City of Chesterfield

RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL
OF THE CITY OF CHESTERFIELD
VIRTUAL MEETING VIA ZOOM

MAY 18, 2020

The meeting was called to order at 7 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 Mary Monachella	
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 May 4, 2020 City Council meeting were submitted for approval. Councilmember Moore made a motion, seconded by Councilmember Ohley, to approve the May 4, 2020 City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

The minutes of the May 4, 2020 Executive Session were submitted for approval. Councilmember Ohley made a motion, seconded by Councilmember Keathley, to approve the May 4, 2020 Executive Session minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Nation announced that the General Municipal Election, postponed due to COVID-19, will be held on Tuesday, June 2.

Mayor Nation announced that the next meeting of City Council is scheduled for Wednesday, June 17, at 7 p.m.

COMMUNICATIONS AND PETITIONS

Mr. George Stock, 257 Chesterfield Business Parkway, stated that he was available to answer questions related to Bill No. 3306 (Summit-Topgolf, Lot C – Petition for Vacation of Drainage Easements) and Bill No. 3307 (Summit-Topgolf, Lot C – Lot Split Plat).

Mr. Robert Kilo, 16734 Benton Taylor Drive, requested a crosswalk across Baxter Road, at its intersection with August Hill, to make community amenities more accessible.

APPOINTMENTS

There were no appointments.

COUNCIL COMMITTEE REPORTS AND ASSOCIATED LEGISLATION

Planning/Public Works Committee

Bill No. 3299 — Amends Section 07 "Building and Building Regulations" of the City of Chesterfield Municipal Code and creates a new Section 07-03 "Dumpsters in Residential Areas" that provides the procedures and requirements for placement, use, and duration of dumpsters in residential areas within the City of Chesterfield (PP 2020-06 City of Chesterfield [Dumpsters in Residential Areas]) **(Second Reading) Planning & Public Works Committee recommends approval**

Councilmember Mary Ann Mastorakos, Chairperson of the Planning/Public Works Committee, made a motion, seconded by Councilmember Monachella, for the second reading of Bill No. 3299. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3299 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3299 with the following results: Ayes – McGuinness, DeCampi, Monachella, Moore, Hurt, Keathley, Mastorakos

and Ohley. Nays – None. Whereupon Mayor Nation declared Bill No. 3299 approved, passed it and it became **ORDINANCE NO. 3104.**

Bill No. 3300 — Adopts and enacts the Building, Existing Building, Mechanical, Residential, Existing Building, Electrical, Plumbing, Property Maintenance, Swimming Pool and Spa, and Explosives Codes of the City of Chesterfield, Missouri **(First Reading held May 4, 2020. No action required until August 3, 2020, which follows a 90-day period allowing public review of the codes)**

Councilmember Mastorakos announced that the first reading of Bill No. 3300 occurred on May 4, 2020 and no action will be required until August 3, 2020, which follows a 90-day period allowing for public review of the codes.

Bill No. 3304 — Authorizes the City Administrator to execute Supplemental License Agreements with the Missouri Highways and Transportation Commission to extend existing License Agreements regarding the Monarch Chesterfield Levee Trail within the right of way of Interstate 64 (State Route 40) **(First Reading) Planning & Public Works Committee recommends approval**

Councilmember Mastorakos made a motion, seconded by Councilmember Hurt, for the first reading of Bill No. 3304. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3304 was read for the first time.

Bill No. 3305 — Adopts a Street Classification Map and amends Chapter 300 Article VII and Schedule V of the Model Traffic Ordinance of the City of Chesterfield **(First Reading) Planning & Public Works Committee recommends approval**

Councilmember Mastorakos made a motion, seconded by Councilmember Moore, for the first reading of Bill No. 3305. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3305 was read for the first time.

Councilmember Mastorakos announced that the next meeting of this Committee is scheduled for Thursday, May 21, at 5:30 p.m.

Finance and Administration Committee

Bill No. 3303 — Adopts and enacts a new code for the City of Chesterfield, Missouri; providing for the repeal of certain Ordinances not included therein, except as herein expressly provided; providing a penalty for the violation thereof; providing for the manner of amending such code; and providing when such code and this Ordinance shall become effective **(Second Reading) Finance & Administration Committee recommends approval**

Councilmember Michael Moore, Chairperson of the Finance and Administration Committee, made a motion, seconded by Councilmember Mastorakos, for the second reading of Bill No. 3303. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3303 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3303 with the following results: Ayes – Keathley, Monachella, Ohley, DeCampi, McGuinness, Mastorakos, Hurt and Moore. Nays – None. Whereupon Mayor Nation declared Bill No. 3303 approved, passed it and it became **ORDINANCE NO. 3105.**

Parks, Recreation & Arts Committee

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

Public Health & Safety Committee

Councilmember Mary Monachella, Chairperson of the Public Health & Safety Committee, indicated that she had no report this evening.

REPORT FROM THE CITY ADMINISTRATOR

City Administrator Mike Geisel informed City Council that St. Louis County has received $173.5 million directly from the Federal Government as part of the Coronavirus Aid, Relief, and Economic Security (CARES) Act to respond to the COVID-19 Pandemic. The U.S. Treasury Department is in charge of issuing guidance on the use of these funds. Initially, the guidance was narrow, requiring that funds must be used for testing, public health, business loans, etc. However, the Treasury Secretary has since issued guidance indicating that these funds may be used to pay ongoing salaries of public safety employees. Therefore, if the County chooses to use these funds to pay for County Police compensation, it is only reasonable that funds should be proportionally distributed to the municipalities who have incurred those public safety expenses as well.

Councilmember Moore made a motion, seconded by Councilmember Monachella, to approve a proposed resolution requesting that municipalities within St. Louis County receive an equitable distribution of the $173.5 million in funding received by St. Louis County from the CARES Act to reimburse municipalities for actual public safety costs incurred after March 27, 2020 during the COVID-19 pandemic. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. The successful resolution became Chesterfield Resolution No. 462.

Mr. Geisel reminded Council that the Pandemic Economic Update and Financial Strategy was forwarded to City Council on April 20, 2020, for early review and consideration. This item was included on the May 4, 2020 City Council agenda as an action item for Council's review and approval; however, no action was taken. Mr. Geisel explained that approval of the Pandemic Financial Strategy is necessary because the budget document,

approved by City Council, directs staff to conduct the programs and activities described therein. Staff may not act contrary to its direction without Council authorization.

The City's losses associated with a 60-day or 90-day event were estimated at $6.1 million to $7.6 million, respectively. The Pandemic Financial Strategy outlines an extensive set of operational and program modifications to the 2020 budget. It addresses approximately $3 million in reduced expenditures, actions relative to capital projects, and use of fund reserves, including but not limited to:

- Employee wage freeze
- Budgeted merit increases for 2020 eliminated
- Budgeted annual CPI increment of compensation plan not implemented
- Sixty-three employees furloughed (more than 25% of permanent workforce)
    - 17 employees were in the Police Department, and ultimately avoided furlough due to a proposal they brought forth to temporarily reduce department compensation by 10%, which was equivalent to the savings which would have resulted from furloughing the PD employees
    - 46 other positions remain furloughed or vacant
- Hiring of seasonal parks staff eliminated/delayed
- Travel restricted
- Replacement equipment substantially reduced or eliminated
- Some capital projects selectively deferred

After recognizing the pandemic losses, and including the reduction in expenses, the estimated fund reserve balances were projected to be approximately $8.0 million (41.26%) or $6.6 million (33.69%) for the 60-day and 90-day events. However, that does not include the $5.53 million in unrestricted pre-paid debt. If you include those funds, the estimated fund reserve balances increase to $13.5 million (69.67%) or $12.1 million (62.10%).

This information should be considered as a point in time analysis that will be reviewed and updated as additional information is received. Depending on the phased re-opening in St. Louis County, we anticipate gradually bringing back furloughed employees by July 1, 2020.

Councilmember McGuinness made a motion, seconded by Councilmember Moore, to affirm and approve the Pandemic Financial Strategy and to direct staff to provide monthly updates. Councilmember Mastorakos made a motion, seconded by Councilmember McGuinness, to amend the original motion by allocating up to $75,000 (in savings from the previously cancelled Fourth of July celebration) to terminate the 10% reduction in compensation for the Police Department and to restore them to their prior compensation. A roll call vote was taken on the motion to amend, with the following results: Ayes – Mastorakos, Monachella, Moore, McGuinness, Ohley and Hurt. Nays – Keathley and DeCampi. Mayor Nation declared the motion to amend passed. A roll call vote was taken on the original motion as amended, with the following results: Ayes – Hurt, Moore, Keathley, McGuinness, Monachella, Mastorakos, Ohley

and DeCampi. Nays – None. Whereupon Mayor Nation declared the motion, as amended, passed.

Mr. Geisel reminded City Council that a discussion was initiated at the May 4, 2020 meeting regarding suspension of compensation for elected officials and a 10% employee compensation reduction for one fiscal quarter for all employees except the Police Department. This issue was postponed until this evening. City Attorney Chris Graville informed Council that an ordinance would be required to amend compensation for elected officials as well as the compensation plan for City employees.

Councilmember Keathley made a motion, seconded by Councilmember DeCampi, to instruct staff to prepare an ordinance, including a 10% reduction in salary for staff and elected officials that would expire at the end of 120 days. Councilmember McGuinness called point of order, stating that the motion was out of order because the reduction in salary for staff would include the City Administrator, who is under contract, and that motion, if passed, would put the City into breach of contract as well as resulting in numerous employees currently at the bottom of their pay grade being compensated below the Council approved compensation plan. Mr. Graville agreed that the City would not be able to unilaterally change the contracted salary of the City Administrator nor knowingly or intentionally violate the Council adopted pay plan. Mayor Nation ruled the motion and second to be out of order.

Councilmember Keathley made a motion, seconded by Councilmember Ohley, to appeal the Mayor's ruling. Councilmember DeCampi called point of order, asking for debate. Mayor Nation stated that this appeal is not debatable. After some review of Robert's Rules of Order, City Attorney Graville stated that this appeal is debatable. Mayor Nation disagreed and cited page 256 of Robert's Rules of Order: when a chair rules on a decision about which there cannot possibly be two reasonable opinions, an appeal would be dilatory and is not allowed. City Attorney Graville referred to page 398, lines 20-30 which says at all other times (excepting appeals that relate to decorum, rules of debate, or priory in business) an appeal is fully debatable so long as the debate is germane to the subject matter of the appeal. The only non-debatable appeal is when it is a hindrance of business appeal. Mayor Nation disagreed with City Attorney Graville, stating that Mr. Graville was reading about appeals in general rather than appeals on a point of order. Lengthy discussion ensued. Mr. Graville stated that he stands by his statement that it is debatable; however, the Mayor decides all points of order under the City's adopted Council rules. Mayor Nation stated that, in accordance with the City's rules of order, he has the obligation and the right to rule on a point of order, so it stands. He stated that an "Aye" vote would uphold the Chair's ruling that the motion was out of order. A roll call vote was taken on the ruling, with the following results: Ayes – Hurt, Monachella, Mastorakos, McGuinness and Moore. Nays – Ohley, DeCampi and Keathley. Mayor Nation declared the Chair's ruling upheld.

[Councilmember Moore's connection was disabled at approximately 9:02 p.m.]

Councilmember McGuinness made a motion, seconded by Councilmember Monachella, to postpone the discussion pertaining to Elected Official and Employee Compensation, indefinitely. Councilmember DeCampi offered to provide compensation figures as requested at the last Council meeting, for the record. Councilmember McGuinness called point of order, stating that it was not germane to the motion. Mayor Nation ruled Councilmember DeCampi's comments were out of order. Councilmember DeCampi made a motion, seconded by Councilmember Keathley, to appeal the ruling of the Chair. Mayor Nation stated that an "Aye" vote would uphold the Chair's ruling that Councilmember DeCampi's comments were out of order. A roll call vote was taken with the following results: Ayes – McGuinness, Monachella, Ohley, Mastorakos and Hurt. Nays – Keathley and DeCampi. Mayor Nation declared the Chair's ruling upheld. A roll call vote was taken on the motion to postpone indefinitely, with the following results: Ayes – McGuinness, Monachella, Mastorakos and Hurt. Nays – Keathley, DeCampi and Ohley. Whereupon Mayor Nation declared the motion to postpone discussion indefinitely, passed.

OTHER LEGISLATION

Bill No. 3306 — Partially vacates three drainage easements on Lot C of the Summit-Topgolf Subdivision as recorded in Book 356, Page 688 of the St. Louis County Records, in Book 20091, Page 969 of the St. Louis County Records, and in Book 20091, Page 981 of the St. Louis County Records, City Of Chesterfield, St. Louis County, Missouri **(First & Second Readings) Department of Planning recommends approval**

Councilmember Monachella made a motion, seconded by Councilmember Hurt, for the first reading of Bill No. 3306. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3306 was read for the first time.

Councilmember Mastorakos made a motion, seconded by Councilmember Hurt, for the second reading of Bill No. 3306. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3306 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3306 with the following results: Ayes – Ohley, McGuinness, Keathley, Mastorakos, Monachella, Hurt and DeCampi. Nays – None. Whereupon Mayor Nation declared Bill No. 3306 approved, passed it and it became **ORDINANCE NO. 3106.**

Bill No. 3307 — Provides for the approval of a Lot Split Plat for Lot C of the Summit-Topgolf Subdivision, zoned PC Planned Commercial and located north of North Outer 40 Road and east of Boone's Crossing (17T520116) **(First & Second Readings) Department of Planning recommends approval**

Councilmember Ohley made a motion, seconded by Councilmember Monachella, for the first reading of Bill No. 3307. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3307 was read for the first time.

Councilmember Ohley made a motion, seconded by Councilmember Monachella, for the second reading of Bill No. 3307. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3307 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3307 with the following results: Ayes – McGuinness, Keathley, Monachella, DeCampi, Hurt, Mastorakos and Ohley. Nays – None. Whereupon Mayor Nation declared Bill No. 3307 approved, passed it and it became **ORDINANCE NO. 3107.**

[Councilmember Moore re-connected to the meeting at approximately 9:12 p.m.]

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

ADJOURNMENT

There being no further business to discuss, Mayor Nation adjourned the meeting at 9:13 p.m.

Bob Nation

Mayor Bob Nation

ATTEST:

Vickie McGownd

Vickie McGownd, City Clerk

APPROVED BY CITY COUNCIL: 6/17/2020