



**AGENDA REVIEW MEETING
CHESTERFIELD CITY COUNCIL
Monday, January 7, 2019
6:30pm**

I. Appointments

A. Re-Appointment

- Architectural Review Board - Mick Weber

II. Planning and Public Works Committee – Chairperson Michelle Ohley-Ward IV

A. Next Meeting – January 10, 2019 (5:45pm)

III. Finance and Administration Committee – Chairperson Barbara McGuinness-Ward I

A. Brandywine NID (Voice Vote)

B. Bill No. – 3223 Order of Business (First Reading)

C. Bill No. – 3224 Vacancies (First Reading)

IV. Parks, Recreation and Arts Committee – Chairperson Dan Hurt-Ward III

V. Public Health and Safety Committee – Chairperson Ben Keathley-Ward II

A. Bill No. – 3225 Municipal Court – ShowMeCourts Management System (First Reading)

VI. Report from the City Administrator – Mike Geisel

A. Liquor License Request – The Curry Club (Voice Vote)

VII. Unfinished Business – Mayor Bob Nation

VIII. New Business – Mayor Bob Nation

IX. Adjourn –

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 with employee groups (RSMo 610.021(3)1994; Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups (RSMo 610.021(9) 1994; and/or bidding specification (RSMo 610.021(11) 1994.*

PERSONS REQUIRING AN ACCOMMODATION TO ATTEND AND PARTICIPATE IN THE CITY COUNCIL MEETING SHOULD CONTACT CITY CLERK VICKIE HASS AT (636) 537-6716, AT LEAST TWO (2) WORKDAYS PRIOR TO THE MEETING.



AGENDA
CHESTERFIELD CITY COUNCIL MEETING
Chesterfield City Hall
690 Chesterfield Parkway West
Monday, January 7, 2019
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. Executive Session Minutes** – December 3, 2018
 - B. City Council Meeting Minutes** – December 3, 2018
- VI. COMMUNICATIONS AND PETITIONS** – Mayor Bob Nation
- VII. INTRODUCTORY REMARKS** – Mayor Bob Nation
 - A. Thursday, January 10, 2019** – Planning and Public Works (5:45 pm)
 - B. Monday, January 14, 2019** – Planning Commission (7 pm)
 - C. Wednesday, January 23, 2019** – Next City Council Meeting (7pm)
- VIII. APPOINTMENTS** – Mayor Bob Nation
 - A. Re-Appointment**
 - Architectural Review Board - Mick Weber

IX. COUNCIL COMMITTEE REPORTS

A. Planning and Public Works Committee – Chairperson Michelle Ohley, Ward IV

1. Next Meeting – January 10, 2019 (5:45pm)

B. Finance and Administration Committee – Chairperson Barbara McGuinness, Ward I

1. Brandywine NID (Voice Vote)

2. Bill No. – 3223 Order of Business (First Reading)

3. Bill No. – 3224 Vacancies (First Reading)

C. Parks, Recreation and Arts Committee – Chairperson Dan Hurt, Ward III

D. Public Health and Safety Committee – Chairperson Ben Keathley, Ward II

1. Bill No. – 3225 Municipal Court – ShowMeCourts Management System (First Reading)

X. REPORT FROM THE CITY ADMINISTRATOR – Mike Geisel

A. Liquor License Request – The Curry Club (Voice Vote)

XI. UNFINISHED BUSINESS – Mayor Bob Nation

XII. NEW BUSINESS – Mayor Bob Nation

XIII. LEGISLATION

A. Bill No. – 3223 An ordinance repealing and replacing section 2-49 Order of Business pertaining to the agenda for regular meetings of the City Council. **(First Reading) (Finance and Administration Committee Recommends Approval)**

B. Bill No. – 3224 An ordinance revising the Chesterfield City Code as it relates to filling vacancies in elective office. **(First Reading) (Finance and Administration Committee Recommends Approval)**

C. Bill No. – 3225 An ordinance authorizing the automation of the City of Chesterfield's municipal court by amending section 19-7 of the municipal code to add a seven dollar surcharge to municipal court costs and authorizing the City Administrator to enter an agreement for the

implementation of show-me courts **(First Reading) (Public Health and Safety Committee Recommends Approval)**

XIV. LEGISLATION – PLANNING COMMISSION

XV. ADJOURNMENT

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AGENDA REVIEW – Monday 1/7/2019 – 6:30 PM

An AGENDA REVIEW meeting has been scheduled to start at **6:30 pm, on Monday, January 7, 2019.**

Please let me know, ASAP, if you will be unable to attend this meeting.



RECORD OF PROCEEDING

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

DECEMBER 3, 2018

The meeting was called to order at 7:02 p.m.

Mayor Bob Nation led everyone in the Pledge of Allegiance and followed with a moment of silent prayer.

A roll call was taken with the following results:

PRESENT

ABSENT

Mayor Bob Nation
Councilmember Barry Flachsbart
Councilmember Barbara McGuinness
Councilmember Ben Keathley
Councilmember Mary Ann Mastorakos
Councilmember Dan Hurt
Councilmember Michael Moore
Councilmember Tom DeCampi
Councilmember Michelle Ohley

APPROVAL OF MINUTES

The minutes of the November 19, 2018 Executive Session were submitted for approval. Councilmember Mastorakos made a motion, seconded by Councilmember Keathley, to approve the November 19, 2018 Executive Session minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

The minutes of the November 19, 2018 Budget Public Hearing were submitted for approval. Councilmember Ohley made a motion, seconded by Councilmember Moore, to approve the November 19, 2018 Budget Public Hearing minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

The minutes of the November 19, 2018 City Council meeting were submitted for approval. Councilmember Flachsbart made a motion, seconded by Councilmember Ohley, to approve the November 19, 2018 City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

COMMUNICATIONS AND PETITIONS

There were no communications and petitions.

INTRODUCTORY REMARKS

Mayor Nation announced that during this evening's Executive Session, Council approved a 3% increase in the City's retirement contribution for the City Administrator in lieu of a merit salary increase for 2019 only. Annual contribution is not to exceed \$5,202 and is to be distributed in conjunction with the regular bi-weekly payroll.

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

APPOINTMENTS

Mayor Nation nominated Mr. Richard Clawson for re-appointment to the Architectural Review Board. Councilmember Ohley made a motion, seconded by Councilmember Hurt, to re-appoint Mr. Richard Clawson to the Architectural Review Board for a term of two years. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mayor Nation nominated Mr. Matt Adams for re-appointment to the Architectural Review Board. Councilmember Ohley made a motion, seconded by Councilmember Moore, to re-appoint Mr. Matt Adams to the Architectural Review Board for a term of two years. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

COUNCIL COMMITTEE REPORTS

Planning/Public Works Committee

Councilmember Michelle Ohley, Chairperson of the Planning/Public Works Committee, reported that Bill No. 3220 (Chesterfield Hockey Association Agreement) will be considered for adoption under the "Legislation" portion of the agenda.

Councilmember Ohley reported that Bill No. 3221 (Stop Signs at Lydia Hill and Veterans Place) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Ohley announced that the next meeting of this Committee, originally scheduled for Thursday, December 6, at 5:45 p.m., has been canceled.

Finance and Administration Committee

Councilmember Barbara McGuinness, Chairperson of the Finance and Administration Committee, announced that the next meeting of this Committee has been scheduled for Monday, December 10, at 5:30 p.m.

Parks, Recreation & Arts Committee

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

Public Health & Safety Committee

Councilmember Ben Keathley, Chairperson of the Public Health & Safety Committee, announced that the next meeting of this Committee has been scheduled for Wednesday, December 12, at 5:30 p.m. He explained that the meeting time may be adjusted in order to accommodate full participation.

REPORT FROM THE CITY ADMINISTRATOR

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

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

LEGISLATION

BILL NO. 3220	Authorizes the City of Chesterfield, Missouri to enter into and execute an Easement and Maintenance Agreement by and among Chesterfield Hockey Association, Inc., The Chesterfield Valley Transportation Development District, and the City in connection with a certain transportation development project in the City, and authorizes certain other actions in connection therewith (Second Reading) Planning & Public Works Committee recommends approval
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Councilmember Ohley made a motion, seconded by Councilmember Flachsbart, for the second reading of Bill No. 3220. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3220 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3220 with the following results: Ayes – Keathley, DeCampi, Mastorakos, Hurt, Ohley, McGuinness, Moore and Flachsbart. Nays – None. Whereupon Mayor Nation declared Bill No. 3220 approved, passed it and it became **ORDINANCE NO. 3027.**

BILL NO. 3221 Amends Schedule VI of the Model Traffic Ordinance of the City of Chesterfield by adding an all way stop condition at the intersection of Lydia Hill Drive and Veterans Place Drive **(Second Reading)**
Planning & Public Works Committee recommends approval

Councilmember Ohley made a motion, seconded by Councilmember Keathley, for the second reading of Bill No. 3221. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3221 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3221 with the following results: Ayes – Hurt, McGuinness, Flachsbart, Mastorakos, Keathley, Ohley, DeCampi and Moore. Nays – None. Whereupon Mayor Nation declared Bill No. 3221 approved, passed it and it became **ORDINANCE NO. 3028.**

ADJOURNMENT

There being no further business to discuss, Mayor Nation adjourned the meeting at 7:15 p.m.

Mayor Bob Nation

ATTEST:

Vickie J. Hass, City Clerk

APPROVED BY CITY COUNCIL: _____

UPCOMING MEETINGS/EVENTS

A. Thursday, January 10, 2019 – Planning and Public Works (5:45 pm)

B. Monday, January 14, 2019 – Planning Commission (7 pm)

C. Wednesday, January 23, 2019 – Next City Council Meeting (7pm)

APPOINTMENTS

Re-Appointment – Architectural Review Board

Mayor Nation has nominated Mick Weber for re-appointment to the Architectural Review Board for a new two-year term. As a statutory Committee appointment, the Mayor's nomination requires the consent of City Council. A voice vote is requested.



DATE: January 2, 2019
TO: Michael O. Geisel, City Administrator
FROM: Vickie J. Hass, City Clerk *VJH*
SUBJECT: Statutory Committee Re-Appointment

Mayor Nation intends to nominate the following individual for re-appointment at the January 7, 2019 City Council meeting:

Architectural Review Board

Mick Weber
MW Weber Architects
129 Long Road
Chesterfield, MO 63005
636-519-1400
mweber@mwweberarchitects.com
New term expires 3/18/21

Please add this re-appointment to the January 7 City Council agenda.

PLANNING AND PUBLIC WORKS COMMITTEE

Chair: Councilmember Ohley

Vice Chair: Councilmember Hurt

NEXT MEETING

The next meeting of the Planning & Public Works Committee is scheduled for Thursday, January 10, 2019 at 5:45 pm.

If you have any questions, please contact me prior to Monday's meeting.

FINANCE AND ADMINISTRATION COMMITTEE

Chair: Councilmember McGuinness

Vice-Chair: Councilmember Moore

The Finance and Administration Committee met on 12/10/2018 and the following action items were forwarded for consideration by City Council:

Brandywine NID (Voice Vote)

The Finance and Administration Committee received a pre-application petition from the Brandywine Subdivision requesting the establishment of a Neighborhood Improvement District (NID) for the purpose of reconstructing its private streets. The pre-application includes all of the required information, including approval of a minimum of seventy percent of the qualified voters residing within the proposed district. 156 of the 173 eligible voters (91%) voted in favor of the NID. City Staff has worked with the neighborhood extensively prior to the submission of the pre-application. If Council approves proceeding with this process, Staff will proceed with the development of bid documents and prepare financing documents contingent upon the passage of the final NID ordinance. The F&A Committee recommended that the issue be forwarded to the full City Council for approval.

Bill No. – 3223 Order of Business

The Finance and Administration Committee considered an ordinance which amends the formal order of business for Council meetings, which will accommodate City Council's prior direction to allow for legislative votes on ordinances concurrently with Committee reports. The Committee voted to recommend approval to the full Council.

An ordinance repealing and replacing section 2-49 Order of Business pertaining to the agenda for regular meetings of the City Council. **(First Reading) (Finance and Administration Committee Recommends Approval)**

Bill No. – 3224 Vacancies (First Reading)

The Finance and Administration Committee considered an ordinance which amends City Code to coincide with Statutory language that addresses filling vacancies in elective offices. The Committee voted to recommend approval to the full Council.

An ordinance revising the Chesterfield City Code as it relates to filling vacancies in elective office. **(First Reading) (Finance and Administration Committee Recommends Approval)**

NEXT MEETING

The next of the Finance and Administration Committee has not yet been scheduled.

If you have any questions or require additional information please contact Finance Director Chris DesPlanques or me prior to Monday's meeting.



Finance and Administration Committee Record of Proceeding December 10, 2018

The Finance and Administration Committee met on Monday, December 10, 2018. Those in attendance included: Chairperson Barbara McGuinness, Ward I; Council Committee Member Ben Keathley, Ward II; Council Committee Member Michael Moore, Ward III; Council Committee Member Tom DeCampi, Ward IV; Finance Director Chris DesPlanques and City Administrator Mike Geisel. Those also in attendance included: Mayor Bob Nation, Councilmember Michelle Ohley, Councilmember Dan Hurt, Director of Public Works Jim Eckrich, Director of Planning and Development Services Justin Wyse, Administrative Assistant to the City Administrator/Deputy City Clerk Amanda Miller, Assistant Finance Director John Hughes.

Chairperson Barbara McGuinness called the meeting to order at 5:29 p.m.

Brandywine NID Recommendation

The Brandywine Subdivision has submitted a Pre-Application for the establishment of a Neighborhood Improvement District (NID) in order to reconstruct its private streets. The Pre-Application includes all of the required information, including approval of a minimum of seventy percent of the qualified voters residing within the proposed district. 156 of the 173 eligible voters (91%) voted in favor of the NID.

Councilmember Keathley made a motion, seconded by Councilmember Moore to forward the approval of the Brandywine NID to Council with a recommendation for approval. A voice vote was taken with a unanimous affirmative result (4-0) and the motion was declared passed.

Proposed Ordinance for Order of Business

City Administrator Mike Geisel was asked to prepare an ordinance repealing and replacing section 2-49 order of business pertaining to the agenda for regular meetings of the City Council. The City Council desires to consider and vote upon legislation in conjunction with the related public discussion of business items during the standing committee reports.

Councilmember McGuinness made a motion, seconded by Councilmember Keathley to forward the proposed ordinance to Council. A voice vote was taken with a unanimous affirmative result (4-0) and the motion was declared passed.

Finance and Administration Citizens Advisory Committee Tasks

Finance Director Chris DesPlanques presented a suggested list of activities to engage the F&A Citizens Advisory Committee and further suggested that the Committee generally schedule meetings on a quarterly basis.

There was a general consensus to move the 'Review 5 year budget assumptions' from the proposed third quarter review date to the end of the second quarter such that the Committee could weigh in on the budget assumptions prior to the budget preparation.

Codification Update

City Administrator Mike Geisel provided an update to Council on the Codification process the city contracted for in 2017, and is currently underway. General Code currently administers, maintains, and publishes the City's Code of Ordinances. Mr. Geisel indicated that he expected the final product to be available by late spring in 2019.

Proposed Ordinance for Vacancies

City Administrator Mike Geisel presented council with a proposed ordinance which is intended to amend the City Code such that it mimics the statutory language as it relates to filling of vacancies in elected offices.

Councilmember Keathley made a motion, seconded by Councilmember DeCampi to favorably recommend the proposed ordinance to Council. A voice vote was taken with a unanimous affirmative result (4-0) and the motion was declared passed.

CPI and Compensation Plan Discussion

Councilmember McGuinness asked that the CPI and Compensation Plan be discussed as a topic on tonight's agenda.

Councilmember McGuinness made a motion to permanently set the merit increase to 75% of the CPI. The motion died due to lack of a second.

Financial Reports

Finance Director Chris DesPlanques presented a current financial update.

Adjournment

The meeting was adjourned at 7:03 p.m.

Respectfully submitted:

Chris DesPlanques
Finance Director

Amanda Miller
Deputy City Clerk

Approved: _____

DRAFT

Memorandum

Department of Public Works



TO: Michael O. Geisel, P.E.
City Administrator

FROM: James A. Eckrich, P.E.
Public Works Dir. / City Engineer

DATE: September 19, 2018

RE: Brandywine Neighborhood Improvement District

The Brandywine Subdivision has submitted a Pre-Application for the establishment of a Neighborhood Improvement District (NID) in order to reconstruct its private streets. The Pre-Application includes all of the required information, including approval of a minimum of seventy percent of the qualified voters residing within the proposed district. 156 of the 173 eligible voters (91%) voted in favor of the NID.

The streets of Brandywine are comprised of concrete with an asphalt overlay. These streets are over 40 years old and in declining condition. The subdivision studied the matter at length, and contemplated several different improvement projects. A number of meetings were held, including a meeting open to the entire subdivision held at City Hall. Ultimately, Brandywine determined that the NID, with Public Works Staff managing the project, was the best way to reconstruct its streets. By proceeding in this manner, the newly constructed streets will meet all City standards. The preliminary estimate to reconstruct the streets within Brandywine, provided by City Staff, is \$1,085,000.

Should City Council vote in favor of this project, the following will occur:

- a) City staff will meet with representatives from Brandywine to further define the project scope. Issues to consider include parking lots, sidewalk, curbing, and storm water concerns.
- b) A detailed estimate will be created based upon the scope defined in A. This estimate will include legal costs and bonding expenses.
- c) A survey and legal description will be created by City Staff.
- d) City Staff and Legal Counsel will work with Brandywine to create a final NID petition which meets the requirements of 67.457 RSMO. Brandywine will then circulate this petition and provide the results to the City of Chesterfield.
- e) Public Works Staff will compile a bid package, including plans and specifications. Once completed, the project will be publicly bid in accordance with City requirements.
- f) The petition results and bid results will then be submitted to City Council for formal approval of the project. If approved, the project would then be managed by Public Works Staff.

In addition to the requirements above, the City Staff will also require a letter from the Brandywine subdivision indicating that, in the future, it will work with the City to provide the temporary and permanent easements necessary to construct the missing section of the Pathway on the Parkway along the southeast portion of Chesterfield Parkway.

It is anticipated by both City Staff and the Brandywine Subdivision that bonds will be created to fund the construction of this project. For the previous two NIDs, General Fund – Fund Reserves were utilized to avoid bonding costs. However, during the approval of the previous NID, the direction from City Council was that all future NIDs would need to be bonded.

Action Recommended

This matter should be forwarded to the Finance and Administration Committee of City Council. Should the Committee favor the request from Brandywine, it should vote to recommend the creation of the NID, which should then be forwarded to the full City Council.

The Pre-Application, a sample Ballot, and the City NID Policy have been attached to assist F&A / City Council in its consideration of this matter. Should you have any questions, please contact me.

Please forward to the F&A Committee for review and direction.

A handwritten signature in black ink, appearing to read "Mark Teis".

9/20/2018

**PRE-APPLICATION FOR
NEIGHBORHOOD IMPROVEMENT DISTRICT**

1. **Name of Proposed District:** Brandywine Condominium Association (BCA) Neighborhood Improvement District

(a) Principals for the proposed project include:

Contact person: Byron Bury, BCA Board Member and BCA NID Chairperson 636.448.2447
burycs@hotmail.com

Subdivision attorney: NA

Subdivision engineer: NA

Subdivision Board of Managers: Linda Carlson, President; Karen Bergman, Treasurer; Darrell Waters;

Grace Stratton; Pat Northcutt; Anne Reese; Vipin Bhatt; Norman Wolff; Cherie Vie; and Byron Bury

2. **Narrative Description of the Proposed Project:**

(a) Description of project: The project consists of improvement of concrete streets and parking lots, including all costs incurred in connection with such improvement, including, but not limited to: costs incurred for the preparation of preliminary reports, plans and specifications, public notices, fees and expenses of consultants, interest accrued on borrowed money, costs incurred in connection with the issuance of bonds or notes (including reasonably required reserve funds for bonds or notes), materials and labor, reasonably construction contingencies, work done or services performed by the City of Chesterfield in the administration or supervision of such improvement.

(b) Project location: Brandywine Condominiums, Chesterfield, Mo.

(c) Description of project, need for NID, and private financing: Forming a neighborhood improvement district ("NID") would allow the Brandywine Condominium Association to obtain a long-term, low-interest loan, with all billing and collections managed by the City of Chesterfield, as well as the engineering, evaluation, bidding and project management.

(d) Identification of utility companies serving area: MSD, Missouri American Water Company, Charter, AT&T, Spire, Ameren.

3. **The proposed boundaries of the NID are Brandywine Condominium Plats 1 through 5.**

4. **A list of property owners within the proposed boundaries of the NID is set forth as Exhibit A, attached hereto and incorporated herein by reference.**

5. **The estimated cost of the proposed improvement is \$1,085,000. The final cost of such improvement assessed against the property within the NID shall not exceed such estimated cost by more than 25%. [A preliminary construction estimate is set forth as Exhibit B, attached hereto and incorporated herein by reference.]**

6. **A petition signed by at least 70% of the owners of real property located within the proposed NID is set forth as Exhibit C, attached hereto and incorporated herein by reference.**

7. **The proposed assessment would be levied equally against each unit within the boundaries of the proposed NID.**

8. **Once completed, the improvement will be maintained by the Brandywine Condominium Association.**

FORM OF PRELIMINARY PETITION FOR NID

BRANDYWINE CONDOMINIUM ASSOCIATION BALLOT

Road Replacement Options: (1) Concrete - NID program; (2) Asphalt - BCA

OPTION 1

Work with the City of Chesterfield to form a Neighborhood Improvement District (NID) for Concrete streets and parking lots. Forming a NID would allow the Brandywine Condominium Association to obtain a long-term, low-interest loan, with all billing and collections managed by the City of Chesterfield, as well as the engineering, evaluation, bidding and project management. It is estimated that, under this plan, each homeowner would owe approximately \$500 (based on market interest rate) at the end of each calendar year, for a period of 20 years. The repayment obligation would attach to each home and not to each individual owner, meaning that if a current owner sells their home, the new owner would be responsible for balance of future annual payments.

OPTION 2

Pay through self-funding for Asphalt streets, parking lots and driveways at an estimated cost of \$650,168. Payments would be the responsibility of each homeowner, collected monthly by Brandywine Condominium Association over a 2-year period (2019 & 2020), and each homeowner would pay an amount based on the square footage of their home (average overall, estimated at \$157 each month). The Brandywine Condominium Association would be responsible for the engineering, evaluation, bidding and project management.

BALLOT INSTRUCTIONS:

Ballot must be completed and submitted with the signatures of each unit owner listed on the unit title (the owners of each unit must sign ballot). If the unit is owned in trust, one owner must sign as trustee.

'NID' VOTING PROCESS:

The recorded condo owners of each unit, or trustee(s), are allowed a single vote. To cast your vote, place a check mark next to Option 1 or Option 2 (choose only one Option), and sign your name and address in the spaces provided. Ballots counted by Board of Directors.



Option 1 - NID, option for concrete



Option 2 - Brandywine, option for asphalt

Name (Print)

Legal Owner

Name (Sign)

Property Address

Shannon Knobloch

1509 Hedgford Drive 63017

Shannon Knobloch

Unit 2

CITY OF CHESTERFIELD, MISSOURI NEIGHBORHOOD IMPROVEMENT DISTRICT POLICY

INTRODUCTION

One of the more serious issues facing the City of Chesterfield today is how to finance local infrastructure improvements primarily in subdivisions that existed prior to incorporation and improvements owned by the subdivision. Improvements to streets, storm water systems and subdivision amenities are critical to the quality of life of the residents of the City. Unfortunately, these infrastructure projects tend to be expensive and are overly burdensome for some residents. The issue becomes even more challenging when the infrastructure improvements benefit a specific geographic area or subdivision.

In most states, units of local governments (both cities and counties) can issue general obligation bonds backed by the "full faith and credit" of the governmental unit. These bonds are issued and the debt retired through assessments, special fees or taxes, levied against the real property that benefits from the improvements. Prior to 1991, Missouri had no provisions in place for this type of funding. Therefore, when faced with a specific improvement project, Missouri cities and counties had few options. One option was to consider the issuance of a general obligation bond issue, subject to a vote of the entire city or county. Another was use the authority granted under the subdivision indenture to impose special assessments, the revenues from which would be used to finance the improvements. The primary drawback to the assessment process was that the cumbersome, inflexible nature of the subdivision indentures made assessments difficult to enact and enforce. Subdivisions could also establish a special benefit district or a special tax district, but those had added costs, as well. The result was often that the subdivision and the municipality would simply ignore the situation. None of these options offered a practical alternative to resolve the problem.

The City Council is aware of the need to develop a structure that would enable improvements to be made to streets, stormwater systems and other subdivision amenities. At the same time, the City Council is concerned about maintaining its current strong financial rating. The City Council believes that the formation of Neighborhood Improvement Districts can provide an excellent opportunity for citizens to examine the particular needs of their communities or subdivisions and to structure a plan to address their needs. The City Council believes that it is important that local residents have the ability to avail themselves of those lawful opportunities which enable them to improve their quality of life. Further, the City Council is willing and able to partner with residents to make the necessary improvements in a way that is suitable to the residents and the city alike.

THE MISSOURI NEIGHBORHOOD IMPROVEMENT DISTRICT ACT

The Missouri Neighborhood Improvement District Act, Sections 67.453 to 67.475 of the Revised Statutes of Missouri, also known as the NID Act, was designed to provide a practical, flexible, and responsive tool to finance public infrastructure in response to citizen needs. Simply

Armstrong Teasdale LLP

NID Policy

Dated April 29, 2005

Revised to reference F&A Committee 1-3-08

defined, a Neighborhood Improvement District, or NID, is a geographically defined area within which certain public improvements are financed by the local governmental entity (either city or county) through the issuance of general obligation bonds. These general obligation bonds are in turn retired through special assessments imposed on the owners of real property within the NID area.

Therefore the basic premise of NID financing is that only those who benefit from the financed improvements pay for those improvements.

FORMATION OF A NEIGHBORHOOD IMPROVEMENT DISTRICT

In Missouri, Neighborhood Improvement Districts can be formed in one of two ways: through the initiative petition process in which a petition is signed by at least two-thirds of the owners of record of real property within the proposed district area; or through an election submitted to all qualified voters residing within the proposed district area. Passage of the NID issue requires a four-seventh majority if the election is conducted at a general municipal election day, primary or general elections and two-thirds at all other elections. On all other election days, a two-thirds majority is required for passage.

The NID Act outlines the structure of and formation process for NIDs. These can be very complex, even to those experienced in governmental affairs. The NID Act places very specific requirements on City officials planning to implement NID. While some may believe that the passage of the ballot issuance or the submission of the petition is the major hurdle in the formation of a NID, it represents the first step in what can be a complicated and potentially costly process.

PROJECTS ELIGIBLE FOR NID FINANCING

The NID Act has defined the range of projects which are eligible for Neighborhood Improvement District financing. Under the Act, to "improve" a project is to "construct, reconstruct, maintain, restore, replace, renew, repair, install, equip, extend, or to otherwise perform any work which will provide a new public facility or enhance, extend or restore the value or utility of an existing public facility." Further, an "improvement" includes "any one or more public facilities or improvements which confer a benefit on property within a definable area and may include or consist of a reimprovement of a prior improvement" including but not limited to projects:

(a) to acquire property or interests in property when necessary or desirable for any purpose authorized by sections 67.453 to 67.475;

(b) to open, widen, extend and otherwise to improve streets, paving and other surfacing, gutters, curbs, sidewalks, crosswalks, driveway entrances and structures, drainage works incidental thereto, and service connections from sewer, water, gas and other utility mains, conduits or pipes;

- (c) to improve main and lateral storm water drains and sanitary sewer systems, and appurtenances thereto;
- (d) to improve street lights and street lighting systems;
- (e) to improve waterworks systems;
- (f) to improve parks, playgrounds and recreational facilities;
- (g) to improve any street or other facility by landscaping, planting of trees, shrubs, and other plants;
- (h) to improve dikes, levees and other flood control works, gates, lift stations, bridges and streets appurtenant thereto;
- (i) to improve vehicle and pedestrian bridges, overpasses and tunnels;
- (j) to improve retaining walls and area walls on public ways or land abutting thereon;
- (k) to improve property for off-street parking facilities including construction and equipment of buildings thereon;
- (l) to acquire or improve any other public facilities or improvements deemed necessary by the governing body of the city or county; and
- (m) to improve public safety.

COSTS THAT CAN BE PAID WITH NID FINANCING

The NID Act identifies the costs that can be paid for through a Neighborhood Improvement District. Eligible costs include:

“... all costs incurred in connection with an improvement, including, but not limited to, costs incurred for the preparation of preliminary reports, the preparation of plans and specifications, the preparation and publication of notices of hearings, resolutions, ordinances and other proceedings, fees and expenses of consultants, interest accrued on borrowed money during the period of construction, underwriting costs and other costs incurred in connection with the issuance of bonds or notes, establishment of reasonably required reserve funds for bonds or notes, the cost of land, materials, labor and other lawful expenses incurred in planning, acquiring and doing any improvement, reasonable construction contingencies, and work done or services performed

by the city or county in the administration and supervision of the improvement..."

FINANCING NEIGHBORHOOD IMPROVEMENT DISTRICTS

Neighborhood Improvement Districts can be financed in several ways, however the most common means is through the issuance of "debt" by the City, which is usually in the form of a general obligation bond. Because these bonds are designated as "Neighborhood Improvement District Bonds," they generally carry relatively low interest rates when compared to conventional bank financing.

Once a NID is established, the City may issue temporary notes or may authorize a local bank or other financial institution to issue temporary notes which may then be refunded by issuing the NID bonds or general obligation bonds. This allows for projects to be linked together (also called "pooling") creating a larger single bond which further reduces issuance costs and allows projects to begin construction while the final financing structure is developed.

These bonds are repaid through an annual assessment on all real property within the NID. The special assessment is included in the annual property tax bill for residents so only one payment is required per year. Failure to pay the special NID assessment is handled in the same manner as failure to pay property taxes. Failure to pay property taxes may result in the sale of the real property by the City at a tax sale. Further, the IRS has determined that special assessments cannot be deducted from a property owner's income taxes, as can real and personal property taxes.

COMPLEXITIES ASSOCIATED WITH BOND ISSUES

Bond issues, including those issued for Neighborhood Improvement Districts, create an obligation for the issuing agency, the City, which pledges its "full faith and credit" to secure the bonds. This means that should a default occur and repayment of the principal and interest on the bonds not occur as scheduled, the City of Chesterfield has pledged to make the delinquent payments. Therefore, the legal and financial structure of these bond issues is of critical importance both to ensure that the project is financially viable and, should a default occur, that sufficient protection is in place to minimize the potential for losses.

Correctly structuring and marketing general obligation bonds requires professional advice and expertise. First, bond counsel must be retained. Bond counsel serves several purposes including structuring the issue, drafting the documents, certifying its tax-exempt status and other related actions. A trustee must be retained. A trustee is the paying agent for the issuance. It is the trustee who certifies that sufficient funds are available to meet debt service obligations. In some instances, an underwriter is retained to "market" the bonds. To "market" bonds is to determine the bond interest rates and supply potential customers to purchase the bonds. The bonds and various disclosure documents must be printed in large quantities by a qualified printer. In certain instances, a financial advisor is retained to provide independent financial analysis of the project to ascertain risk. The costs incurred in completing these and other related tasks are called the costs of issuance. These costs are added to the obligation and are part of the overall issuance. Therefore, bond issues can become expensive to develop.

However, one must consider the fact that interest rates for government backed securities, including those issued for NIDs, will carry an interest rate substantially lower than the interest rates normally available to individuals because the City's pledge of its full faith and credit makes the obligations virtually risk free.

Therefore, in considering whether to pursue a Neighborhood Improvement Project, one must weigh the costs of complying with the "red tape" normally associated with government financing with the substantially lower interest rate offered by using government backed securities.

IMPACT OF SIZE OF PROJECT

Given that the most appropriate means of financing neighborhood improvement projects is through the issuance of bonds, it is important that projects be large enough to justify the costs associated with the issuance. It makes very little sense to use bond financing for a small project if the costs of issuance add appreciably to the project. The bond market generally favors larger issues over smaller issues and there are distinct cost savings for larger issues when compared to smaller issues. Therefore, the City recommends that subdivisions consider the following when deciding whether to pursue a NID project:

Projects with total costs below \$300,000 will face some difficulty seeking Neighborhood Improvement District financing. The administrative costs and the costs of issuance are such that including projects of this size in the NID program will cause issuance and sale problems for the entire program. There are some additional considerations to make for projects between \$300,000 and \$500,000. It is possible that projects of this size can be "pooled", or joined, to one another to form a larger bond issue, but this will require significant coordination between construction and completion schedules. Projects greater than \$500,000 are more feasible than other smaller projects, although the aspect of "pooling" of these issues is still a very important consideration. Projects of \$1.0 million or greater are typically sustainable as "stand alone" bond issuances.

Although the City has recommended the following considerations, it is willing to consider any project that leads to the improvement of local subdivisions. To encourage the NID process for existing streets, stormwater systems and other subdivision improvements, the City desires to provide assistance to its residents by evaluating potential NID projects and determining such project's feasibility.

SPECIAL REQUIREMENTS TO ESTABLISH A NID

In addition to the requirements for financing, the NID Act requires that the area seeking to be designated as a NID to operate in a readily-defined area. Generally, this requires that a metes and bounds survey of the NID area be completed and that a specific legal description be developed for the district. To assist in this process, the City will help identify and retain an

acceptable land surveyor who will complete the survey in a reasonable period of time and at a reasonable cost.

The NID Act also requires that the total costs for the proposed project be certified. However, properly determining these costs can be a cumbersome and expensive activity for property owners who are not familiar with the process. An incorrect cost estimate could cost the subdivision flexibility later, so the City is willing to prepare the cost estimates for the NID project and verify that they comply with the requirements of the NID Act.

Because these projects involve public improvements, all projects must include the payment of prevailing wage rates and must comply with the normal bidding and procurement policies of the City. The City is experienced in these matters and will incur the costs associated with the preparing and soliciting bids.

The City views itself as a partner in these proceedings, and is therefore willing to facilitate the formation and administration of NIDs. As a result, in addition to the items listed above, the City will also incur the initial legal expenses necessary to work with the subdivision trustees to prepare a proper petition and to ensure that the NID process has been properly initiated. The City begins by providing its residents with a form of the pre-application petition necessary to begin the formation process (see **Appendix A**).

LENGTH OF FORMATION PROCESS

Because each Neighborhood Improvement District must be judged on its own strengths and merits, it is not possible to establish a "normal" time frame for establishment. It is important to understand that a NID is a "quasi-public" structure that requires that the City Council complete several administrative and legislative steps. However, the City Council is committed to considering and approving all feasible NID projects.

HOW TO INITIATE THE FORMATION PROCESS

Given the fact that there are several "up-front" costs required to comply with the NID Act to form a Neighborhood Improvement District, and that these up-front costs may be substantial, the City Council would like to provide some assistance during the initiation process to verify that the proposed projects are being properly defined and that they have been structured in a way that is economically feasible. City Council has developed a "pre-application" which will be used to enable the City to perform an initial evaluation of all NID proposals. The Pre-Application is designed to help residents conceptualize the project and identify the means of making it most-productive. After an initial review and evaluation, it will then go through the formal review process.

Pre-Application

The Pre-Application contains the following elements, all of which are essential to its evaluation:

1. The name of the proposed Neighborhood Improvement District and the principals involved in the project. "Principals" include the local contact

person, the subdivision attorney, the subdivision engineer, the subdivision trustees and any other individual that will be involved in the project.

2. A Narrative Description of the proposed project. This narrative should include a statement of the problem and the prior steps that the subdivision has taken in attempting to solve the problem. If any sanctions have been imposed by other governmental agencies, such as the Health Department, those should be listed as well. The narrative should also include a general description of the area, including the major roads which service the subdivision, the character of the subdivision, in particular, an assessment of whether the area growing, declining, or unchanged; the number of single family homes, businesses, or other dwelling units in the subdivision and the utility companies which serve the area, particularly water company and the sanitary sewer company. Finally, the narrative should describe any steps that the subdivision has taken to secure financing for this project and the status of such requests.
3. If available, a metes and bounds survey of the proposed district. If this is not available, a copy of the recorded plat from the Recorder of Deeds office will suffice, which the City will help obtain. If this is not available, an aerial of the proposed area should be provided, which the City is also able to assist in securing through either commercial firms or the St. Louis County Assessor's Office.
4. A list, by street address and mailing address, of all persons residing within the boundaries of the proposed district. Such list can be obtained from the City.
5. A list, by street address, of all current owners of real property located within the boundaries of the proposed district. Such list can be obtained from the City.
6. A Preliminary Construction Estimate prepared and sealed by an engineer registered by the State of Missouri for the proposed construction project. The City has experience in obtaining bids for such estimates and is willing to assist as necessary. Because NID projects are public works projects, they are subject to the prevailing wage statutes of the state, and the City is able to advise as to whether the bids comply with the law.
7. A petition, which at a minimum, includes the signatures of at least 70% of the qualified voters residing within the proposed district;

-OR-

A petition, which at a minimum, includes the signatures of at least 70% of the owners of real property located within the proposed district. The City can help obtain names and addresses of those eligible to sign the petition.

8. A record of the current annual subdivision assessments, if any, the uses established for these assessments, a record of payments for each lot or property owner for the past three (3) years, and what proposed maintenance schedule will be established to ensure that one the improvement has been made that it is adequately maintained. To the extent that it is necessary, the City is able to assist in making these determinations.

Six copies of this Pre-Application should be submitted to the City Council as follows:

City Council of the City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, Missouri 63017-0760
ATTN: Finance & Administration Committee

After receipt, the City Administrator will cause a formal review of the application by all appropriate City Staff and/or City consultants and will, following said review, forward those applications considered to be complete to the City's Finance and Administration Committee. During this process, the Committee will also verify the accuracy of the property tax payment records on all properties within the proposed NID.

Throughout the evaluation process, the Finance and Administration Committee will be committed to reviewing and revising the proposal as necessary to help meet the needs of the subdivision and the City. To the extent that portions of the proposal are not sufficient to satisfy the requirements of the NID Act, the City will discuss potential revisions with the subdivision and attempt to reach agreement on any issues of concern.

After the review of the Pre-Application is completed, the Finance & Administration Committee will complete a written evaluation of the proposed project. This evaluation will include a recommendation on whether to include the project in the Neighborhood Improvement District Program for the City. The evaluation will be submitted to the applicant and after comments have been received, will be presented to the City Council for their action.

Formal Application

Once the Pre-Application review process is complete and the proposal is forwarded to the City Council for approval, it will be included in the NID program and the formal development of a NID Proposal will be started. Costs incurred during the formal application process are also reimbursable under the NID Act. The formal proposal should include all statutory requirements including, but not limited to:

1. The completion of a metes and bounds survey and the development of a project legal description;
2. The development and certification of costs associated with the project. This is to include construction costs (developed through a formal bidding process); the costs of issuance of the bonds to finance the project; the

)
administrative costs for the project; and any other allowable costs deemed necessary and appropriate for the successful operation of the NID; and

3. The completion and submission of a petition which complies with the statutory requirements of section 67.457 RSMO.

-OR-

The conduct of an election which complies with the statutory requirements of section 67.457 RSMO.

As with the Pre-Application, to the extent that the subdivision requires assistance with any of the elements of the formal application process, City staff is available to help.

FOR ADDITIONAL INFORMATION

For additional information, contact:

Assistant City Administrator for
Community Services & Economic Development
690 Chesterfield Parkway West
Chesterfield, Missouri 63017-0760
636-537-6721

PARKS, RECREATION AND ARTS COMMITTEE

Chair: Councilmember Hurt

Vice Chair: Councilmember Mastorakos

There are no action items being forwarded from the Parks, Recreation and Arts Committee for this meeting.

The next of the Parks, Recreation and Arts Committee has not yet been scheduled.

If you have any questions or require additional information, please contact Director of Parks, Recreation and Arts, Tom McCarthy or me prior to Monday's meeting.

PUBLIC HEALTH AND SAFETY COMMITTEE

Chair: Councilmember Flachsbart

Vice Chair: Councilmember DeCampi

Municipal Court – ShowMeCourts Management System

At the 12/12/2018 meeting of the Public Health and Safety Committee, Municipal Court Clerk, Nancy Morr, reviewed the State mandate that all municipal courts are to participate in the ShowMeCourts system. The City of Chesterfield Municipal Court is currently working toward the implementation of this system with a target date for our courts to go live on this program is March 1, 2019. City Attorney Graville has prepared the proposed bill, which authorizes the collection of the \$7 per case funding for the ShowMeCourts, funding. **(Bill #3225 is offered for first reading)**. Bill number 3225 is proposed to provide the \$7.00 per case fee to fund the ShowMeCourts program. This fee goes directly to the State of Missouri and provides ongoing funding for the system.

The next of the Public Health and Safety Committee has not yet been scheduled.

If you have any questions or require additional information, please contact Chief Ray Johnson or me prior today's meeting.

MEMORANDUM

DATE: December 13, 2018
TO: Mike Geisel, City Administrator
FROM: Chief Ray Johnson
SUBJECT: PUBLIC HEALTH & SAFETY COMMITTEE

The Public Health and Safety (PH&S) Committee met on Wednesday, December 12, 2018. Those in attendance included Chairperson Ben Keathley Councilmember Ward II, Councilmember Michael Moore, Ward III, Councilmember Tom DeCampi, Ward IV, Councilmember Dan Hurt, Ward III, Mayor Bob Nation, Chesterfield Prosecuting Attorney Tim Engelmeyer, Chief Ray Johnson, Municipal Court Clerk Nancy Mohr, Captain Michael Thompson, and Captain Cheryl Funkhouser. Councilmember Barry Flachsbar, Ward I was absent from this meeting.

I. Called to order

The meeting was called to order at 5:31 PM by Chairperson, Councilmember Ben Keathley.

II. Roll Call was completed

III. Approval of Minutes – September 27, 2018

Councilman DeCampi motioned and Councilmember Moore seconded to approve the minutes of the September 27, 2018 meeting. The motion carried 3-0.

IV. Municipal Court – ShowMeCourts Management System

Municipal Court Clerk, Nancy Mohr, reviewed the State mandate that all municipal courts will participate in the newly developed ShowMeCourts system. She informed those present that the City of Chesterfield Municipal Court is currently working toward the implementation of this system. At this time, the target date for the Chesterfield Municipal Court to go live on this program is March 1, 2019. In order for the Chesterfield Municipal Court to officially participate there are required items that need to be completed. A new (or amended) ordinance needs to be approved so that the \$7.00 per case fee be added for each case. This fee goes directly to the State of Missouri and is the funding for the system. The new (or amended ordinance) needs to be approved by February 22, 2019. There is also an agreement that needs to be approved and signed by the February date. After discussion, it was agreed to forward the model ordinance and the agreement to the City Attorney for review and direct the City Attorney to bring the contractual agreement and proposed ordinance to City Council for approval.

V. Deer Survey

Chief Johnson reviewed the deer survey issue and a change that has occurred since the last Public Health & Safety Committee meeting. Originally, money was requested in the

2019 budget to pay for a deer survey. This item was removed from the budget with the directive that the Police Department staff be directed to do the deer survey. At that time, Chief Johnson contact Erin Shank of the Department of Conservation to make sure that no certification is required for the police department to conduct the count. Ms. Shank did suggest that the data should be analyzed by a professional like White Buffalo or consider contracting with the City of Wildwood who has a statistician on their staff who recently analyzed their deer count. In either case, the item would need approval from the City Council for those funds. After much discussion, the Committee members agreed that assistance will be needed to analyze the data.

Councilmember DeCampi voiced his opinion that another count is not necessary because it has already been noted that there is a deer problem in the City. Councilmember Moore noted that the first count is just a starting point and that a second data point is needed before a decision can be made to pursue other actions besides the current bow hunting process. Discussion continued whether to proceed with another deer count. Chairperson Keathley noted that the directive from City Council for the Police Department to do the count stands unless the Committee moves to end the deer count. No motion was made at this time.

At this time Councilmember DeCampi motioned and Councilmember Moore seconded to suspend the rules to change the order of the agenda to allow the Committee to address other issues. The motion carried 3-0.

VI. Community Forum – Opioid Crisis

City Prosecuting Attorney Engelmeyer reviewed a proposed agenda for a Community Forum on the current opioid crisis to be held at Chesterfield City Hall on February 27, 2019. He reported that he has received considerable support and will welcome any other suggestions to add to the program. The upcoming forum will be highly publicized including area schools.

Councilmember Moore voiced his approval and requested that the forum begin at 6:30 PM. Councilmember DeCampi also asked that Mr. Engelmeyer reach out to area Scouts. Mr. Engelmeyer agreed to both requests.

VII. Driving Impaired/Under The Influence – Enforcement Practices/Legalization of Medical Marijuana

Chief Johnson briefed the Committee members on actions being taken by the Police Department in anticipation of the potential impact of medicinal marijuana legalization. Councilmember Keathley voiced support of the Police Department in their efforts to view drivers to ascertain impairment. Chief Johnson noted that certain officers in the department are certified as Drug Recognition Experts. Chief Johnson also reported that the department is currently awaiting rulings from the Department of Health for their guidelines and enforcement recommendations.

VIII. Retail Theft/Shoplifting – Impact on Retailers/Community

The Committee discussed the problems of retail theft in the City. Chief Johnson noted the large retail areas in Chesterfield and reported that the Police Department has a

Special Enforcement Unit that directly patrols the retail areas. He also informed the Committee that thefts have declined because of the efforts of this unit.

Discussion continued regarding the prosecution of offenders in the Municipal Court. Councilmember Flachsbarth voiced concerns via email that thieves are not responding to warrants and requested that the City Prosecuting Attorney petition the State of Missouri for better legislation to discourage these actions. Chief Johnson reported that many of the offenders are professional shoplifters and many are drug addicts. Stronger sentencing does not seem to deter these offenders from committing further crimes.

In regard to the Special Enforcement Unit, Councilmember Keathley asked the percentage of time these officers are spending in the parks. Chief Johnson responded that he has no firm percentage of time to report but noted that this Unit is augmented by the School Resource Officers during the summer months. Therefore, the Special Enforcement Unit is mostly assigned to the business areas since the parks are mostly busy during the summer months when the extra manpower from the School Resource Officers are available.

IX. Police Use of Drones

The Committee was briefed by Chief Johnson on the possible future use of drones by the Police Department. He noted that the Department is currently researching appropriate law enforcement use. He reported that there are many issues to be considered including privacy, FAA (airport) regulations, and cost. This research will include the cost for a drone and usage to make a recommendation for the 2020 budget. It is anticipated that a drone will be effective in accident reconstruction and during special events. Councilmember Hurt suggested that while the Police Department is investigating drone usage, they also look into the issue of bringing a drone down safely. Again, Chief Johnson informed the Committee that research should be complete and submitted prior to a 2020 budget request.

At this time Councilmember DeCampi motioned and Councilmember Moore seconded to resume the original order of the agenda. The motion carried 3-0 and the Committee continued with Agenda Item #V, Deer Survey.

Chairperson Keathley noted that the City Council has directed that the Police Department proceed with the deer count. Chief Johnson reminded the Committee members that there is not money in the 2019 budget for culling the herd and the money originally requested for the deer count was removed from the 2019 budget. The information derived from the deer count needs to be ready for the March 2019 Public Health & Safety Committee meeting.

Chairperson Keathley motioned and Councilmember DeCampi seconded to direct staff to prepare two proposals for the Committee to consider at the March, 2019 meeting. 1) The cost for White Buffalo to cull the herd, and 2) the cost for a City administered culling of the herd. There was discussion reaffirming the deer count will be completed in-house. The motion then carried 3-0.

X. Next meeting

A meeting will be held in March, 2019 but no date has been set as yet.

XI. Adjournment

Chairperson Keathley adjourned the meeting at 7:37 PM.

DRAFT

CITY ADMINISTRATOR'S REPORT

Liquor License Request

The Curry Club, 1635 Clarkson Road (former location of Jet's Pizza), has requested a new liquor license for retail sale of beer and wine by the drink, to be consumed on premise, and Sunday sales. This application was reviewed and approved by both the Police Department and the Planning/Development Services Division of the Department of Public Services. Office Manager is Mr. Siraz Lulat.

If you have any questions or require additional information, please contact me prior to Monday's meeting.



MEMORANDUM

DATE: December 12, 2018

TO: Mike Geisel
City Administrator

FROM: Andrea Majoros, Business Assistance Coordinator *Am*

SUBJECT: **LIQUOR LICENSE REQUEST – THE CURRY CLUB**

THE CURRY CLUB, 1635 Clarkson Road (former location of Jet's Pizza), has requested a new liquor license for retail sale of beer and wine by the drink, to be consumed on premise, and Sunday sales.

Mr. Siraz Lulat is the Managing Officer.

This application was reviewed and approved by both the Police Department and the Planning/Development Services Division of the Department of Public Services.

With City Council approval at the Monday, January 7, 2019 City Council meeting, I will immediately issue this license.

UNFINISHED BUSINESS

There are no unfinished action items on the agenda for this meeting.

If you have any questions or require additional information, please contact me prior to Monday's meeting.

NEW BUSINESS

I am unaware of any New Business items for this meeting's agenda.

If you have any questions or require additional information, please contact me prior to Monday's meeting.

LEGISLATION

- A. Bill No. – 3223** An ordinance repealing and replacing section 2-49 Order of Business pertaining to the agenda for regular meetings of the City Council. **(First Reading) (Finance and Administration Committee Recommends Approval)**
- B. Bill No. – 3224** An ordinance revising the Chesterfield City Code as it relates to filling vacancies in elective office. **(First Reading) (Finance and Administration Committee Recommends Approval)**
- C. Bill No. – 3225** An ordinance authorizing the automation of the City of Chesterfield's municipal court by amending section 19-7 of the municipal code to add a seven dollar surcharge to municipal court costs and authorizing the City Administrator to enter an agreement for the implementation of show-me courts **(First Reading) (Public Health and Safety Committee Recommends Approval)**

**AN ORDINANCE REPEALING AND REPLACING SECTION 2-49
ORDER OF BUSINESS PERTAINING TO THE AGENDA FOR
REGULAR MEETINGS OF THE CITY COUNCIL.**

WHEREAS, The City Council of the City of Chesterfield desires to make changes to the order of business for regular meetings of the City Council; and

WHEREAS, The City Council desires to consider and vote upon legislation in conjunction with the related public discussion of business items during the standing committee reports; and

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

Section 1.

Section 2-49 Order of Business is hereby repealed and replaced with the following:

Section 2-49 Order of Business

The order of business shall be as follows:

- (1) Call to order.**
- (2) Pledge of Allegiance.**
- (3) Moment of silent prayer.**
- (4) Roll call.**
- (5) Approval of minutes.**
- (6) Introductory remarks of Mayor (items not requiring action by City Council).**
- (7) Communications and petitions.**
- (8) Appointments.**
- (9) Standing Committee of Council reports and associated legislation.**
- (10) Report of City Administrator and other items requiring action by City Council.**
- (11) Other legislation**
- (12) Unfinished business**

BILL NO. 3223

ORDINANCE NO. _____

(13) New business.

(14) Adjournment.

Section 2.

All other sections and provisions of the City Code are unchanged.

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

Passed and approved by the City Council of the City of Chesterfield, Missouri this _____ day of _____, 2019.

Presiding Officer

Bob Nation, MAYOR

ATTEST:

Vickie Hass, CITY CLERK

FIRST READING HELD _____

BILL NO. 3224 _____

ORDINANCE NO. _____

AN ORDINANCE REVISING THE CHESTERFIELD CITY CODE AS IT RELATES TO FILLING VACANCIES IN ELECTIVE OFFICE.

WHEREAS, The City Council of the City of Chesterfield sought to identify inconsistencies in the Chesterfield Code; and

WHEREAS, Whereas the City of Chesterfield is incorporated as a city of the third class under the authority of the State of Missouri and the Missouri Revised Statutes, RSMo Chapter 77 provides guidance for third class cities; and,

WHEREAS, The Finance and Administration Committee of City Council reviewed identified differences and have made recommendations to reconcile the Code with the language provided in State Statutes; and

WHEREAS, the language provided in City Code Section 2-31 Vacancy in office of Mayor, how filled; President Pro Tem, duties of. differs from that contained in RSMo 77.240 Vacancy in office of Mayor, how filled, exceptions – President Pro Tem duties of; and

WHEREAS, the language provided in City Code Sections 2-46 President Pro Tem. differs from that contained in RSMo 77.070 President Pro Tem.; and

WHEREAS, the language provided in City Code Section 2-53 Appointment of a Councilman to fill a vacancy. differs from that contained in RSMO 77.450 Vacancies, how filled; and

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

Section 1.

Section 2-31 of the Chesterfield City Code, titled Vacancy in office of Mayor; how filled; President Pro Tem. Duties of. is hereby repealed and replaced with the following:

Section 2 – 31 Vacancy in office of Mayor; how filled; President Pro Tem. Duties of.

In the case of a temporary absence of the Mayor or disability to perform the duties of his or her office, the President Pro Tem of the Council shall perform the duties of Mayor until the Mayor shall return or such disability be removed; and during the time the President Pro Tem of the Council shall act as Mayor, the President Pro Tem shall receive the same compensation that the Mayor would be entitled to. In case of vacancy other than a temporary absence or disability, the person exercising the office of Mayor shall cause a new election to be held; provided, when a vacancy occurs within six months of a municipal election, no election shall be called to fill such vacancy.

Section 2.

Section 2-46 of the Chesterfield City Code, titled President Pro Tem. is hereby repealed and replaced with the following:

Section 2 – 46 President Pro Tem.

At the first regular meeting of the Council after the election in each year, which meeting shall occur at the time fixed by ordinance, but shall not be later than the fourth Tuesday in April, the Council shall elect one of its members President Pro Tem who shall hold his office for the term of one year, and who, in the absence of the Mayor, shall preside at the meetings of the Council; provided that in the absence of the Mayor and the President Pro Tem, the Council may select one of its members present to preside at such meetings, who shall be styled "Acting President Pro Tem".

Section 3.

Section 2-53 of the Chesterfield City Code, titled Appointment of a Councilman to fill a vacancy is hereby repealed and replaced with the following:

Section 2 – 31 Appointment of a Councilmember to fill a vacancy.

Whenever a vacancy occurs in the elective office of Councilmember, a successor to the vacant office shall be selected by appointment by the Mayor with the advice and consent of a majority of the remaining

members of the Council. The successor shall serve until the next available regular municipal April election.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved by the City Council of the City of Chesterfield, Missouri this _____ day of _____, 2019.

PRESIDING OFFICER

BOB NATION, MAYOR

ATTEST:

VICKIE HASS, CITY CLERK

FIRST READING HELD _____

MAYORAL VACANCIES

Statutory language

77.240. Vacancy in office of mayor, how filled, exceptions — president pro tem, duties of. — When any vacancy shall happen in the office of mayor, by death, resignation, removal from the city, removal from office, refusal to qualify or otherwise, nominations of a successor may be made by any member of the council and selected with the consent of a majority of the members of the council, except in counties of the first classification with a charter form of government which have a population of at least nine hundred thousand inhabitants. The council may adopt procedures to fill any such vacancy consistent with this section. In the case of a temporary absence of the mayor or disability to perform the duties of his or her office, the president pro tem of the council shall perform the duties of mayor until the mayor shall return or such disability be removed; and during the time the president pro tem of the council shall act as mayor, the president pro tem shall receive the same compensation that the mayor would be entitled to. In counties of the first classification with a charter form of government and which do not contain a city with a population of at least four hundred thousand, in case of vacancy other than a temporary absence or disability, the person exercising the office of mayor shall cause a new election to be held; provided, when a vacancy occurs within six months of a municipal election, no election shall be called to fill such vacancy.

MAYORAL VACANCIES

Current City Code language

Sec. 2-31 Vacancy in office of Mayor; how filled; President Pro Tem, duties of.

When any vacancy shall happen in the office of Mayor by death, resignation, removal from the City, removal from office, refusal to qualify or otherwise, the President Pro Tem of the Council shall, for the time being, perform the duties of Mayor until such vacancy is filled; and in case of the temporary absence of the Mayor or disability to perform duties of his office, the President Pro Tem of the Council shall perform the duties of Mayor until the Mayor shall return or such disability be removed. During the time the President Pro Tem of the Council shall act as Mayor, he shall receive the same compensation that the Mayor would be entitled to. In case of vacancy other than a temporary absence or disability, the person exercising the office of Mayor shall cause a new election to be held; provided when a vacancy occurs within six (6) months of a municipal election, no election shall be called to fill such vacancy.

MAYORAL VACANCIES

PROPOSED language

Section 2 – 31 Vacancy in office of Mayor; how filled; President Pro Tem.

Duties of.

In the case of a temporary absence of the Mayor or disability to perform the duties of his or her office, the President Pro Tem of the Council shall perform the duties of Mayor until the Mayor shall return or such disability be removed; and during the time the President Pro Tem of the Council shall act as Mayor, the President Pro Tem shall receive the same compensation that the Mayor would be entitled to. In case of vacancy other than a temporary absence or disability, the person exercising the office of Mayor shall cause a new election to be held; provided, when a vacancy occurs within six months of a municipal election, no election shall be called to fill such vacancy.

PRESIDENT PRO TEM

Statutory language

77.070. President pro tem. — At the first regular meeting of the city council after the election in each year--which meeting shall occur at the time fixed by ordinance, but shall not be later than the fourth Tuesday in April--the council shall elect one of its members president pro tem, who shall hold his office for the term of one year, and who, in the absence of the mayor, shall preside at the meetings of the council; provided, that in the absence of the mayor and president pro tem the council may select one of its members present to preside at such meetings, who shall be styled "acting president pro tem".

PRESIDENT PRO TEM

Current City Code language

Sec. 2-46 President Pro Tem, duties of.

At the first regular meeting of the Council after the election in each year, which meeting shall occur at the time fixed by ordinance, but shall not be later than the third Tuesday in April, the Council shall elect one of its members President Pro Tem who shall hold his office for the term of one year, and who, in the absence of the Mayor, shall preside at the meetings of the Council; provided that in the absence of the Mayor and the President Pro Tem, the Council may select one of its members present to preside at such meetings, who shall be styled "Acting President Pro Tem".

PRESIDENT PRO TEM

PROPOSED language

Section 2 – 46 President Pro Tem.

At the first regular meeting of the Council after the election in each year, which meeting shall occur at the time fixed by ordinance, but shall not be later than the fourth Tuesday in April, the Council shall elect one of its members President Pro Tem who shall hold his office for the term of one year, and who, in the absence of the Mayor, shall preside at the meetings of the Council; provided that in the absence of the Mayor and the President Pro Tem, the Council may select one of its members present to preside at such meetings, who shall be styled "Acting President Pro Tem".

APPOINTMENT OF A COUNCILMEMBER TO FILL A VACANCY

Statutory language

77.450. Vacancies, how filled. — If a vacancy occurs in any elective office other than the office of Mayor, a successor to the vacant office shall be selected by appointment by the Mayor with the advice and consent of a majority of the remaining members of the Council. The Council may adopt procedures to fill vacancies consistent with this section. The successor shall serve until the next available regular municipal April election. If a vacancy occurs in any office not elective, the Mayor shall appoint a suitable person to discharge the duties of the same until the first regular meeting of the council thereafter, at which time the vacancy shall be permanently filled.

APPOINTMENT OF A COUNCILMEMBER TO FILL A VACANCY

Current City Code language

Sec. 2-53 Appointment of a Councilman to fill a vacancy

Whenever a vacancy occurs in any elective office, the Mayor, or the person exercising the office of Mayor, shall cause a special election to be held to fill such vacancy; provided, however, when any such vacancy occurs within six (6) months before the next municipal election, no election shall be called to fill such vacancy, but the same shall be filled by the Mayor or the person exercising the office of Mayor by appointment; provided however, that the proposed appointee receives a two-thirds ($\frac{2}{3}$) majority vote from the Mayor and remaining Council members voting jointly.

APPOINTMENT OF A COUNCILMEMBER TO FILL A VACANCY

PROPOSED language

Section 2 - 31 Appointment of a Councilmember to fill a vacancy.

Whenever a vacancy occurs in the elective office of Councilmember, a successor to the vacant office shall be selected by appointment by the Mayor with the advice and consent of a majority of the remaining members of the Council. The successor shall serve until the next available regular municipal April election.

AN ORDINANCE AUTHORIZING THE AUTOMATION OF THE CITY OF CHESTERFIELD'S MUNICIPAL COURT BY AMENDING SECTION 19-7 OF THE MUNICIPAL CODE TO ADD A SEVEN DOLLAR SURCHARGE TO MUNICIPAL COURT COSTS AND AUTHORIZING THE CITY ADMINISTRATOR TO ENTER AN AGREEMENT FOR THE IMPLEMENTATION OF SHOW-ME COURTS

WHEREAS, pursuant to the authority granted under §476.056 RSMo, the City Council and Mayor of the City of Chesterfield, Missouri believe that it is in the best interest of the general health, welfare and safety of the citizens of the City to automate the City's municipal court through the implementation of the Show-Me Courts software for the operation and management of the City's municipal court; and,

WHEREAS, §476.056 RSMo requires the City to adopt an ordinance imposing a seven dollar surcharge payable to the Missouri Statewide Court Automation Fund prior to implementation of municipal court automation; and,

WHEREAS, §476.056 RSMo requires the City to also enter into an agreement with the State Court Administrator for Show-Me Courts prior to the implementation of municipal court automation.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CHESTERFIELD MISSOURI, AS FOLLOWS:

SECTION 1: §19-7 of the Municipal Code of the City of Chesterfield, Missouri, is hereby amended by the addition of new subsection "e", being in words and figures as follows:

(e). There shall be assessed to each defendant who pleads guilty or is found guilty in every court case for violation of a municipal ordinance an additional surcharge in the amount of seven dollars (\$7.00), except that no such surcharge shall be collected in any proceeding when the proceeding or defendant has been dismissed by the court or when the costs are to be paid by the City. Moneys collected by the Municipal Court Clerk pursuant to this subsection shall be disbursed as provided in Sections 488.015 RSMo to 488.020 RSMo and shall be payable to the Director of Revenue, who shall deposit all amounts collected pursuant to this section to the credit of the statewide court automation fund, as established in Section 476.055 RSMo.

SECTION 2: The City Administrator of the City of Chesterfield is hereby authorized to execute an agreement with the State Court Administrator for the

automation of the City's Municipal Court. The terms and conditions of the agreement with the State Court Administrator shall be substantially similar to the terms and conditions of the agreement as set forth in exhibit "A", which is attached hereto and incorporated herein by this reference. The City Administrator and the City Attorney are hereby authorized to approve the final form of the agreement.

SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this amendment is for any reason held invalid or unconstitutional by a judgment of a court of competent jurisdiction, as to which no further appeal right exists, such portion shall be deemed separate, distinct and independent provision and such holding shall not affect the validity or remaining portions hereof.

SECTION 4: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 5: This Ordinance shall take effect and be in full force from and after passage and approval thereof.

Passed and approved by the City Council of the City of Chesterfield, Missouri this _____ day of _____, 2019.

Presiding Officer

Bob Nation, MAYOR

ATTEST:

FIRST READING HELD _____

Vickie Hass, CITY CLERK

LEGISLATION – PLANNING COMMISSION

There is no legislation forwarded from the Planning Commission for Monday's meeting.