



CITY OF CHESTERFIELD

PUBLIC HEALTH & SAFETY COMMITTEE MEETING

AUGUST 1, 2019
6:00 pm

CONFERENCE ROOM 101

AGENDA

- I. Call To Order
- II. Roll Call
- III. Approval of Minutes
March 6, 2019 Meeting
- IV. Election of Vice Chair and Council Liaison to the Police Personnel Board

The Committee will select a Vice-Chairperson and a Liaison to the Police Personnel board.
- V. Deer Culling Proposal

The Committee will review a deer-culling proposal as submitted by Chief Ray Johnson
- VI. Municipal Court – Deferral/Municipal Drug Court Program – Prosecuting Attorney Tim Engelmeyer
- VII. Other.
- VIII.. Next meeting
- IX. Adjourn

NOTE: Public Health & Safety Committee 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 Public Health & Safety Committee 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 representatives and its attorneys (RSMo 610.021 (1) 1994; lease,

purchase or sale of real estate (RSMo 610.021 (2) 1994; hiring, firing, disciplining or promoting employees within employee groups (RSMo 610.021 (3) 1994; bidding specification (RSMo 610.021 (11) 1994; and/or proprietary technological materials (RSMo 610.021 (15) 1994.

PERSONS REQUIRING AN ACCOMMODATION TO ATTEND AND PARTICIPATE IN THE PUBLIC HEALTH & SAFETY COMMITTEE MEETING SHOULD CONTACT CITY CLERK VICKI MCGOWND AT 636-53-6715, AT LEAST FIVE (5) WORKING DAYS PRIOR TO THE MEETING.

MEMORANDUM

DATE: March 7, 2019
TO: Mike Geisel, City Administrator
FROM: Chief Ray Johnson
SUBJECT: PUBLIC HEALTH & SAFETY COMMITTEE

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The Public Health and Safety (PH&S) Committee met on Wednesday, March 6, 2019. Those in attendance included Chairperson Ben Keathley Councilmember Ward II, Councilmember Barry Flachsbart, Ward I, Councilmember Michael Moore, Ward III, Councilmember Tom DeCampi, Ward IV, Councilmember Mary Ann Mastorakos, Ward II, Councilmember Dan Hurt, Ward III, Councilmember Michelle Ohley, Ward IV, Chief Ray Johnson, Captain Michael Thompson, Captain Cheryl Funkhouser, and Captain Dan Dunn.

I. Called to order

The meeting was called to order at 5:30 PM by Chairperson, Councilmember Ben Keathley.

II. Roll Call was completed

III. Approval of Minutes – December 12, 2018

Councilmember Moore motioned and Councilmember DeCampi seconded to approve the minutes of the December 12, 2018 meeting. The motion carried 4-0.

At this time Councilmember DeCampi motioned and Councilmember DeCampi seconded to suspend the rules to change the order of the agenda to allow the Committee to address other issues. The motion carried 4-0.

V. Discussion Ordinance 585, Article 5, Section 21-65

Mr. Mark Leach addressed the Committee. He expressed concerns regarding construction sites neglecting to do site searches for burial areas while initialing survey parcels for development. Mr. Leach noted that historical archeologists have confirmed the Chesterfield Valley has Cahokian era burial mounds and archeological historians should review any development in the area before construction begins.

Councilmember Keathley noted that the current ordinance notes that it is “a crime for any individual who knowingly destroys, mutilates, disfigures, defaces, injures or removes any tomb, monument or gravestone, or other structure place in a public, private, abandoned family cemetery or private burying ground, or any fence, railing or other work for the protection or ornamentation of any such cemetery or place of burial of any human, or tomb monument or gravestone, memento, or memorial, or other structure aforesaid, or of an lot within such cemetery,” the ordinance also includes “abandoned family cemetery or private burying ground” to define burial areas.

Although there is no limiting language in this ordinance, Mr. Leach noted that pre-historic area Native American burial grounds are visually quite different from modern burial areas. He also included the fact that slave era cemeteries may also not be easily identified and the Chesterfield Valley has both slave era and pre-historic Native American identified areas.

Councilmember DeCampi motioned and Councilmember Flachsbart seconded to amend the ordinance and add "pre-historic Native American and slave era burial grounds" in the title of the ordinance and in section (a) and section (b) of the ordinance.

Discussion then followed on additional wording and the enforcement of the ordinance.

Councilmember DeCampi motioned and Councilmember Flachsbart seconded to amend the previous motion to include pre-historic and historic burial sites after the word "tomb" in two places in section (a). This motion carried 4-0.

The earlier motion with the amended language then carried 4-0.

The proposed amended ordinance will be forwarded to the City Attorney.

Councilmember Moore voiced that it will become incumbent for a developer to report any found burial sites. Discussion followed where Mr. Leach noted that there are financial consequence to property owners and to the City when burial sites are located. The State Historic Preservation Office also needs to be notified when historic or pre-historic sites are located. Councilmember Mastorakos said the City does not have the personnel to oversee developers. It was agreed that this issue should be placed on a Planning and Public Works Committee meeting.

At this time Councilmember DeCampi motioned and Councilmember Moore seconded to resume the original order of the agenda. The motion carried 4-0 and the Committee continued with Agenda Item #IV – Community Forum-Opioid Crisis.

IV Community Forum – Opioid Crisis

Chief Johnson summarized the Community Forum on the Opioid Crisis, which was held on February 27th. He reported that it was very well attended and it exceeded expectations overall. Chief Johnson also informed the Committee members that during the meeting the Police Department received a call for a drug overdose where officers were able to revive the person and also the next day a person who attended the forum contacted one of the presenters for assistance with their drug problem.

Overall, the Committee members expressed that if one life was impacted or saved, the forum was a success.

Mr. Keathley received the following email from Tim Englemeyer:

"Chairman Keathley:

Please allow this email to serve as my update to the PH&S Committee on the Opioid Summit we hosted on February 27th at City Hall. We had approximately 125 attendees

who listened to speakers and visited exhibitors who set up tables in the main part of city hall. Presenters included the Scott Collier from the DEA, the Fitzwalter family, Jude Hassan and Tricina Fisher. We also had the "Hidden in Plain View" exhibit set up in the police training room. The program started at 6:30 pm and we finally closed up city hall around 11:00 pm. The event was covered by various media outlets including KMOX and Fox2.

All in all, I believe the event was a success. I have received numerous positive emails in the days following the summit. I have also received offers to assist in my efforts to create a Chesterfield Drug Court Program. Also of note --- I did receive a message from a counselor who attends our program that one of the attendees did admit heroin use and has entered into a treatment program the day after our program. These are all positive developments. Hopefully we reached others also.

As far as what we could do better --- if we host another summit, I would cut the speakers down to 3 and try to allow for more time at the tables outside. Three+ hours is a long time to hold everyone's attention. It would also allow more time for the 'Hidden in Plain View' demonstrations which were very well attended after the main presentation was over.

I want to thank PH&S Committee for its support. I also want to thank Chief Johnson, Sgt. Weiss and Officer Chad Meyer for the countless hours they put into this effort. I am available any time if you or the committee have any questions.

Timothy Englemeyer"

V. Ordinance 2823 Regulating The Maintaining And Keeping Of Dogs And Cats In Or On Residential Property

Councilmember Hurt led a discussion with the Committee members regarding a complaint from a citizen because of a neighbor who has more than four dogs in the backyard at various times. The citizen who voiced the complaint asked the Ordinance be applied to the neighbor because the ordinance limits the number of dogs allowed to four. The offending neighbor has had "visiting" dogs at times and sometimes those dogs do spend the night. Councilmember Hurt requested that the wording of the ordinance be tightened to clearly define a violation of this ordinance.

After further discussion, it was noted that this is a singular issue and seems to be an "an long and ongoing neighbor disagreement" and the issue of the number of dogs is just one of many disagreements between the two neighbors.

Councilmember Flachsbarth motioned and Councilmember DeCampi seconded to leave the ordinance as it is and continue to allow the Police Department to use discretion when applying this ordinance and forward reported incidents to the City Prosecuting Attorney. The motion carried 4-0.

VI. Recent Deer Sampling Survey

Chief Johnson summarized the results of the recent (January 2019) deer survey completed by the Chesterfield Police Department. This survey applied the same survey

distance, route and techniques as in the previous White Buffalo, Inc sampling survey of 2018. The count was slightly lower, but comparable.

Chief Johnson reported that the Department has shared the results of this survey with Ms. Erin Shank, the Urban Wildlife Biologist of the Missouri Department of Conservation. Her opinion is that the deer population is not as severely overabundant as earlier suspected. Her suggestion is to continue the urban archery-hunting program.

Chief Johnson suggested that the City could allow archery hunting on City properties and also informed the Committee that St. Louis County is considering allowing archery hunting in Queeny Park and Faust Park.

The other more aggressive options may include hiring White Buffalo, or a bait & kill hunting option. Both of these options involve costs to the City and would require approval from the Department of Conservation.

Discussion followed where members of the Committee suggested increased hunting in the areas where the most deer were identified. Chief Johnson noted that larger properties identified in both the White Buffalo survey and in the recent survey have been contacted twice to encourage hunting with no cooperation from the owners of the properties. Councilmember Flachsbart suggested that the Councilmembers that represent those areas personally contact the owners to encourage participation.

Councilmember Ohley and Councilmember Moore voiced their opinion that since there is no real change in the number of deer surveyed, to keep the program as is as suggested by the Department of Conservation. Councilmember DeCampi disagreed.

Councilmember Flachsbart motioned and Councilmember DeCampi seconded to add certain City owned property to those properties approved for archery hunting. Discussion followed.

Councilmember Keathley motioned and Councilmember Moore seconded to amend the motion to include guidelines for requirements for hunting on City property including designated places, times and requirement for hunters. This motion carried 4-0.

The amended motion was then approved 4-0. This will be placed on the next Agenda for the Public Health & Safety Committee meeting to review a proposal for hunting on City property.

VIII. There was no other business brought forward for the Committee to address.

IX. Next Meeting

There was no date set for the next meeting.

X. Adjournment

Having no further business, Chairperson Keathley adjourned the meeting at 7:05 PM.



Chesterfield Police Memorandum



DATE: July 10, 2019
TO: Mike Geisel, City Administrator
FROM: Chief Ray Johnson
SUBJECT: DEER CULLING PROPOSAL

*Please forward to
PH&S for review
& consideration
mrg
7/11/2019*

Purpose:

At the March 6, 2019 meeting of the PH&S Committee, Staff presented the results of Chesterfield's second deer census. The 2019 census generally mirrored the results of the 2018 census, with a slight decrease in the estimated deer population of 22.9 deer per square mile as compared to the 24.6 deer per square mile from the 2018 census. Clearly, the difference is statistically insignificant and we should acknowledge the limited accuracy which should be imputed from these reports. Ms. Erin Shank, the State's urban wildlife biologist indicated that the City's current bow hunting culling practice appeared to be sufficient, but if the City elected to consider more aggressive approaches, the Department of Conservation would likely be willing to review and consider approval of same.

As such, the committee directed the Police Department to develop a proposal for the practice of culling of deer beyond that currently provided for in the City Deer Control Policy and Hunting Regulations. The purpose of this memorandum is to submit for your review and consideration the incrementally more aggressive proposal as directed.

Background:

In December of 2005 the City of Chesterfield adopted municipal ordinance 2217 amending the Ordinance regulating the discharge of firearms by adding a new chapter, "Deer Control Policy and Hunting Regulations". This amendment to Ordinance 2217 authorized "in-season" bow hunting on 1 acre parcels of private property with certain prescribed regulations (since amended to ½ acre parcel requirement). Unlike the traditional two week firearms hunting season, it should be understood that the Missouri archery hunting season begins in September and runs through the middle of January, roughly four months.

The City's 2005 efforts were in response to the growing concern regarding a perceived increase in the deer population within the City of Chesterfield and adjoining municipalities and the accompanying threat of damage to personal property. While the program has met with a measure of success in terms of controlling the deer population, the City has continuing concerns. Over the years, the deer culling efforts have been consistently limited by a lack of participating property owners and subdivisions with common ground, willing to allow archery hunting. Regardless as to the strategy, method, or intent; without access to private or subdivision properties, the ability to significantly impact the deer population has been severely limited. There has been substantial discussion about more aggressive culling strategies, but until such time that land owner participation increases substantially, we will continue to be very limited in our pursuit of such methods.

In January of 2018 the City contracted for an outside agency to conduct an initial deer census to better determine the current deer population within the City. The City subsequently conducted a second "in-house" deer sampling survey in January 2019 which confirmed the count of the first, or initial, deer sampling survey.

After reviewing the results of both surveys, representatives from the Missouri Department of Conservation offered support of the City's continuance of the current culling program/practices stating that it appeared to be adequate to maintain the deer population at a reasonably acceptable level.

However, the Public Health and Safety has indicated that the City is desirous of pursuing additional and more aggressive efforts to increase the number of deer culled each season. As such, the PH&S directed the Police Department to develop and submit a proposed action plan. While there exists a myriad of options the City might elect to pursue, the attached plan is our recommended "next step" which can be initiated without incurring significant additional costs and understanding that we remain constrained by the lack of participating properties available for hunting..

Proposal:

The attached proposal sets forth recommended procedures for implementing an expanded bow hunting program on City owned property. If the City elects to pursue this strategy, **we are required to submit same to the Department of Conservation for their review and authorization.** If approved and if the City elects to implement, every precaution will be taken to assure the safety of residents and users of the City owned facilities.

As you will immediately recognize, a critical component of this proposal is that hunters accessing city properties are limited to City employees or elected officials. If individuals with lethal weapons are encountered within City Parks or on City property, it is immeasurably important that we are able to readily identify them. Further, it is far more reasonable to limit and control hunter placement and behavior.

It is our expectation and belief that there is more than adequate interest within the employee group for this effort to be successful and in doing so to limit the City's

exposure. If, of course that does not prove to be the case, we would be in a position to expand the program and consider authorizing additional qualified hunters.

Again, while the intent of this proposal is to more aggressively cull the herd, the most important tenant of this proposal is to ensure public safety. In all aspects and practices, we will require all hunters and practices to follow and adhere to the City of Chesterfield Ordinances and regulations of the Missouri Dept. of Conservation, except as specifically modified.

With your concurrence, this proposal shall be submitted to the PH&S Committee for consideration at their next scheduled meeting. Please let me know if you have any questions. (SEE ATTACHED DEER CULLING PROPOSAL)

**DEER CULLING
PROPOSAL**
(July 10, 2019)

To further the culling of excessive deer population within the City of Chesterfield, the following action proposal is submitted for consideration of adoption.

The City of Chesterfield shall allow the hunting of deer on the following City owned properties;

- 1) Railroad park
- 2) Rivers Edge park
- 3) West Wetlands
- 4) Wilson Park
- 5) Central Park (small portion as designated by Parks Dept.)
- 6) Designated locations within the Riparian Trail

This list of properties may be administratively expanded

The following restrictions/guidelines shall apply:

- 1) Hunters shall be City of Chesterfield employees or elected officials, unless specifically authorized by the Chief of Police.
- 2) Except as specifically authorized herein, all archery hunters are to comply with the deer hunting rules and regulations of the Missouri Department of Conservation.
- 3) Archery hunting only. No firearms allowed.
- 4) Archery deer hunting is allowed only within the Missouri designated archery hunting season.
- 5) All hunters shall possess official credentials identifying them as a Chesterfield City employee/elected official.
- 6) Hunters authorized for culling deer on City property are not required to possess a Missouri Deer permit. However, any deer culled from City property, not using a valid deer tag issued by the State of Missouri, cannot be privately possessed, processed or consumed. Any deer taken in conjunction, not tagged with a valid archery deer tag, with this program must be donated. The City of Chesterfield personnel will assist in the collection and transportation of culled deer to the processor. The City of Chesterfield will pay for the cost of processing donated, culled deer.
- 7) The Missouri Department of Conservation limits for the number, sex, and antler restrictions are inapplicable for donated deer culled in conjunction with this program. Nothing herein exempts an archery hunter from the Missouri Department of Conservation restrictions or limitations related to the number,

sex, or antler restrictions associated with animals that may have been taken on City Property but tagged, personally possessed, intended for personal use or consumption.

- 8) Bait and Kill process may be utilized as approved by the MDC.
- 9) Hunts shall be authorized for specific City property locations on specific days and times only. The City reserves the right to restrict hunting hours at any specific site or property at the City's sole discretion in the public interest.
- 10) Hunting is a voluntary, non-working activity. Employees will be required to execute a hold harmless statement and a "workers compensation" waiver.
- 11) All employees participating in the hunt program must do so in an off-duty capacity and such activity shall not in any way impact an employee's regular work performance or attendance.

All participating hunters shall do so in compliance with the applicable procedures and guidelines as outlined in Chesterfield Municipal Ordinance 2952.

**City of Chesterfield
PH&S Committee**

Memo

To: Chairperson Mary Monachella

From: Tim Engelmeyer, Prosecuting Attorney

Date: 07/30/19

Re: Follow up --- Three Issues

Councilmember Monachella:

I wanted to follow up with you and the PH&S Committee on some issues that were either discussed previously in your committee or are relevant to the committee. Unfortunately, I have responsibilities that will prevent me from being able to attend the August 1st meeting. I am moderating a town hall meeting with FEMA, SEMA and the US Army Corps of Engineers and that meeting has been planned for many months. I would like the opportunity to attend the next meeting of your committee. Here is a summary of what I would have presented for the committee's consideration:

1. I previously advised the committee that I would have a deferral/municipal drug court program in place by June. That has been accomplished. As we discussed at the last meeting, my idea was to utilize a 'deferred prosecution' process similar to the one used in state courts, such as St. Charles and St. Louis County. I have designed a deferral agreement that has been implemented on approximately twelve (12) cases since 6/1. Although we only have a maximum sampling of 2 months, the results so far have been positive. Since we do not have funding or grants to cover any of this program, for now I have moved forward and handled a lot of the organization and oversight, with the assistance of my private office and our prosecutor's assistant. Upon a request for inclusion/consideration, I do the initial screening. My ideal candidate is a young person (less than 25 years old) with a fairly clear record. It is obviously helpful that the candidate have some support system in place and have health insurance or resources to cover treatment. This is obviously a challenge for those who don't. Each case has its own

requirements, but generally the deferral is entered up front. The candidate signs an agreement waiving any statute of limitations. They then agree to conditions that are scaled depending on the charge. If it's heroin, the level of treatment and requirements are higher. If it's marijuana, a lower level is required. Conditions include: No further violations, treatment, counseling, AA/NA meetings, community service, full-time work or school, supervision via probation agency, appearances and status conferences, drug testing, and house arrest among others. So far we have not had anyone fail to live up to their end of the program. However, inevitably we will have a violation and appropriate action will be taken by way of re-initiation of the original charge or additional conditions added. I will keep the committee apprised of how things progress into 2020.

2. I was asked to serve on the 21st Judicial Circuit's Committee to address domestic violence headed by Judge Michael Burton. This committee is focused on providing local prosecutors with the training on how to deal with domestic violence cases in our municipal and state courts. See attached. Although I had other obligations (I had to handle our Chesterfield docket) for the July 23rd meeting, an agenda has been proposed for a 2-step approach to increase the level of awareness of this problem that all communities deal with. As the committee knows, our city had a victims' advocate available for many years, however that funding ran out. This advocate was invaluable to me and the court as far as dealing with victims and assessing how to best handle these cases. Again, I will keep the committee advised on our progress.
3. Finally, Judge Kevin Kelly asked me to serve on a 3 person panel and speak at the 2019 MML Conference at the St. Charles Convention Center on Sept. 10th. The topics we will cover are also attached via a tentative agenda. We will cover the transition to ShowMe Courts (SMC), consolidation, changes in the TVB (out of court payment) schedule and collection methods. Any and all materials developed for this presentation will be forwarded to the committee for review because the foregoing will be a major change to our municipal court system as we know it.

The above was simply an update. However, there are a couple issues that I would ask your committee to consider: Ideas/ways to improve CF's young drug court program. Possible funding ideas for the drug court program, deferral program and victims' advocate. Ways that we can get counseling/treatment for those who don't have insurance or a support system in place. It is frustrating when we have a perfect candidate heading down the wrong path and we cannot get them the resources they need to turn it around. There is no easy answer but I have thought of a couple ideas:

- a. Budgeting something for this program.
- b. Exploring grants that may be available.
- c. Seeking out local Chesterfield counselors who might volunteer some of their time to help.
- d. Initiation of a 'big brother' type of program where we assign the deferred person to another who can more or less hold them accountable. Kind of like a sponsor in AA.

Anyway, please let me know if you need anything further and thank you for reviewing.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink that reads "Tim Engelmeyer". The signature is written in a cursive style with a large, stylized "T" and "E".

Timothy A. Engelmeyer, Prosecuting Attorney

Meeting Minutes: Municipalities Subcommittee

July 23, 2019

Present: Michael Burton, Kelley Russell, Heather Berding, Andi Alper, Celeste Endicott, John Conrardy, Kevin Kelly, Keith Cheung, Jami Ake, Eldisa Ramic, Renee Hardin-Tammons, Steve O'Brien

Discussion: Plans for Training Key Municipality Stakeholders

The group agreed on a two-pronged approach that involves pitching both 1) the **need** for the training and 2) the **content** of the training itself.

Step 1:

A brief pitch preceding Judge Kelly's session at the Missouri Municipal League Conference (Sept. 10)

The pitch would involve the following:

- 1) An account of why the municipalities need to devote more attention to domestic violence, focusing on issues of liability in cases where homicides occur after domestic violence cases are not dealt with meaningfully (e.g., reduced charges, no OP enforcement).
- Use examples of recent cases and subsequent lawsuits: Sunset Hills
- 2) Offer an invitation to have representatives of the effort present at individual councils to underscore the importance of being proactive about addressing the issue, highlighting the use of advocates (with the understanding that Police Department enthusiasm alone isn't sufficient for moving forward)
- 3) Advertise the possibility of securing grants to address the problem/hire advocates
- 4) Hand out a two-sided flyer that includes information about the November training on the front and information about Heather's work and its impact on the reverse.

Heather Berding and Stephanie

Step 2:

The Training

(date TBA, depending on Jury Assembly Room availability—likely a Thursday afternoon in November)

2-3 hours in length

Proposed Training Agenda

Introductory Session (Judge Burton)

- Reiterating the importance of the problem (and why municipalities should care) and how advocacy can be part of an effective solution

Breakout Sessions: three groups with information and training targeted for each

- 1) **Prosecutors:** practical training (Keith Cheung and Judge Burton in the lead)

(Here, some decisions will have to be made about whether to focus on how to work within current practices or to persuade prosecutors to adopt different practices—or both)

- 2) **Police Officers:** (John Conrardy and Eldisa Ramc in the lead)

(Organized around sample cases where advocacy made all the difference in the success of DV cases and how the model could be adapted)

- 3) **Council Members and other Elected Officials** (Stephanie?, Heather Berding, and Judge Kelly in the lead)

Action Items:

Need to finalize the Training Agenda (including date, time, title, and lead presenters) in time for Judge Kelly's Sept. 10th MML presentation

Next Meeting proposed for Tuesday, August 20th at 3:30pm.

2019 MML Conference Presentation

Speakers: Kevin Kelly, Joel Brett & Tim Engelmeyer

Tuesday September 10, 2019 at 11:00 AM

SUGGESTED TOPICS

Show-Me Courts-Implementation and Effect

- Additional court staff and equipment

- Maintenance of old records

- Transition to paperless court

- Effectiveness and Deficiencies of SMC

- Increase in court costs (legislation to increase from \$7.00 to \$23.00)

- Agreement required to be signed by city administration

HB192

- Elimination of Show Cause Orders

- Consolidated courts-use of judges

S. Ct. Rule 37.49

- Revised Violation Bureau

S. Ct. Rule 21, 22 and 33

- Revision to criminal rules relating to initial appearance of defendant and right to be released.

S. Ct. Rule 37.43 and 37.435

- Summons and Arrest Warrants

S. Ct. Rule 37.65

- Inquiry into ability to pay and collection methods.