



## RECORD OF PROCEEDING

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

**JANUARY 5, 2009**

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

President Pro Tem Bruce Geiger announced that Mayor Nations would not be attending tonight's Council meeting, so he would be serving as Acting Mayor.

Boy Scout Pack 782 from St. John Lutheran led everyone in the Pledge of Allegiance. President Pro Tem Bruce Geiger recognized and thanked: Alex Schenberg, Cal Bidner, John Palmer, Grant Weller, Nathan Lowary, Matthew Stephenson and Nick Lowary for their participation in this opening ceremony. Also in attendance were Troop Leaders Susan Schenberg and Paula Lowary. President Pro Tem Bruce Geiger presented a Proclamation to Pack 782, commemorating their participation.

President Pro Tem Bruce Geiger next led everyone in a moment of silent prayer.

A roll call was taken with the following results:

PRESENT

Councilmember Barry Flachsbart  
Councilmember Gene Schenberg  
Councilmember Bruce Geiger  
Councilmember Lee Erickson  
Councilmember Dan Hurt  
Councilmember Mike Casey  
Councilmember Bob Nation  
Councilmember Connie Fults

ABSENT

Mayor John Nations

## **APPROVAL OF MINUTES**

The minutes of the December 11, 2008, City Council meeting were submitted for approval. Councilmember Flachsbart made a motion, seconded by Councilmember Erickson, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **COMMUNICATIONS AND PETITIONS**

President Pro Tem Bruce Geiger recognized Chief Ray Johnson who announced that the Chesterfield Police Department had recently gone through an on-site inspection by a Committee representing CALEA (Commission on Accreditation for Law Enforcement Agencies), due to his department seeking re-accreditation by CALEA. This is a process that occurs every three years. Chief Johnson explained that CALEA re-accreditation requires that the Police Department strictly adhere to 460 different standards and to maintain compliance with those standards. Chief Johnson stated that he is “extremely proud” that the assessment team leader at the exit interview advised them that the team found no deficiencies and, as a result, the Chesterfield Police Department received a “perfect on-site.” While the final decision regarding re-accreditation will not be made, until later in 2009, Chief Johnson expressed optimism, given the results of this on-site visit, that re-accreditation would be granted. Chief Johnson expressed his appreciation to City Council and City Administrator Mike Herring for their support and encouragement which allowed the Police Department to achieve this recognition. President Pro Tem Bruce Geiger commended Chief Johnson and the employees of the Police Department on this accomplishment and stated he feels that the Chesterfield police force is “one of the best police forces in the country.” Councilmember Flachsbart also complimented Chief Johnson and commented that the “perfect on-site” was a “huge accomplishment” and speaks volumes regarding Chief Johnson’s leadership.

Ann Morrison, who resides at 47 White Plains Drive, spoke in opposition to Bill No. 2668 (regulates/prohibits the keeping of non-domesticated animals in residential areas).

Nancy Greenwood, who resides at 14441 Corallin Drive, spoke on Bill No. 2668 (regulates/prohibits the keeping of non-domesticated animals in residential areas) and stated that she opposed residents keeping chickens on residential lots since this could affect property values. Mrs. Greenwood presented an article on “Health risks associated with raising chickens” to members of City Council. Councilmember Nation asked Mrs. Greenwood if she opposed keeping chickens on any sized lot and Mrs. Greenwood responded “Yes.”

Barbara Nauert, who resides at 15904 Country Ridge Road and is a trustee of Clarkson Woods South subdivision, spoke on Bill No. 2668 (regulates/prohibits the keeping of non-domesticated animals in residential areas) and stated that she opposed residents keeping chickens on any size residential lot. Councilmember Erickson clarified that Bill No. 2668 would, in fact, prohibit the keeping of chickens or other non-domesticated animals, but would allow same on lots of one (1) acre or larger. Councilmember Fults

asked Ms. Nauert if she feels that the one-acre lot restriction is too small and Ms. Nauert said “Yes.” Councilmember Fults said she is in favor of Bill No. 2668, since prohibits keeping wild animals and limits the keeping of farm animals. Councilmember Fults asked Ms. Nauert how many acres she thought should be restricted and Ms. Nauert stated that she felt five-acre lots should be the minimum size lot.

Steve Greenwood, who resides at 14441 Corallin Drive and is a volunteer trustee of Windemere Place subdivision, first commended Chief Ray Johnson and the Police Department on the CALEA re-accreditation process and on the excellent services they routinely provide to Chesterfield residents. Mr. Greenwood also spoke on Bill No. 2668 (regulates/prohibits the keeping of non-domesticated animals in residential areas) and stated, in response to a question asked by Councilmember Schenberg, that he opposed residents keeping non-domesticated animals on any size residential lot.

City Administrator Mike Herring stated, for clarification, that Bill No. 2668, as currently written, prohibits the keeping of non-domesticated animals on residential lots with the exception of lots that are one (1) acre or larger. Mr. Herring further stated that residents who currently have non-domesticated animals, on lots smaller than one (1) acre, would be allowed to keep them, as they would be “grandfathered”, if Bill No. 2668 is approved by City Council.

Tim Parks, who resides at 14445 Corallin Drive, spoke on Bill No. 2668 (regulates/prohibits the keeping of non-domesticated animals in residential areas) and stated that he opposed residents keeping non-domesticated animals on one-acre sized residential lots and suggested that the acreage restriction should be larger than one acre.

Councilmember Nation asked for further clarification regarding residents who currently have chickens and City Attorney Rob Heggie responded that the existing animals could remain on the property, being “grand-fathered”, but cannot be replaced when they die or are sold.

### **INTRODUCTORY REMARKS**

President Pro Tem Bruce Geiger announced that Candidate filing ends on Tuesday, January 20, at 5 p.m. President Pro Tem Bruce Geiger recognized Steven Goldstein, who is a candidate for Councilmember in Ward IV, in attendance at tonight’s meeting.

President Pro Tem Bruce Geiger next announced that City Hall will be closed Monday, January 19, in observance of Dr. Martin Luther King, Jr’s Birthday.

President Pro Tem Bruce Geiger announced that the next meeting of City Council has been scheduled for Wednesday, January 21, at 7 p.m.

President Pro Tem Bruce Geiger announced that Chesterfield Art’s ARTFEAST - 2009 will be held at the Kemp Auto Museum on January 24 at 6:30 p.m.

## **COUNCIL COMMITTEE REPORTS**

### **Parks and Recreation Committee**

Councilmember Barry Flachsbart, Chairperson of the Parks and Recreation Committee, made a motion, seconded by Councilmember Erickson, to approve the following Recommendations: 2009 swim/dive team fees, 2009 Family Aquatic Center fees, 2009 CVAC (Chesterfield Valley Athletic Complex) rental rates, 2009 Pavilion rental rates and soda exclusivity with Pepsi. City Attorney Rob Heggie suggested that the language on Paragraph 23 of the “Pavilion Policies” be changed to strike out the words “who is objectionable and causes disfavor” and Paragraph 23 will read as follows: “The City through its representatives, agents, and employees, reserves the right to control all activities at the Pavilion and to eject any person(s) who violates the rules and regulations.” Councilmember Flachsbart and Councilmember Erickson both agreed to the change Mr. Heggie suggested and included same in their motion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

### **Planning/Public Works Committee**

Due to the absence of Chairperson Dan Hurt, at the last meeting of this Committee, President Pro Tem Geiger served as Acting-Chairperson of that meeting. With that in mind, he then reported that Bill No. 2691 [P.Z. 16-2008 – Long Road Dental Office (143 Long Road)] will be read for the first time under the “Legislation – Planning Commission” portion of the Agenda. He noted that a “green sheet” amendment had been proposed by the Planning/Public Works Committee.

President Pro Tem Geiger also announced that the next meeting of this Committee has been scheduled for Thursday, January 8, at 5:30 p.m.

### **Public Health and Safety Committee**

Councilmember Bob Nation, Chairperson of the Public Health and Safety Committee, reported that Bill No. 2668 (regulates/prohibits the keeping of non-domesticated animals in residential areas) will be considered for second reading adoption under the “Legislation” portion of the Agenda.

Councilmember Nation announced that the next meeting of this Committee has been scheduled for Monday, March 16, at 7:30 a.m.

## **REPORT OF THE CITY ADMINISTRATOR**

City Administrator Mike Herring reported that Staff is recommending approval of a contract for professional services needed to perform an engineering study regarding the upgrade of the emergency generator system at City Hall. 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 a contract to Bric Partnership, LLC,

in an amount not to exceed \$9,000. Mr. Herring stated that \$550,000 was included in the FY2009 Budget to cover the entire cost of this upgrade. Councilmember Flachsbart made a motion, seconded by Councilmember Fults, to award a contract to Bric Partnership, LLC, in the amount not-to-exceed \$9,000. Councilmember Flachsbart requested that Staff contact the manufacturer of the current generator to seek their input. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Staff is recommending approval of a contract for Professional Services for the design of Phase Two Central Park improvements. Based upon a review of the information provided by Director of Planning/Public Works Mike Geisel, Mr. Herring joined with him in recommending award of a contract to HDR Engineering, in an amount not to exceed \$760,000. Mr. Herring stated the total cost of this proposed contract will be funded via the recent parks bond issue, as approved by City Council, on December 11. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to HDR Engineering, in an amount not to exceed \$760,000. Councilmember Flachsbart requested that the following language be included in the motion to approve this contract: “We request that Staff, when meeting with the consultants regarding this contract award, tell them that City Council recognizes their firm’s expertise in environmental stewardship and in minimizing environmental impacts and looks forward to that expertise being utilized during the conduct of the contract.” 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 purchase of structural steel and roofing materials, to be used in the erection of salt spreader racks at the Public Works Facility. Mr. Herring stated that the actual construction of these racks will be performed by City crews. 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 a contract to Frederich Construction, in an amount not to exceed \$120,000. Mr. Herring also joined with Mr. McGownd in recommending that \$45,000 of unused funds, from the FY2008 Budget, be re-appropriated by City Council and combined with the \$75,000 contained in the FY2009 budget, to fund this entire project. Councilmember Flachsbart made a motion, seconded by Councilmember Fults, to award a contract to Frederich Construction, in an amount not to exceed \$120,000 and to approve the use of \$45,000 from the FY2008 Budget. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **LEGISLATION**

**BILL NO. 2668** AMENDS CHAPTER 5, SECTION 2 OF THE ORDINANCES OF THE CITY OF CHESTERFIELD, AS IT RELATES TO ANIMAL CONTROL, BY ADDING PROVISIONS THERETO (**SECOND READING - PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL, AS AMENDED**)

Councilmember Nation made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2668. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2668 was read for the second time.

Councilmember Fults made a motion, seconded by Councilmember Schenberg, to amend Bill No. 2668 to change the “exemption” from allowing residents who reside on a tract of land, at least “one (1) acre or more in size”, to allowing residents who reside on a tract of land, at least “two (2) acres or more in size”. Councilmember Nation stated he agreed with this amendment to increase the minimum acres to two acres. Councilmember Casey asked if other cities had similar exemptions in their ordinances. Mr. Herring responded most cities simply prohibited non-domesticated animals entirely. He noted that the “exemption” contained within Bill No. 2668 was a reflection of larger lot sizes, located primarily in Ward 4. Councilmember Erickson stated that the main issue is property values vs. individual rights. He noted that, while City Council, generally speaking, consistently recognizes and supports the need to maintain individual rights, in this instance the need to preserve and/or enhance property values is much more critical, especially during these challenging economic times. Councilmember Schenberg stated he is in favor of increasing the exemption from one acre to two acres and asked how the City will enforce this ordinance if it is passed. Mr. Herring responded that the City will mail the ordinance to subdivision trustees for awareness of this new law, and that a copy of this new ordinance would also be sent to residents who have complaints filed against them regarding this issue. Additionally, the City would rely upon neighbors and residents on the honor system. Mr. Herring stated that the City does not have a code enforcement division that specializes in animals and checks on residences for such violations. Councilmember Hurt stated that he is not concerned with chickens being kept but expressed concern about increasing the acreage from one-acre to more acres, because of how that change could affect residents who keep horses. Councilmember Fults stated that many subdivisions have one-acre lots and she does not feel this acreage is appropriate for keeping non-domesticated animals. She also commented that those residents, in Ward 4, who keep horses, have significantly more than two (2) acres. President Pro Tem Geiger expressed concern about making this acreage requirement change at the second reading of this bill, even though he is in favor of the two acre minimum requirement. Councilmember Nation stated he agrees with Mr. Geiger’s concern and asked Mr. Heggie if wording should be added to grandfather anyone who currently raises horses on less than two acres. President Pro Tem Geiger asked Mr. Heggie what the process would be if the City inadvertently “caught” someone in this ordinance. Mr. Heggie responded that, should any “problems” be reported to City Council, this legislation could always be amended, in the future, either at the Council level or as recommended by a Council Committee. A voice vote was taken on the motion to increase the minimum from one acre to two acres with an affirmative result (Councilmember Flachsbart voted “No”) and the motion was declared passed.

A roll call vote was taken for the passage and approval of Bill No. 2668, as amended, with the following results: Ayes – Erickson, Nation, Fults, Casey, Schenberg, Hurt and Geiger. Nays – Flachsbart. Whereupon President Pro Tem Bruce Geiger declared Bill No. 2668 approved, passed it and it became **ORDINANCE NO. 2509**.

**LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2691** REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 2278 TO ALLOW FOR AN AMENDMENT TO THE FLOOR AREA, BUILDING REQUIREMENTS AND SETBACK REQUIREMENTS, FOR A 0.5 ACRE TRACT OF LAND ZONED "PI", PLANNED INDUSTRIAL DISTRICT, LOCATED 0.1 MILES SOUTH OF THE INTERSECTION OF CHESTERFIELD AIRPORT ROAD AND LONG ROAD (P.Z. 16-2008, LONG ROAD DENTAL OFFICE (143 LONG ROAD)) (**FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS PROPOSED IN THE ATTACHED "GREEN SHEET"**)

President Pro Tem Geiger made a motion, seconded by Councilmember Schenberg, for the first reading of Bill No. 2691. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2691 was read for the first time.

President Pro Tem Geiger made a motion, seconded by Councilmember Hurt, to amend Bill No. 2691, pursuant to the attached "Green Sheet." A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**ADJOURNMENT**

President Pro Tem Bruce Geiger adjourned the meeting at 8:05 p.m.

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Mayor John Nations

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President Pro Tem Bruce Geiger  
Presiding Officer

**ATTEST:**

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Judith A. Naggiar, City Clerk