



RECORD OF PROCEEDING

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

APRIL 20, 2016

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 Barry Flachsbart
Councilmember Barbara McGuinness
Councilmember Bridget Nations
Councilmember G. Elliot Grissom
Councilmember Dan Hurt
Councilmember Mike Casey
Councilmember Bruce DeGroot
Councilmember Connie Fults

APPROVAL OF MINUTES

The minutes of the March 21, 2016 City Council meeting were submitted for approval. Councilmember McGuinness made a motion, seconded by Councilmember Nations, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

PRESENTATION

Mayor Bob Nation presented former Councilmember G. Elliot Grissom with a plaque commemorating his service as Councilmember from Ward II, from April 20, 2011 – April 20, 2016.

Mayor Nation presented former Councilmember Mike Casey with a plaque commemorating his service as Councilmember from Ward III, from April 20, 1998 – April 20, 2016.

Mayor Nation presented former Councilmember Connie Fults with a plaque commemorating her service as Councilmember from Ward IV, from April 15, 2002 – April 20, 2016.

SWEARING-IN CEREMONY

Mayor Nation recognized the Honorable Richard K. Brunk, Jr., Municipal Judge. Judge Brunk then conducted the Swearing-In Ceremony for: Councilmember Barry Flachsbart-Ward I; Councilmember Barbara McGuinness-Ward I; Councilmember-Elect Guy Tilman-Ward II; Councilmember-Elect Randy Logan-Ward III; and Councilmember-Elect Tom DeCampi-Ward IV.

ROLL CALL

A roll call was then re-taken, with the following results:

PRESENT

ABSENT

Mayor Bob Nation
Councilmember Barry Flachsbart
Councilmember Barbara McGuinness
Councilmember Bridget Nations
Councilmember Guy Tilman
Councilmember Dan Hurt
Councilmember Randy Logan
Councilmember Tom DeCampi
Councilmember Bruce DeGroot

TEMPORARY ADJOURNMENT – RECEPTION

Mayor Nation temporarily adjourned the meeting at 7:15 p.m., for those in attendance to attend a reception for the newly-elected and re-elected officials.

The meeting was reconvened at 7:41 p.m.

COMMUNICATIONS AND PETITIONS

Mr. Patrick Flynn, 1053 Appalachian Trail, encouraged City Council to carefully select a new City Administrator that has been fully vetted and understands the City's legal Code, Missouri state law and the legal chain of command for the City of Chesterfield.

Ms. Marcia McDonald, 14986 Chateau Village Drive, encouraged City Council to do a careful search before filling the City Administrator position.

Mr. Wade Wieser, 168 Southdown Drive, spoke in support of the River Valley Drive closure, reconfirming the subdivision trustees' right to convey common ground right of way to the City of Chesterfield.

Ms. Joy Krieger, 534 Triton Way, Ellisville, introduced herself as a candidate for State Representative in Missouri's 101st District.

Mr. Bob Clausen, 16901 Pacland Ridge Drive, encouraged City Council to initiate a professional search before filling the City Administrator position.

Mr. Norm Baxter, 1879 Stenton Path, encouraged City Council to initiate a thorough search for a new City Administrator.

Ms. Anne Gassel, 16309 Autumn Crest Court, Ellisville, introduced herself as a candidate for State Representative in Missouri's 101st District.

Mr. Robin Harris, 14570 Bexhill Court, encouraged City Council to initiate a thorough search for a new City Administrator.

Ms. Carmen Jacob, 222 Wildbrier Drive, Ballwin, read a statement from her husband, Chris Jacob, who was unable to attend tonight's meeting. They encouraged City Council to initiate a thorough search before filling the City Administrator position.

Mr. Cicardi Bruce, 207 Tuma Lane, encouraged City Council to initiate a thorough search for a new City Administrator.

INTRODUCTORY REMARKS

Mayor Nation announced that the next meeting of City Council has been scheduled for Monday, May 2, at 7 p.m.

APPOINTMENTS

Councilmember Flachsbart made a motion, seconded by Councilmember DeGroot, to permanently remove Bill No. 3070 (Appoints Daniel Vogel as City Attorney) from the agenda. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mayor Nation nominated Chris Graville to serve as Interim City Attorney, replacing Harold O'Rourke, and filling the unexpired term of Rob Heggie, who has been appointed by Governor Jay Nixon to serve as an Associate Circuit Court Judge for St. Louis County. Councilmember DeGroot made a motion, seconded by Councilmember Flachsbart, to adopt Resolution No. 423. A roll call vote was taken with the following results: Ayes – McGuinness, DeGroot, Tilman, Flachsbart and DeCampi. Nays – None. Abstentions – Hurt, Logan and Nations. Whereupon Mayor Nation declared Resolution No. 423 approved.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Barry Flachsbart, Chairperson of the Finance and Administration Committee, asked Acting Co-City Administrator Mike Geisel to give a brief update on the impact of this proposed Resolution. Mr. Geisel explained that this Resolution approves the plans and specifications for the Broadmoor Neighborhood Improvement District (NID), establishes a public hearing date on May 2 before the City Council meeting, and establishes the tax rolls for property owners within the NID. Councilmember Hurt made a motion, seconded by Councilmember Logan, to approve Resolution No. 421 (Broadmoor Neighborhood Improvement District). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Barry Flachsbart, Chairperson of the Finance and Administration Committee, made a motion, seconded by Councilmember DeGroot, to hold Bill No's 3076, 3077 and 3078 (Amends Previously-Adopted Ordinances re: City Attorney, Prosecuting Attorney and Municipal Judge) until the May 2 City Council meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart made a motion, seconded by Councilmember DeGroot, to hold Bill No's 3082 (Mayors Duties when City is without a City Administrator), 3083 (Duties and Authority of the City Administrator), 3084 (Changes who is required to be notified for liability claims), 3085 (Execution of contractual and legal documents approved by City Council), 3086 (Scheduling of City Council Meetings), 3087 (Amends the rules of procedure related to roll call votes), 3088 (Pertains to the appointment of the City Administrator during temporary absences), and 3089 (Pertains to the appointment of the City Clerk) until the May 2 City Council meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Planning/Public Works Committee

Councilmember Dan Hurt, Vice-Chairperson of the Planning/Public Works Committee, made a motion, seconded by Councilmember Logan, to hold Bill No. 3075 (P.Z. 13-2015, Chesterfield Valley Square [Burgundy Arrow, LLC]) until the May 2 City Council

meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember McGuinness made a motion, seconded by Councilmember Flachsbart, to hold Bill No. 3079 (Restricts Parking on River Valley Dr.) until the May 2 City Council meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt, reported that Bill No. 3081 (Authorizes Execution of Road Relinquishment Agreements with MoDOT) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for Thursday, May 5, at 5:30 p.m.

REPORT FROM THE CITY ADMINISTRATOR

Acting City Administrator Mike Geisel recommended that City Council receive and file the report related to emergency repair of the Agricultural Levee per the City’s purchasing procedures. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to receive and file the Agricultural Levee emergency repair report. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Geisel reported that Staff had received bids for a contract for the construction of the River Valley Drive Road Closure. This recommendation was originally on the March 21 agenda, but was held due to concerns regarding the ability of the River Bend Trustees to convey the property rights associated with this project. Mr. Geisel recommended that this item continue to be held until the May 2 Council meeting, such that an executive session may be scheduled to discuss the project. Councilmember Flachsbart made a motion, seconded by Councilmember McGuinness, to hold this item until May 2. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Geisel reported that Staff is recommending award of a contract for Sidewalk Replacement Project “A”. Based upon review of information provided by Public Works Director/City Engineer Jim Eckrich, Mr. Geisel joined with him in recommending award of a contract to K.J. Unnerstall Construction in an amount not to exceed \$219,475. Councilmember Hurt made a motion, seconded by Councilmember Logan, to approve this recommendation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Geisel reported that Staff is recommending award of a contract for Green Trails Drive South Street Reconstruction. Based upon review of information provided by Public Works Director/City Engineer Jim Eckrich, Mr. Geisel joined with him in recommending award of a contract to J.M. Marschuetz in an amount not to exceed \$2,225,000. As a reminder, this project is partially funded by a Federal Grant where the

federal government will provide 70% of the cost. Engineering and right-of-way acquisitions for this project were funded in 2014 and 2015 respectively. Councilmember Flachsbart made a motion, seconded by Councilmember McGuinness, to approve this recommendation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Geisel reported that Staff is recommending continuation of a contract for management and staffing of the City's aquatic facility. Based upon review of information provided by Parks, Recreation and Arts Director Tom McCarthy, Mr. Geisel joined with him in recommending that the City exercise the final year option of a previously approved five year contract at a cost not to exceed \$255,629. Funding for this activity is budgeted in the Parks Sales Tax Fund. Councilmember Flachsbart made a motion, seconded by Councilmember Nations, to approve this recommendation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Councilmember Logan nominated Councilmember Flachsbart to serve as President Pro Tem for April 2016-April 2017. Mayor Nation asked for any further nominees and/or discussion. Councilmember Nations made a motion, seconded by Councilmember DeGroot, to close nominations for selection of President Pro Tem. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. There being no other nominations, a voice vote was taken for Councilmember Flachsbart to serve as President Pro Tem with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart, in his capacity as the newly elected President Pro Tem, announced the following proposed City Council Committee assignments:

FINANCE AND ADMINISTRATION COMMITTEE

Councilmember Bruce DeGroot, Ward IV – **CHAIRPERSON**

Councilmember Barry Flachsbart, Ward I

Councilmember Guy Tilman, Ward II

Councilmember Randy Logan, Ward III

PARKS, RECREATION AND ARTS COMMITTEE

Councilmember Barb McGuinness, Ward I – **CHAIRPERSON**

Councilmember Guy Tilman, Ward II

Councilmember Dan Hurt, Ward III

Councilmember Tom DeCampi, Ward IV

PLANNING AND PUBLIC WORKS COMMITTEE

Councilmember Dan Hurt, Ward III – **CHAIRPERSON**
Councilmember Barb McGuinness, Ward I
Councilmember Bridget Nations, Ward II
Councilmember Bruce DeGroot, Ward IV

PUBLIC HEALTH AND SAFETY COMMITTEE

Councilmember Bridget Nations, Ward II – **CHAIRPERSON**
Councilmember Barry Flachsbart, Ward I
Councilmember Randy Logan, Ward III
Councilmember Tom DeCampi, Ward IV

Councilmember Logan made a motion, seconded by Councilmember Nations, to approve the City Council Committee Assignments listed above for April 2016-April 2017. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mayor Nation announced that the City intends to request quotes for appointment of City Attorney.

Councilmember Flachsbart made a motion, seconded by Councilmember McGuinness, to permanently remove Resolution No. 422 (Authorizes Special Counsel to develop employment contract for City Administrator) from the agenda. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Logan asked for clarification of the process and timeframe for appointment of Acting City Administrator. Mayor Nation cited state statute and responded that the Mayor has authority to appoint an interim City Administrator until the next regularly scheduled Council meeting, at which time if no City Administrator is appointed, the Mayor again appoints an interim City Administrator. This process may be repeated until a permanent City Administrator is appointed. Discussion ensued and there was general agreement among Councilmembers and Mayor Nation that Mr. Geisel would be an excellent choice for City Administrator, but given the multiple requests by residents, it would be in everyone's best interest to initiate a search in order to validate the choice for City Administrator.

Councilmember DeCampi suggested adding something to the May 2 agenda regarding initiating a professional search for City Administrator. Councilmember Flachsbart stated that he believes action is mandated now, according to state statute. Mayor Nation stated that even if a vote was taken to appoint a City Administrator this evening, he would withhold his approval, and continue to appoint Chief Johnson and Mike Geisel as interim Co-City Administrators. Discussion ensued.

Councilmember Flachsbart made a motion, seconded by Councilmember Logan, to appoint Mike Geisel as City Administrator, pending establishment of a contract. Discussion ensued. Councilmember McGuinness made a motion, seconded by

Councilmember DeCampi, to hold the vote on appointment of Mike Geisel as City Administrator until May 2. A roll call vote was taken with the following results: Ayes – Hurt, DeCampi, McGuinness and DeGroot. Nays – Logan, Flachsbart, Nations and Tilman. Whereupon Mayor Nation voted “Aye” to break the tie and declared the motion passed.

LEGISLATION

BILL NO. 3081 AN ORDINANCE AUTHORIZING THE CITY
ADMINISTRATOR TO EXECUTE ROAD RELIQUISHMENT
AGREEMENTS WITH THE MISSOURI HIGHWAYS AND
TRANSPORTATION COMMISSION FOR PORTIONS OF
TOREADOR DRIVE AND ELBRIDGE PAYNE ROAD
**(SECOND READING; PLANNING AND PUBLIC WORKS
COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Logan, for the second reading of Bill No. 3081. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3081 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3081 with the following results: Ayes – Nations, DeGroot, Hurt, McGuinness, Flachsbart, DeCampi, Logan and Tilman. Nays – None. Whereupon Mayor Nation declared Bill No. 3081 approved, passed it and it became **ORDINANCE NO. 2889**.

ADJOURNMENT

There being no further business to discuss, Mayor Nation adjourned the meeting at 9:45 p.m.

Mayor Bob Nation

ATTEST:

Vickie J. Hass, City Clerk