rendering of an opinion guarantee the outcome of any legal dispute that may arise out of the transaction.

Entire Agreement. The accompanying engagement letter, together with these Additional Terms of Engagement, shall constitute the entire agreement between us concerning the engagement and shall not be modified or supplemented, except in a subsequent writing signed by the parties.

Periodic Billings for Legal Services. Unless other arrangements have been made, it is our policy to render periodic statements for legal services on a monthly basis. We normally base these interim statements on hourly rates of lawyers and legal assistants working on the matter. Statements will be due upon presentation and are to be paid no later than thirty (30) days following the invoice date. The amounts paid on our interim billings are applied to the total final fee. If any statement amount remains unpaid sixty (60) days after the invoice date, the firm reserves the right to terminate its services, consistent with applicable Rules of Professional Conduct.

Determining the Fee. Generally, fees are primarily based on hourly rates for the respective lawyer or legal assistant involved. These rates vary depending on expertise and experience. We adjust these rates from time to time, as lawyers gain experience and expertise, and with economic conditions. When agreed to by engagement letter, fees are sometimes fixed irrespective of the hours involved. Circumstances, including those set out below may require departure from the application of hourly rates. Determination of the total final fee may await conclusion of each specified case or matter so that all relevant factors may be considered.

The firm has clients in multiple states. Our lawyers are subject to rules governing the professional conduct of lawyers in those states. In addition to time spent, these rules list other factors that can be considered in determining a reasonable fee. These include: reputation, the skill and experience required to complete the services properly; the extent to which the acceptance of the particular matter will preclude other employment; the amount involved; the results obtained; the time limitations imposed by the client or by the circumstances; the nature and length of the professional relationship with the client; and whether the fee is fixed or contingent. In the absence of agreement

with you, those factors will not be used to increase our billings for fees above the charge resulting from application of hourly rates.

Paralegals/Legal Assistants/Document Clerks. Certain work will be done by paralegals, sometimes called "legal assistants." Such persons, although not lawyers, have undergone training to perform certain kinds of services at lower rates. In matters involving significant quantities of document management, document clerks may be used to perform tasks at lower rates than those of legal assistants. All such work is supervised by lawyers. The use of such persons allows us to deliver legal services to you at a lower cost.

Client Disbursements. Matters may require, from time to time, certain monetary advances to be made on your behalf by the firm. Some of "client disbursements" represent out of pocket charges we advance, others represent internal costs (including costs such as fees for service of process, court filing fees, deliveries, copying charges, travel expenses, computer assisted legal research, etc.). It is understood that while acting as your lawyers, we have the authority to use our best judgment in making such expenditures on your behalf. Unless we have made prior arrangements with you, we will send you monthly billings for client disbursements incurred during the preceding month. If the nature of the matter is such that we anticipate substantial advances, we may require a separate deposit for such purpose. Substantial individual items in excess of \$250, such as expert witness fees, the costs of deposition transcripts, printing costs, etc., may be billed directly to you by the vendor of such services. In many matters when lawyers must examine legal authorities, it is more economical to accomplish the task using computer databases of legal precedents (instead of the traditional method of manual retrieval). In such instances, the special charges assessed by the provider of these services are shown on client disbursement billings as "Electronic Research."

Client Files. During the course of client representation, this firm retains electronic and paper records relating to the professional legal services we provide so that we are better able to assist you with your legal needs and, in certain situations, to comply with professional guidelines. We employ physical, electronic, and procedural safeguards to preserve client confidentiality and to protect your non-public information. This firm agrees to retain and securely store your client files (which include documents generated by this firm, by the client, and by others) for a period of six (6) months after completion or termination of the representation, absent other written agreement between this firm and you regarding disposition of your files. You may request, in writing, the return of your client files at any time within such six (6) month period. Absent such a written request, your files will be deemed abandoned. In such case, you hereby authorize this firm to destroy your files at any time after expiration of such six-month period. All such client files will be destroyed unless this firm is otherwise required to retain same pursuant to the Code of Professional Responsibility or the Ethical Rules promulgated thereunder.

E-mail Confidentiality. This firm often communicates using e-mail. Any attorney or legal assistant e-mail could contain attorney-client, confidential, or other privileged communications. While the firm makes every effort to ensure that our e-mail and server are secure, Missouri lawyers are required by the Missouri Bar Disciplinary Counsel to notify prospective recipients of e-mail that (1) e-mail communication is not a secure method of communication, (2) any e-mail that is sent to you or by you may be copied and held by various computers it passes through as it goes from the firm to you or vice versa, and (3) persons not participating in our communication may intercept our communications by improperly accessing your computer or the firm's computer or even some computer unconnected to either you or the firm that the e-mail passes through. Unless you otherwise instruct us in writing, this firm will assume you have consented to receive communications via e-mail. If in the future you change your mind and want future communications to be sent by a different method, please contact the firm in writing immediately.

Public Information. The firm represents many governmental entities throughout the region and undertakes pro bono and other actions in order to protect the interests of our municipal clients. By this engagement you agree we may share public information among our municipal clients in furtherance of your interests, for educational purposes, to establish qualifications or experience, or otherwise to allow our lawyers to provide service to local governments or otherwise promote municipal interests, provided that the firm's sharing of public information does not authorize disclosure of confidential information unless deemed impliedly or expressly authorized in furtherance of your specific representation.

CUNNINGHAM, VOGEL & ROST, P.C.

legal counselors to local government

BILLING RATES*

Attorneys:

Thomas A. Cunningham	\$335.00 @ hour
Daniel G. Vogel	\$325.00 @ hour
Paul V. Rost	\$295.00 @ hour
David A. Streubel	\$275.00 @ hour
G. Kimberly Diamond	\$215.00 @ hour
Erin P. Seele	\$195.00 @ hour
Margaret C. Eveker	\$170.00 @ hour
Steven M. Lucas	\$160.00 @ hour
Daniel T. Manning	\$155.00 @ hour
Emalea K. Black	\$135.00 @ hour **/ \$145.00 @ hour***

** August 2016

*** October 2016 (Attorney license pending)

Paralegals/Legal Assistants: \$80.00 to \$135.00 @ hour

COSTS & EXPENSES

Document Imaging	\$0.10 @ pg (B/W), \$0.50 (Color)
Facsimiles	no cost
Courier Services	at cost
Electronic Research	at cost (CVR discounted, pro-rated rate)
Mileage costs	no charge or actual cost
Long Distance Telephone	no charge
Miscellaneous	actual cost

* Billing rates effective as of January 1, 2016; subject to change.