



RECORD OF PROCEEDING

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

NOVEMBER 2, 2009

The meeting was called to order at 7:05 p.m.

Mayor Nations requested that the Boy Scouts in attendance lead everyone in the Pledge of Allegiance. Mayor Nations followed with a moment of silent prayer.

A roll call was taken with the following results:

PRESENT

ABSENT

Mayor John Nations
Councilmember Barry Flachsbart
Councilmember Matt Segal
Councilmember Bruce Geiger
Councilmember Lee Erickson
Councilmember Mike Casey
Councilmember Randy Logan
Councilmember Bob Nation
Councilmember Connie Fults

APPROVAL OF MINUTES

The minutes of the October 19, 2009, City Council meeting were submitted for approval. Councilmember Erickson made a motion, seconded by Councilmember Casey, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

PRESENTATIONS

Mayor Nations recognized Ms. Stacey Morse, Executive Director – Chesterfield Arts, who provided an overview of the recent activities involving the unveiling of “The Awakening” sculpture. Ms. Morse expressed her thanks to the Mayor, City Council, Mr. Herring and his Staff. Ms. Morse and Mr. Maurice “Bud” Hirsch, Board member of Chesterfield Arts, presented Mayor Nations and the City Councilmembers with a picture of “The Awakening” sculpture, which was signed by the sculptor, J. Seward Johnson. Mayor Nations, several members of City Council and Mr. Herring all expressed appreciation to Ms. Morse and to Chesterfield Arts. Councilmember Geiger noted that, later during this meeting, he would be seeking approval of a RESOLUTION to approve the City’s first “Public Art Master Plan”.

Mayor Nations next recognized Ms. Darcy Capstick and Mr. Ken Denson, Co-Chairs - Citizens Committee for the Environment. Ms. Capstick and Mr. Denson presented the "Green Team" designation emblem to Ms. Nicole Scatizzi, Sales Manager of Republic (Allied) Waste. Ms. Capstick also announced that the 13th Annual America Recycles Day event will be held on Saturday, November 14, from 10 a.m. to 2 p.m., at City Hall. Mayor Nations, on his behalf and the City Council, thanked Ms. Capstick and the members of the Citizens Committee for the Environment for all of the work they do for the community. Mayor Nations also announced that Ms. Darcy Capstick has been recognized by the Suburban Journals as someone who "makes our world a better place"! Mayor Nations noted that this was announced in a special insert, in the October 25th edition of the Post Dispatch, entitled "Celebrate Your Neighbor".

COMMUNICATIONS AND PETITIONS

Mr. Nor Becker, who resides at 1016 Nooning Tree Drive, expressed his concern about drivers speeding at the entrance to the Nooning Tree subdivision and the first four-way intersection. He requested that a four-way stop sign be installed at that intersection. Discussion followed. Councilmember Geiger stated that he has spoken with Chief of Police Ray Johnson and would like to meet with the Trustees, the parents who have called, and any other residents of Nooning Tree, regarding this matter.

Mr. Jay Webber and Mr. Erick Martin, representing T-Mobile, stated they were both available to answer questions on the four Temporary Siting Permits (T.S.P.) to be voted on at tonight’s meeting.

INTRODUCTORY REMARKS

Mayor Nations encouraged everyone to vote on Tuesday, November 3.

Mayor Nations announced that City Hall be closed on Wednesday, November 11, in observance of Veterans Day. Mayor Nations extended thanks to all veterans for their service to this country.

Mayor Nations announced that the next meeting of City Council has been scheduled for Monday, November 16, at 7 p.m.

APPOINTMENTS

There were no appointments.

COUNCIL COMMITTEE REPORTS

Public Health & Safety Committee

Councilmember Barry Flachsbart, Chairperson of the Public Health & Safety Committee, reported that Bill No. 2755 (Provides for the enforcement of seatbelt violations) will be read for the first time under the “Legislation” portion of the Agenda.

Councilmember Flachsbart reported to City Council on the Police Department’s use of "PropertyRoom.com", for property disposal of evidence.

Councilmember Flachsbart made a motion, seconded by Councilmember Erickson, to approve Resolution No. 362 (All Hazard Mitigation Plan). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Finance and Administration Committee

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee noted that the Committee recommended approval of Resolution No. 363 (Approves "Public Art Master Plan for the City of Chesterfield") and had also voted to recommend that Chesterfield Arts be designated as the City’s “Arts Agency”. Councilmember Geiger made a motion to formally approve these recommendations, which was seconded by Councilmember Flachsbart. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger made a motion, seconded by Councilmember Flachsbart, to approve the Committee’s recommendation to select Reliance Bank to provide all of the City’s banking services and to authorize the Finance and Administration Department to take all steps necessary to ensure a smooth transition from First National Bank to Reliance Bank. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger announced that the next meeting of this Committee has been scheduled for Monday, November 23, at 5:30 p.m.

Councilmember Geiger next announced that the Budget Workshop (Fiscal Year 2010 Budget) had been tentatively scheduled for 5:00 p.m., prior to the regular City Council meeting, on Monday, November 16.

Mayor Nations expressed his appreciation to Councilmember Geiger for his efforts on the Arts Master Plan and his work with Chesterfield Arts and “The Awakening” events.

Planning/Public Works Committee

Councilmember Connie Fults, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2754 [P.Z. 10-2009, 84 Lumber (MASE, LLC)] will be considered for adoption under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Fults next reported that Bill Nos. 2756 and 2757 (Assignment of Property Acquisition Rights to St. Louis County regarding Mill Ridge Villa and Terra Vista Subdivisions) and Bill No. 2758 [City Code Amendment (membership)] will be read for the first time under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Fults next made a motion, seconded by Councilmember Flachsbart, to approve T.S.P. 07-2009, T-Mobile (Villas at Ladue Bluffs/St. Louis Co. Emergency Tower). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults next made a motion, seconded by Councilmember Flachsbart, to approve T.S.P. 10-2009, T-Mobile (Parkway Central High School). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults next made a motion, seconded by Councilmember Flachsbart, to approve T.S.P. 12-2009, T-Mobile (St. Thomas Church UCC). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults next made a motion, seconded by Councilmember Flachsbart, to approve T.S.P. 13-2009, T-Mobile (Wildhorse Springs/132A Woodcliffe Place). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults next reported that Bill No. 2759 (Approves three fire hydrants at St. Louis Family Church) is scheduled for both first and second reading approval, under the “Legislation” portion of the Agenda.

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

[Mayor Nations provided an explanation of how business is conducted at a City Council meeting to the Boy Scouts in attendance at tonight’s meeting.]

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that Trattoria Branica, 138 Chesterfield Towne Centre, has requested a new liquor license, to sell all kinds of liquor by the drink and Sunday sales. Mr. Herring reported that this application has been reviewed and recommended for approval by the Departments of Planning/Public Works and Police. Councilmember Casey made a motion, seconded by Councilmember Fults, to approve issuance of a new liquor license to Trattoria Branica. 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 provision of services associated with investigation of sanitary sewer lateral problems and their subsequent repair. Mr. Herring stated that these investigations/repairs are funded entirely by a Sanitary Sewer Lateral Repair Fund that the City manages and that revenues come from \$28/year tax paid by all residents. Based upon a review of the information provided by Public Works Director/City Engineer Brian McGownd, Mr. Herring joined with him in recommending award of this contract to Tope, Inc., a company with whom the City has had significant experience and success and to also select J. Mess Plumbing as the City's "secondary contractor", for these projects. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to award contracts to Tope, Inc and J. Mess Plumbing, for the provision of services associated with investigation of sanitary sewer lateral problems and their subsequent repair. Both Councilmembers Geiger and Flachsbart expressed appreciation for the efforts of Mr. McGownd, in managing this program and asked Mr. Herring to convey their thanks to him. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that the Police Department FY2009 Budget contains \$20,000, to fund the cost of constructing a pavilion at the Police Department shooting range, which is located in the Chesterfield Valley, outside the main levee. Based upon a review of the information provided by Public Works Director/City Engineer Brian McGownd, Mr. Herring joined with him in recommending approval of a change order with Frederick Construction, in an amount not to exceed the budgeted total of \$20,000, as well as a transfer of these funds to the appropriate construction account. Mr. Herring noted that Frederick Construction is already working at the CVAC, via a contract previously approved by City Council. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to approve Mr. Herring's recommendation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

OLD BUSINESS

Mayor Nations recognized Councilmember Bob Nation who expressed his appreciation to Mayor Nations for letting him discuss his questions/concerns regarding the Doorack property lease at tonight's Agenda Review meeting. Councilmember Nation stated that he respects the opinions of the other seven Councilmembers and Mayor Nations and even though he feels differently, he will continue to try to get a better understanding of the other Councilmembers' reasoning. Mayor Nations stated that he appreciates

Councilmember Nation's interest in this issue but that the other Councilmembers and he are convinced that this is the right move for the City and will benefit the residents going forward.

NEW BUSINESS

Councilmember Flachsbart stated that he attended a recent political presentation which included the discussion topic of "transparency" that should be a priority for City, County State and Federal governments. Councilmember Flachsbart asked Mr. Herring if the City posts every proposed ordinance on the public website and Mr. Herring responded that all proposed ordinances are posted on the public website and are available publicly. Mayor Nations stated that the City Council meeting agendas are published with links to the separate bills. Councilmember Flachsbart asked if every check that the City writes is posted on the public website. Mr. Herring responded "NO". Councilmember Flachsbart requested that the Finance and Administration Committee discuss on-line posting of checks written by the City. Mayor Nations stated that the City publishes all meeting agendas and the City's budget, including the budget categories. Mayor Nations reminded City Council that Staff regularly provides them with a register of all checks issued over \$5,000. Councilmember Flachsbart stated that he thought the City should post that check register, on the public web site. At the direction of Mayor Nations, this matter will be referred to the F&A Committee for further discussion.

Councilmember Nation stated that he had concerns regarding actions recently taken by Mr. Herring to modify the E-mail retention policy, to delete any E-mails from the system, sent and/or received by the Mayor and City Councilmembers, after 30 days and asked if this policy could be modified to permit E-mail retention beyond 30 days.

Councilmember Flachsbart stated that he is also concerned about this 30-day E-mail deletion. Councilmember Geiger noted that he has no concerns regarding this policy change, but asked Mr. Herring when the E-mail retention policy would be implemented. Mr. Herring responded that it is currently in the process of being implemented, but that there is no definitive date and the policy implementation could be put on hold. Mayor Nations directed Mr. Herring to put this policy change, regarding e-mails for the Mayor and City Councilmembers, on hold and to forward this issue for discussion, at the next Finance and Administration Committee meeting.

LEGISLATION

**BILL NO. 2755 AMENDS ORDINANCE 51 OF THE CITY OF CHESTERFIELD,
RELATING TO SEATBELTS BEING WORN WHILE RIDING IN
A MOTOR VEHICLE (FIRST READING - PUBLIC HEALTH
AND SAFETY COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Flachsbart made a motion, seconded by Councilmember Logan, for the first reading of Bill No. 2755. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2755 was read for the first time.

BILL NO. 2759 APPROVES THE INSTALLATION OF THREE FIRE HYDRANTS AT ST. LOUIS FAMILY CHURCH LOCATED WITHIN THE CITY OF CHESTERFIELD (FIRST AND SECOND READINGS - PLANNING AND PUBLIC WORKS COMMITTEE)

Councilmember Fults made a motion, seconded by Councilmember Logan, for the first reading of Bill No. 2759. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2759 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Logan, for the second reading of Bill No. 2759. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2759 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2759 with the following results: Ayes – Logan, Erickson, Segal, Geiger, Nation, Fults, Casey and Flachsbart. Nays – None. Whereupon Mayor Nations declared Bill No. 2759 approved, passed it and it became **ORDINANCE NO. 2574.**

LEGISLATION – PLANNING COMMISSION

BILL NO. 2754 REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 1010 TO ALLOW FOR A CHANGE TO THE ZONING DISTRICT AND THE PERMITTED USE REQUIREMENTS, FOR A 7.42 ACRE TRACT OF LAND ZONED “C-8” PLANNED COMMERCIAL DISTRICT TO BE CHANGED TO A “PC” PLANNED COMMERCIAL DISTRICT, LOCATED SOUTH OF INTERSTATE 64/HIGHWAY 40 AND EAST OF LONG ROAD AT 17519 CHESTERFIELD AIRPORT ROAD. (P.Z. 10-2009, 84 LUMBER, MASE, LLC) (SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, AS AMENDED)

Councilmember Fults made a motion, seconded by Councilmember Geiger, for the second reading of Bill No. 2754. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2754 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2754 with the following results: Ayes – Erickson, Casey, Fults, Segal, Logan, Flachsbart, Nation and Geiger. Nays – None. Whereupon Mayor Nations declared Bill No. 2754 approved, passed it and it became **ORDINANCE NO. 2575.**

BILL NO. 2756 ASSIGNS CERTAIN PROPERTY RIGHTS TO ST. LOUIS COUNTY FOR THE EXPANSION OF HIGHWAY 141 (FIRST READING - PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2756. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2756 was read for the first time.

**BILL NO. 2757 ASSIGNS CERTAIN PROPERTY RIGHTS TO ST. LOUIS
COUNTY FOR THE EXPANSION OF HIGHWAY 141 (FIRST
READING - PLANNING AND PUBLIC WORKS
COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2757. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2757 was read for the first time.

**BILL NO. 2758 AMENDS ORDINANCE NUMBER 1441 AND THE CITY CODE
SECTION 23-18 OF THE CITY OF CHESTERFIELD RELATIVE TO
THE NUMBER OF MEMBERS AND THE QUALIFICATIONS
THEREOF FOR THE PLANNING COMMISSION OF THE CITY OF
CHESTERFIELD (FIRST READING - PLANNING AND PUBLIC
WORKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2758. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2758 was read for the first time.

ADJOURNMENT

Mayor Nations adjourned the meeting at 8:15 p.m.

Mayor John Nations

ATTEST:

Judith A. Naggia, City Clerk