



RECORD OF PROCEEDING

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

December 5, 2005

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

Mayor Nations 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

Mayor John Nations
Councilmember Barry Flachsbart
Councilmember Jane Durrell
Councilmember Barry Streeter
Councilmember Bruce Geiger
Councilmember Dan Hurt
Councilmember Mike Casey
Councilmember Mary K. Brown
Councilmember Connie Fults

ABSENT

None

PRESENTATIONS

Mayor Nations introduced Mr. Robert Honan, Executive Director of the Governor's Council on Disability, who presented the 2005 Governor's Council on Disability Inclusion Award for Universal Design and Technology Award, to the City of Chesterfield. This award was given in recognition for the new "Miracle Field", recently constructed at the Chesterfield Valley Athletic Complex.

Mayor Nations next presented a Proclamation to Julie Silver in recognition of her many accomplishments: Ms. Silver is captain of the Varsity Softball team, maintains a 4.0

GPA and is involved in softball and other activities, in addition to being a member of the Symphonic Orchestra, National Honors Society, Senior Women and Mu Alpha Theta (Math Honors Society). Julie also participates in community service at St. Joseph's Institute for the Deaf, where she received the Prudential Spirit of Community Award and the "Do the Right Thing" Award.

APPROVAL OF MINUTES

The minutes of the November 21, 2005, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Durrell, 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 Nations announced that the qualifying period for the April, 2006 election begins at 8 a.m. on Tuesday, December 13.

Mayor Nations wished everyone "Happy Holidays" and noted that City Hall would be closed all day Friday, December 23, Monday, December 26, Friday, December 30 and Monday, January 2, 2006.

Mayor Nations announced that the next meeting of City Council would take place on Wednesday, January 4, 2006.

COMMUNICATIONS AND PETITIONS

Mike Doster, 17107 Chesterfield Airport Road, supported the project and was available for questions regarding Bill No. 2401 (P.Z. 8-2005, St. Luke's Episcopal Presbyterian Hospitals).

Rick Clawson, 11477 Olde Cabin Road, supported the project and was available for questions regarding Bill No. 2401 (P.Z. 8-2005, St. Luke's Episcopal Presbyterian Hospitals).

George Stock, 257 Chesterfield Business Parkway, supported the project and was available for questions regarding Bill No. 2401 (P.Z. 8-2005, St. Luke's Episcopal Presbyterian Hospitals).

Julie Nolfo, 1830 Craig Park Court, supported the project and was available for questions regarding Bill No. 2401 (P.Z. 8-2005, St. Luke's Episcopal Presbyterian Hospitals).

Gary Olson from St. Luke's Hospital, 232 South Woods Mill Road, supported the project and was available for questions regarding Bill No. 2401 (P.Z. 8-2005, St. Luke's Episcopal Presbyterian Hospitals).

Richards Bruno, 7801 Forsyth Blvd, supported the project and was available for questions regarding the Justus Pointe project.

Dick Busch, 16678 Chesterfield Airport Road, supported the project and was available for questions regarding Justus Pointe project.

Kathy Higgins, Sachs Properties, 400 Chesterfield Center, spoke in support of Mr. Bruno and the Justus Pointe project.

Howard Gleason, 13491 Ladue Farm Road, opposed Bill No. 2401 (P.Z. 8-2005, St. Luke's Episcopal Presbyterian Hospitals).

Gerald Hayden, 177 Scenic Woods Court, opposed Bill No. 2401 (P.Z. 8-2005, St. Luke's Episcopal Presbyterian Hospitals).

Mary Ann Mueth, 177 Cedar Bridge Court, opposed Bill No. 2401 (P.Z. 8-2005, St. Luke's Episcopal Presbyterian Hospitals).

Nancy Greenwood, 14441 Corallin, opposed Bill No. 2401 (P.Z. 8-2005, St. Luke's Episcopal Presbyterian Hospitals).

Due to the fact that most of those in attendance were specifically interested in Bill No. 2401 (P.Z. 8-2005, St. Luke's Episcopal Presbyterian Hospitals), Mayor Nations suggested that it be addressed at this point of the meeting. Councilmember Streeter made a motion, seconded by Councilmember Geiger, to suspend the rules and move to the "Legislation – Planning Commission" portion of the Agenda, in order to address Bill No. 2401. A voice vote was taken, with a unanimous affirmative result, and the motion was declared passed.

BILL NO. 2401 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY ESTABLISHING AN "MU" MEDICAL USE DISTRICT FOR THREE (3) PARCELS OF LAND TOTALING 75.22 ACRES OWNED BY ST. LUKE'S EPISCOPAL PRESBYTERIAN HOSPITALS, LOCATED AT THE INTERSECTION OF WOODS MILL ROAD AND CONWAY ROAD (P.Z. 8-2005, ST. LUKE'S EPISCOPAL PRESBYTERIAN HOSPITALS) (SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, AS AMENDED)

Councilmember Casey made a motion, seconded by Councilmember Geiger, for the second reading of Bill No. 2401. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2401 was read for the second time. Councilmember Geiger made a motion, seconded by Councilmember Casey, to amend Page 5, Item C Parcel A, to read "Parcel A/Exhibit A". A voice vote was taken with a

unanimous affirmative result and the motion was declared passed. Councilmember Geiger next made a motion, seconded by Councilmember Casey, to amend Bill No. 2401, Page 10 Item D, to read “Parcel B/Exhibit B West Campus”. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A roll call vote was taken for passage and approval of Bill No. 2401, as amended, with the following results: Ayes – Brown, Casey, Fults, Flachsbart, Hurt, Durrell, Streeter and Geiger. Nays - None. Whereupon, Mayor Nations declared Bill No. 2401 approved, passed it and it became **ORDINANCE NO. 2224**.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Jane Durrell, Chairperson of the Finance and Administration Committee, reported that Bill No. 2398 (Amends the City of Chesterfield Retirement Plan) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Durrell next reported that Resolution No. 325 Adopts the FY 2006 Budget. A Public Hearing was held this date at 6:30 p.m. City Administrator Mike Herring presented a review of the proposed Budget at the Public Hearing. Councilmember Durrell made a motion, seconded by Councilmember Geiger, to approve Resolution No. 325. During the discussion that followed, Councilmember Durrell made a motion, seconded by Councilmember Flachsbart, for an amendment to Resolution No. 325 by adding \$2,500 to the Legal Services in the Central Services portion of the Budget. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Fults requested that the Finance and Administration Committee consider establishing a formal procedure regarding how the proposed Budget is to be reviewed, each year, before final adoption, at the City Council level. Mayor Nations noted that he had asked if anyone wanted to schedule a special Budget Workshop, in addition to the one that was held, before and after the last meeting of City Council, and there was no expressed interest in doing so. A voice vote was taken with a unanimous affirmative result on the motion to adopt Resolution No. 325 and the motion was declared passed.

Public Works/Parks Committee

Councilmember Barry Streeter, Chairperson of the Public Works/parks Committee, reported that Bill No. 2400 (Authorizes amended Intergovernmental Cooperation Agreement for Water/Sewer Extensions to the Western portion of the Valley and for other purposes) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Streeter announced that the next meeting of this Committee has been scheduled for December 12 at 5:45 p.m.

Planning and Zoning Committee

Councilmember Mike Casey, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2407 (P.Z. 28-2005 (City of Chesterfield Lighting Ordinance) will be read for the first time and Bill No. 2406 (Tower Center (Pulaski Bank – GHH Investments) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Casey next reported on the Power of Review for Justus Pointe. Councilmember Streeter made a motion, seconded by Councilmember Geiger, to exercise their “Power of Review” for the Justus Pointe project and to refer it to the Planning and Zoning Committee for assessment, at the Committee meeting scheduled for on January 5. Councilmember Hurt made a motion to adopt an “understanding”, in advance, that the Committee would complete its deliberations at the January 5 meeting, and that this item would be on the January 18 City Council agenda. The motion died for lack of a second. A voice vote was taken, regarding the original motion, with an affirmative result (Councilmember Flachsbart voted “No”) and the motion was declared passed.

Councilmember Casey stated that the December 8 Committee meeting had been tentatively re-scheduled for Monday, December 12, at 8:30am.

Public Health and Safety Committee

Councilmember Connie Fults, Chairperson of the Public Health and Safety Committee, announced that the next meeting of this Committee has been scheduled for Monday, December 19 at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that engineering firms were recently interviewed with regard to a project to design a thru-levee, gravity outfall structure, in the vicinity of Storm Water Pump Station No. 6, located in the Chesterfield Valley. . Based upon review of the information provided to him by Deputy Director of Public Works Brian McGownd, Mr. Herring joined with Mr. McGownd in recommending award of a contract to Horner and Shifrin, Inc., in an amount not to exceed \$200,000, for engineering design and construction supervision of a thru-levee, gravity outfall structure, as described above. The total cost of the contract will be funded by the TIF fund. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to approve issuance of a contract to Horner and Shifrin, Inc., in an amount not to exceed \$200,000, for engineering design and construction supervision of a thru-levee, gravity outfall structure. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for sanitary sewer lateral investigations and repairs, for a three-year period, from 2006 through 2008. Based upon

the information and recommendation provided by Mr. McGownd, Mr. Herring joined with him in recommending award of a contract to Tope, Inc., for the above-noted services, over the next three-year period. Additionally, he joined with Mr. McGownd in recommending that Bi-State Utilities, Inc. be accepted and designated as the “secondary contractor”, for this project, should the workload exceed Tope’s capabilities, or if Tope, Inc. is unable to fulfill the requirements of this contract. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to Tope, Inc., for the above-noted services, over the next three-year period and that Bi-State Utilities, Inc. be accepted and designated as the “secondary contractor”, as noted above. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for the July 4, 2006 fireworks display to be sponsored by the City of Chesterfield. Having reviewed the information provided to him by Director of Public Works/City Engineer Mike Geisel, Mr. Herring joined with him in recommending award of a contract to Fireworks Spectacular (Sunset Fireworks), in an amount not to exceed \$45,000. Adequate funds exist within the proposed F.Y. 2006 Parks Fund Budget to cover this entire expense. Councilmember Brown made a motion, seconded by Councilmember Streeter to award a contract to Fireworks Spectacular (Sunset Fireworks), in an amount not to exceed \$45,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Lifeguards Unlimited recently concluded its first year of a potentially three-year contract, in a very successful manner. As a result, Mr. Geisel is recommending that the City exercise its option to extend the current contract for one (1) additional year, to include the entire 2006 swimming season, at a total cost not to exceed \$225,000. He noted that this amount is included within the proposed F.Y. 2006 Budget, under the Parks Fund, and, coupled with cost savings projected by Staff, will enable the City to offer one (1) additional hour of swimming, during the evenings, Monday through Friday, during the upcoming pool season. Mr. Herring joined with Mr. Geisel in recommending award of a contract for the 2006 swimming season to Lifeguards Unlimited, at a total cost not to exceed \$225,000. Councilmember Streeter made a motion, seconded by Councilmember Brown, to award a contract for the 2006 swimming season to Lifeguards Unlimited, at a total cost not to exceed \$225,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that, at the suggestion of Director of Finance Jeremy Craig, the City began two years ago to seek competitive bids for phone services, every two years. Given the changing nature of this technology, it is in the City’s best interest to do this. For example, when the City last sought competitive bids and awarded a contract to MCI, a savings of approximately 10% over the previous year’s charges was realized. Along with members of the IT staff, Director of Finance and Administration Jeremy Craig reviewed the three (3) bids that were submitted. The current contract expires 12/01/05. As a result of bids received, Mr. Herring recommends that the bid submitted by MCI be accepted. MCI was the low bidder and, as noted above, is the current provider of these services. MCI’s bid was \$2,928.90 per month. Councilmember Casey made a motion, seconded by Councilmember Geiger, to enter into a contract with MCI to provide phone

services to the City at a cost of \$2,928.90 per month for a two-year period. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

Mayor Nations reported that the City of Chesterfield and St. Louis County are partnering in a Transportation Development District for the Chesterfield Valley. The formation of the District was approved by the voters in the District with over 90% voting “Yes”. Under the Resolution, in setting up the Transportation Development District Board, the Mayor of the City of Chesterfield is a member and the County Executive of St. Louis County is a member and the County Executive gets to nominate a second County member and Mayor Nations is provided the opportunity, likewise. The County Executive has named Garry Earls, who also heads up the County Department of Highways, Traffic and Public Works. Mayor Nations announced that he is nominating City Administrator Michael Herring to be the second City representative on the Board. Councilmember Casey made a motion, seconded by Councilmember Geiger, to approve Mr. Herring’s nomination, to fill this position. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

LEGISLATION

BILL NO. 2398 AMENDS THE CITY OF CHESTERFIELD RETIREMENT PLAN (SECOND READING – FINANCE AND ADMINISTRATION COMMITTEE)

Councilmember Durrell made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2398. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2398 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2398, with the following results: Ayes – Brown, Casey, Hurt, Geiger, Streeter, Durrell, Fults and Flachsbart. Nays - None. Whereupon, Mayor Nations declared Bill No. 2398 approved, passed it and it became **ORDINANCE NO. 2225**.

BILL NO. 2400 AUTHORIZES THE EXECUTION OF A SECOND AMENDED AND RESTATED AGREEMENT WITH THE MONARCH- CHESTERFIELD LEVEE DISTRICT TO PROVIDE FOR IMPROVEMENTS TO THE MONARCH-CHESTERFIELD LEVEE; AND PRESCRIBING OTHER MATTERS RELATING THERE TO (SECOND READING – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2400. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2400 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2400, with the following

results: Ayes – Flachsbart, Streeter, Durrell, Brown, Fults, Casey, Hurt and Geiger. Nays - None. Whereupon, Mayor Nations declared Bill No. 2400 approved, passed it and it became **ORDINANCE NO. 2226.**

LEGISLATION – PLANNING COMMISSION

BILL NO. 2406 REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 1677 TO ALLOW FOR AN AMENDMENT TO THE STRUCTURE SETBACK REQUIREMENT FOR A 2.296 ACRE TRACT OF LAND ZONED “PC” PLANNED COMMERCIAL DISTRICT, LOCATED SOUTH OF CHESTERFIELD AIRPORT ROAD, WEST OF LONG ROAD, AND NORTH OF ST. LOUIS, KANSAS CITY RAILROAD (TOWER CENTRE/PULASKI BANK-GHH INVESTMENTS) **(FIRST AND SECOND READINGS - PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Casey made a motion, seconded by Councilmember Geiger, for the first reading of Bill No. 2406. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2406 was read for the first time.

Councilmember Casey made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 2406. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2406 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2406, with the following results: Ayes – Durrell, Brown, Geiger, Streeter, Fults, Flachsbart, Hurt and Casey. Nays - None. Whereupon, Mayor Nations declared Bill No.2406 approved, passed it and it became **ORDINANCE NO. 2227.**

BILL NO. 2407 AMENDS THE CITY OF CHESTERFIELD LIGHTING ORDINANCE ADDRESSING THE TYPE OF LIGHTING PROVIDED FOR RESIDENTIAL SUBDIVISIONS, STREET LIGHT FIXTURES AND HOLIDAY LIGHTING (P.Z.28-2005, CITY OF CHESTERFIELD/LIGHTING ORDINANCE) **(FIRST READING-PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS PROPOSED IN THE ATTACHED “GREEN SHEET”)**

Councilmember Casey made a motion, seconded by Councilmember Geiger, for the first reading of Bill No. 2407. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2407 was read for the first time, as amended. Councilmember Casey next made a motion, seconded by Councilmember Fults, to amend Bill No. 2407 with recommendations from the “green sheet” attached to the legislation. A voice vote was taken, with a unanimous affirmative result, and the motion was declared passed.

ADJOURNMENT

Prior to adjourning the meeting, Mayor Nations gave a brief “Year in Review”, highlighting all the important accomplishments by the City of Chesterfield, during 2005. Mayor Nations commented that it has truly been an outstanding, productive year, in all areas of the operation!

Mayor Nations adjourned the meeting at 8:38 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk