# RECORD OF PROCEEDING

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

**November 21, 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 | ABSENT |
|---|---|
| Mayor John Nations | None |
| 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 | |

## APPROVAL OF MINUTES

The minutes of the November 7, 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 John Nations announced that the City of Chesterfield has received an Excellence in Local Government Award from the East West Gateway Council of Governments, for the public/private partnership reflected in the construction of the Miracle Field, located in the Chesterfield Valley Athletic Complex. This field is designed to accommodate those with physical and/or emotional challenges. Mayor Nations noted that this project was a joint partnership with former-Cardinal Mike Matheny and Albert Pujols, and was constructed with grant funds and a direct contribution from the City of Chesterfield. He thanked Director of Public Works/City Engineer Mike Geisel for his many efforts to make this project a reality.

Mayor Nations announced that a Public Hearing, regarding the "Bow Tie" development and recommendations for the City's "Comprehensive Plan", has been scheduled for November 30 at 6 p.m.

Mayor Nations announced that City Hall would be closed on Thursday and Friday, November 24 and 25, in celebration of the Thanksgiving Holiday.

Mayor Nations announced that candidate filing for the April 4, 2006 Municipal Election will begin at 8 a.m. Tuesday, December 13. Candidate filing ends January 17, at 5 p.m.

Mayor Nations announced that the next meeting of City Council has been scheduled for Monday, December 5 at 7 p.m.

## COMMUNICATIONS AND PETITIONS

Mayor Nations introduced Chief of Police Ray Johnson, who commended all the subdivisions who participated in this year's "National Night Out" event. Over 34 million people nationwide participated this year. He stated that Chesterfield had a high turnout for the event with over 400 residents participating. Chief Johnson presented "National Night Out" awards to the following subdivisions: Windsor Place, Clarkson Woods and Chesterfield Hills.

Mayor Nations next recognized the following individuals who indicated their desire to address City Council:

Richard Puhl, who resides at 2038 Baycrown Court, noted that rates for the consumption of natural gas were scheduled to increase this winter season. He asked how much additional revenue the City was anticipating to receive from this source, during 2006. City Administrator Mike Herring responded that, while he did not have that specific information with him, he would be happy to meet with Mr. Puhl or speak with him, by phone, the next day. Mr. Puhl indicated that he would contact Mr. Herring.

Keith Kramer, who resides at 3 Morganfield Court, opposed Bill No. 2396 (Deer Control Policy and Deer Hunting Regulations).

Margaret Bour, who resides at 14057 Augusta, opposed Bill No. 2396 (Deer Control Policy and Deer Hunting Regulations).

Nancy Zimmer, who resides at 17 Wheaton Point Court, opposed Bill No. 2396 (Deer Control Policy and Deer Hunting Regulations).

Sigrid Sheehan, who resides at 2170 Hickory Drive, opposed Bill No. 2396 (Deer Control Policy and Deer Hunting Regulations).

John Sheehan, who resides at 2170 Hickory Drive, opposed Bill No. 2396 (Deer Control Policy and Deer Hunting Regulations).

John Owens, who resides at 323 Renaldo, opposed Bill No. 2396 (Deer Control Policy and Deer Hunting Regulations).

Arthur Fishel, who resides at 2124 Hickory, opposed Bill No. 2396 (Deer Control Policy and Deer Hunting Regulations), as currently written.

Kathy Toth, who resides at 1835 Elmsford Lane, supported Bill No. 2396 (Deer Control Policy and Deer Hunting Regulations).

Brian Worth, who resides at 1748 Baxter Forest Valley Court, supported Bill No. 2396 (Deer Control Policy and Deer Hunting Regulations).

Leslie Wainwright, who resides at 39 Chesterfield Lakes Road, supported Bill No. 2396 (Deer Control Policy and Deer Hunting Regulations).

Doug Zweig, who resides at 21 Chesterfield Lakes Road, supported Bill No. 2396 (Deer Control Policy and Deer Hunting Regulations).

Wendy Geckeler, who resides at 26 Chesterfield Lakes, supported Bill No. 2396 (Deer Control Policy and Deer Hunting Regulations).

Erin Shank, Missouri Department of Conservation, supported Bill No. 2396 (Deer Control Policy and Deer Hunting Regulations).

Larry Hempel, who resides at 16424 Andraes Drive, supported Bill No. 2396 (Deer Control Policy and Deer Hunting Regulations).

Steve Domahidy, who resides at 16420 Andraes Drive, supported Bill No. 2396 (Deer Control Policy and Deer Hunting Regulations).

Jim Schafbuch, who resides at 26 Chesterton Lane, supported Bill No. 2396 (Deer Control Policy and Deer Hunting Regulations).

Mike Doster, Bob Boland and Julie Nolfo, representing Bill No. 2401 (P.Z. 8-2005, St. Luke's Hospital) were in attendance to answer any questions regarding this legislation.

Due to the large number of residents in attendance, Mayor Nations requested a motion to suspend the rules and address Bill No. 2396 (Deer Control Policy and Deer Hunting). Councilmember Streeter made the motion and it was seconded by Councilmember Flachsbart, to suspend the rules to address Bill No. 2396 (Deer Control Policy and Deer Hunting). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO. 2396** AMENDS THE MUNICIPAL CODE OF THE CITY OF CHESTERFIELD, MISSOURI, BY ADDING A NEW CHAPTER RELATING TO A DEER CONTROL POLICY AND DEER HUNTING REGULATIONS (**SECOND READING – PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 2396. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2396 was read for the second time. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to amend Bill No. 2396, by inserting the words "or crossbow" after the words "archery device" in Sections 2F1, 2H, 2J, 3A and 3C. In addition, Section 3B should read "archery device or crossbow", with the word "projectile" being deleted. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A roll call vote was then taken for passage and approval of Bill No. 2396, as amended, with the following results: Ayes – Flachsbart, Casey, Fults, Streeter, Durrell, Geiger, Brown and Hurt. Nays - None. Whereupon, Mayor Nations declared Bill No. 2396 approved, passed it and it became **ORDINANCE NO. 2217**.

## 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 read for the first time under the "Legislation" portion of the agenda.

### 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 Western portions of the Valley and other purposes) will be read for the first time 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, made a motion to refer Bill No. 2393 (P.Z. 23-2005, City of Chesterfield/Tree Manual) to the Planning and Zoning Committee, for further discussion/review. The motion was seconded by Councilmember Geiger. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Casey next reported that Bill No. 2401 (P.Z. 8-2005, St. Luke's Episcopal Presbyterian Hospitals) will be read for the first time and Bill No. 2399 (Approves amended St. Louis County codes and amended agreement for inspection services with St. Louis County), Bill No. 2401 (P.Z. 8-2005, St. Luke's Episcopal Presbyterian Hospitals, Bill No. 2402 (approves Broadmoor Place lot split), Bill No. 2403 (Approves a boundary adjustment plat for Herman Ficke Estate) and Bill No. 2404 (Approves a vacation of a portion of Old Olive Street Road) will be considered for adoption under the "Legislation – Planning Commission" portion of the agenda.

Mayor Nations noted that due to the length of the Council meeting, Bill No. 2401 (P.Z. 8-2005, St. Luke's Episcopal Presbyterian Hospitals) should be addressed at this time. Councilmember Casey made a motion, seconded by Councilmember Hurt, to suspend the rules and go directly to the "Legislation – Planning Commission" portion of the Agenda, in order to address Bill No. 2401 (P.Z. 8-2005, St. Luke's Episcopal Presbyterian Hospitals). 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 A "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 HOPSITALS) (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS PROPOSED IN THE ATTACHED "GREEN SHEET" AMENDMENTS)**

Councilmember Casey made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 2401. A voice vote was taken with a unanimous affirmative result and Bill No. 2401 was read for the first time. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to approve the recommendations that appear on the "green sheet" included with the legislation. A voice vote was taken with a

unanimous affirmative result and the motion was declared passed. Councilmember Casey made a motion, seconded by Councilmember Geiger, to approve the green sheet prepared by Staff and distributed at the Agenda Review meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to remove Item ID.2b regarding "overnight stay" on the second "green sheet" distributed in the Agenda Review meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Geiger made a motion, seconded by Councilmember Streeter, to add language to amend three different sections, to clarify "thresholds" and "traffic study" issues (page 12), Item H. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Casey announced that the next meeting of this Committee has been scheduled for November 22 at 5:30 p.m.

**Public Health and Safety Committee**

Councilmember Connie Fults, Chairperson of the Public Health and Safety Committee, reported that Bill No. 2397 (Temporary Liquor Licenses/Picnic Licenses) will be considered for adoption under the "Legislation" portion of the agenda.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for December 19 at 5:30 p.m.

## REPORT OF THE CITY ADMINISTATOR

City Administrator Mike Herring reported that proposals were recently sought from qualified engineering firms for design and construction supervision services related to a stormwater pump station, to be located in the vicinity of the Summit Ice Sports Complex. Based upon a review of the proposals submitted and individual interviews conducted by Staff, Deputy Director of Public Works/Assistant City Engineer Brian McGownd recommends award of a contract to Howard R. Green Company, in an amount not to exceed $225,000. Adequate funds exist within the TIF Special Projects Fund to cover this entire expense. The ultimate construction of this stormwater pump station was previously reviewed and authorized by City Council, in conjunction with long-range plans for the completion of a multitude of capital improvement projects, financed by TIF funds. A motion was made by Councilmember Casey, seconded by Councilmember Streeter, to award a contract to Howard R. Green Company, in an amount 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 Deputy Director of Public Works/Assistant City Engineer Brian McGownd, reported that the current contract with Herbig Mechanical, Inc., for preventative maintenance on the HVAC system at City Hall, will expire December 31, 2005. Given the performance by Herbig Mechanical, over the past three years, Staff is recommending a one-year extension of the current contract. Mr. Herring noted that, in

addition, Staff is proposing to amend this contract to add maintenance responsibilities for the Public Works Maintenance Facility, at an additional cost of $2,900, for a total of $15,280. This contract will be for the calendar year of 2006 and adequate funds exist within the proposed F.Y. 2006 Budget, to cover this entire expense. Councilmember Casey made a motion, seconded by Councilmember Fults, to extend the contract for one year with Herbig Mechanical and add the contract maintenance responsibilities for the Public Works Maintenance Facility for 2006, at a total cost of $15,280. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that a Public Hearing has been scheduled for the December 5 City Council agenda, regarding the proposed FY2006 Budget.

## LEGISLATION

**BILL NO. 2397** REPEALS ORDINANCE NO. 437 AND CODE SECTION 4-46 AND CREATES A NEW ORDINANCE AND CODE SECTION 4-46 REGARDING THE ISSUANCE OF TEMPORARY LIQUOR/PICNIC LICENSES WITHIN THE CITY OF CHESTERFIELD (**SECOND READING – PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2397. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2397 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2397, with the following results: Ayes – Geiger, Streeter, Casey, Hurt, Brown, Durrell, Fults and Flachsbart. Nays - None. Whereupon, Mayor Nations declared Bill No. 2397 approved, passed it and it became **ORDINANCE NO. 2218.**

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

Councilmember Durrell made a motion, seconded by Councilmember Flachsbart, for the first 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 first time.

**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 THERETO (**FIRST READING – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Streeter made a motion, seconded by Councilmember Flachsbart, for the first 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 first time.

## LEGISLATION - PLANNING COMMISSION

**BILL NO. 2399** AMENDS THE BUILDING, RESIDENTIAL, EXISTING BUILDING AND MECHANICAL AND PLUMBING CODES OF THE CITY OF CHESTERFIELD ALONG WITH RE-ENACTING THE ELECTRICAL AND EXPLOSIVE CODES TO BE IDENTICAL TO THE CODES OF THE COUNTY OF ST. LOUIS, MISSOURI, AS AMENDED DATED MAY 18, 2005 AND JUNE 1, 2005, AS TO BUILDING, RESIDENTIAL, EXISTING BUILDING, MECHANICAL, PLUMBING, ELECTRICAL AND EXPLOSIVE CODES OF THE CITY OF CHESTERFIELD (**FIRST AND SECOND READINGS – PLANNING AND ZONING COMMITTEE)**

Councilmember Casey made a motion, seconded by Councilmember Hurt, for the first reading of Bill No. 2399. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2399 was read for the first time.

Councilmember Casey made a motion, seconded by Councilmember Hurt, for a second reading of Bill No. 2399. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2399 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2399, with the following results: Ayes – Brown, Hurt, Geiger, Durrell, Casey, Fults, Flachsbart and Streeter. Nays - None. Whereupon, Mayor Nations declared Bill No. 2399 approved, passed it and it became **ORDINANCE NO. 2219.**

**BILL NO. 2402** PROVIDES FOR THE APPROVAL OF A LOT SPLIT FOR A TRACT OF LAND AS RECORDED IN PLAT BOOK 121, PAGE 68 OF THE ST. LOUIS COUNTY MISSOURI RECORDS, ZONED "R-3" RESIDENTIAL AND KNOWN AS BROADMOOR PLACE, LOCATED ON BROADMOOR DRIVE, EAST OF THE INTERSECTION OF BROADMOOR DRIVE AND HIGHLAND PARK DRIVE (**FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Casey made a motion, seconded by Councilmember Hurt, for the first reading of Bill No. 2402. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2402 was read for the first time.

Councilmember Casey made a motion, seconded by Councilmember Hurt, for a second reading of Bill No. 2402. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2402 was read for the second time. A roll call vote

was taken for passage and approval of Bill No. 2402, with the following results: Ayes – Hurt, Geiger, Casey, Flachsbart, Fults, Durrell, Brown and Streeter. Nays - None. Whereupon, Mayor Nations declared Bill No. 2402 approved, passed it and it became **ORDINANCE NO. 2220.**

**BILL NO. 2403** APPROVES THE BOUNDARY ADJUSTMENT PLAT FOR A TRACT OF LAND BEING PART OF LOTS 6, 7, 8 AND 9 OF THE HERMAN FICKE ESTATE SUBDIVISION, CITY OF CHESTERFIELD, COUNTY OF ST. LOUIS, STATE OF MISSOURI (**FIRST AND SECOND READINGS – DEPARTMENT OF PLANNING RECOMMENDS APPROVAL)**

Councilmember Casey made a motion, seconded by Councilmember Hurt, for the first reading of Bill No. 2403. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2403 was read for the first time.

Councilmember Casey made a motion, seconded by Councilmember Hurt, for a second reading of Bill No. 2403. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2403 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2403, with the following results: Ayes – Durrell, Geiger, Brown, Fults, Hurt, Flachsbart, Streeter and Casey. Nays - None. Whereupon, Mayor Nations declared Bill No. 2403 approved, passed it and it became **ORDINANCE NO. 2221 .**

**BILL NO. 2404** VACATES THE REMAINING PORTION OF RIGHT-OF–WAY OF OLD OLIVE STREET ROAD, REFERRED TO AS THE ABICHANDANI TRACT, EXCEPT FROM ANY REQUEST FOR VACATION OF RIGHTS OR EASEMENTS OWNED BY SOUTHWESTERN BELL TELEPHONE COMPANY AS DEPICTED ON THE EXHIBIT "A" BEING PART OF U.S. SURVEY 2031, TOWNSHIP 45 NORTH, RANGE 4 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI (**FIRST AND SECOND READINGS – DEPARTMENT OF PLANNING AND DEPARTMENT OF PUBLIC WORKS RECOMMEND APPROVAL)**

Councilmember Casey made a motion, seconded by Councilmember Hurt, for the first reading of Bill No. 2404. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2404 was read for the first time.

Councilmember Casey made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 2404. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2404 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2404, with the following results: Ayes – Brown, Durrell, Casey, Flachsbart, Fults, Hurt, Geiger and Streeter. Nays - None.

Whereupon, Mayor Nations declared Bill No. 2404 approved, passed it and it became **ORDINANCE NO. 2222.**

**ADJOURNMENT**

Mayor Nations adjourned the meeting at 8:47 p.m.

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Mayor John Nations

ATTEST:

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Martha L. DeMay, City Clerk