



## RECORD OF PROCEEDING

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

**JUNE 17, 2019**

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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

Mayor Bob Nation  
Councilmember Barbara McGuinness  
Councilmember Ben Keathley  
Councilmember Mary Ann Mastorakos  
Councilmember Michael Moore  
Councilmember Tom DeCampi  
Councilmember Michelle Ohley

#### ABSENT

Councilmember Dan Hurt

#### APPROVAL OF MINUTES

The minutes of the June 3, 2019 City Council meeting were submitted for approval. Councilmember Ohley made a motion, seconded by Councilmember Moore, to approve the June 3, 2019 City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **INTRODUCTORY REMARKS**

Mayor Nation announced that the next meeting of City Council is scheduled for Monday, July 15, at 7 p.m.

## **COMMUNICATIONS AND PETITIONS**

Ms. Wendy Geckeler, 26 Chesterfield Lakes, spoke in support of the City's efforts to control deer. She also spoke in support of the appointment of Mary Monachella to City Council.

Ms. Merrell Hansen, 1234 Walnut Hill Farm, as Planning Commission Chair, spoke in support of the appointment of Mary Monachella to City Council.

## **APPOINTMENTS**

Mayor Nation nominated Mary B. Monachella, 14164 Trailtop Drive, to fill the vacancy as Councilmember in Ward I, created by the passing of Councilmember Barry Flachsbarth. Councilmember McGuinness made a motion, seconded by Councilmember Moore, to approve this appointment. Councilmember Keathley requested, with Ms. Monachella's permission, that the letter from Attorney Jeffrey R. Schmitt be admitted into the record to provide further explanation on a lawsuit involving Ms. Monachella. After discussion involving committee assignments, it was determined that Ms. Monachella would fulfill the Committee assignments of Councilmember Barry Flachsbarth, and a roll call vote was taken with the following results: Ayes – Moore, Mastorakos and McGuinness. Nays – Keathley, Ohley and DeCampi. Mayor Nation voted "Aye" to break the tie and declared the motion passed.

## **SWEARING-IN CEREMONY**

Mayor Nation recognized the Honorable Rick Brunk, Municipal Judge. Judge Brunk then conducted the Swearing-In Ceremony for Councilmember Mary Monachella-Ward I.

## **ROLL CALL**

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

### **PRESENT**

Mayor Bob Nation  
Councilmember Mary Monachella  
Councilmember Barbara McGuinness  
Councilmember Ben Keathley  
Councilmember Mary Ann Mastorakos  
Councilmember Michael Moore  
Councilmember Tom DeCampi  
Councilmember Michelle Ohley

### **ABSENT**

Councilmember Dan Hurt

## **COUNCIL COMMITTEE REPORTS AND ASSOCIATED LEGISLATION**

Councilmember Mary Ann Mastorakos, Chairperson of the Planning/Public Works Committee, announced that the next meeting of this Committee is scheduled for Thursday, June 20, at 5:30 p.m.

### **Finance and Administration Committee**

Councilmember Michael Moore, Chairperson of the Finance and Administration Committee, indicated that he had no report this evening.

### **Parks, Recreation & Arts Committee**

Councilmember Tom DeCampi, Chairperson of the Parks, Recreation & Arts Committee, made a motion, by unanimous vote of the Committee, to authorize installation of the sculpture "Dashes" at City Hall. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

### **Public Health & Safety Committee**

Councilmember Barbara McGuinness indicated that there was no report.

## **REPORT FROM THE CITY ADMINISTRATOR**

City Administrator Mike Geisel indicated that he had no action items this evening.

## **OTHER LEGISLATION**

There was no other legislation scheduled for action.

## **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 7:29 p.m.



Bob Nation  
Mayor Bob Nation

ATTEST:

Vickie J. Hass  
Vickie J. Hass, City Clerk

APPROVED BY CITY COUNCIL: 7/15/2019



DANNA MCKITTRICK, P.C.  
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April 25, 2018

**VIA FIRST CLASS MAIL AND  
EMAIL ([iammonkeyhead@sbcglobal.net](mailto:iammonkeyhead@sbcglobal.net))**

Michael Horton  
14151 Ladue Rd.  
Chesterfield, MO 63017

RE: *Horton v. Monachella*, St. Louis County Case No. 18SL-SC00263  
File Name: Village of Green Trails/Horton, Michael  
Our File Number: 15647-0418e

Dear Mr. Horton:

The undersigned and this law firm represents The Board of Park Trustees of the Village of Green Trails, including Mary Monachella, the current board president. I am writing you on behalf of the board and Ms. Monachella with respect to the above referenced lawsuit you have filed against her. The purpose of this letter is to inform you as to the misinformation you have pleaded in the lawsuit and to request that the lawsuit be dismissed. The lawsuit is improper for the reasons as follows:

First, you have sued Ms. Monachella individually and not in her capacity as a member of the Board of Park Trustees. This is wholly inconsistent with the provisions of Section III, Paragraph 17 of the Indenture of the Restrictions of the Village of Green Trails (the "Indenture"), which provides that Park Trustees shall not be personally responsible for the acts complained of in your lawsuit. Of course, your designation of her as a defendant also overlooks the fact that the matters complained of in your petition were decisions made by the Board as a whole, and not any single board member. Yet you have not sued the Board or the entirety of its membership.

Second, your complaints lack substantive merit because the matters in question with respect to the areas of land erosion occurred on Village of Green Trails common lands, as opposed to the land of any specific residential owner. The area of erosion is located on a common ground lot adjacent to 14058 Boxford Ct. I have enclosed for you an overhead map of the area in question, with the erosion (and proposed work) site circled in red by the Village's contractor. I have also drawn the property line onto the map showing the relation to the adjacent parcel. The area of erosion in question is located on common ground and subject to the jurisdiction of the Park Trustees for maintenance and it is clear to the Park Trustees, and the experts they have consulted, that maintenance is required in order to prevent further erosion at the site. Further, if the Park Trustees do not take action to abate the erosion at the site, the lack of

Michael Horton  
April 25, 2018  
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maintenance to the common grounds threatens to cause encroachment of the erosion to the neighboring parcel.

In sum, your allegation that the contracted for work is for the benefit of a residential owner is not correct. The services to be performed will be completed at and around the current erosion site, as circled in red on the attached, and located on the common lot and nearest 14058 Boxford Ct. There is no planned work at 14058 Boxford Ct., nor on the creek wall adjacent to 14050 Boxford Ct.

The Park Trustees' conclusion, based on their consultation with knowledgeable third parties, with respect to the situs on the common ground, has also been supported by the Army Corps of Engineers, which has already issued permits to the Park Trustees for work on the common ground lot as proposed.

Finally, it is important to address your representation to other owners as contained in your email correspondence of April 9, 2018, in which you suggest that your lawsuit will only affect two lot owners, you and Ms. Monachella. This assertion is simply not correct, and in fact, the lawsuit is requiring not only time and energy expended by the Park Trustees as a whole, but also the Village's financial resources as are necessary to defend a Trustee from your allegations and legal action. Given that you contend your nominal request for relief in your petition somehow merits the conveyance of this matter to the courts, please be advised that the Village, and its owners as a result, are bearing the burden of defending an action that you have unilaterally and mistakenly determined was in your best interest. As a result, the Park Trustees intend to take all steps necessary to defend the action and seek reimbursement from you of the Village's legal fees incurred in defending this case. Please consider this impact in light of the present demand for a dismissal of the lawsuit.

Sincerely,



JEFFREY R. SCHMITT

JS:mah

cc: Board of Park Trustees

Doc: 1930349



Contractor drain

In the  
**CIRCUIT COURT**  
of St. Louis County, Missouri  
**SMALL CLAIMS COURT**



For File Stamp Only  
**FILED**

APR 27 2018

JOAN M. GILMER

CIRCUIT CLERK, ST. LOUIS COUNTY

MICHAEL HORTON  
Plaintiff(s)/Petitioner(s)

14151 LADUE RD.  
Address

CHESTERFIELD, MO 63017  
City/State/Zip

314 469 0036  
Telephone No.

04/27/2018  
Date

185L-SC00203  
Case Number

39  
Division

VS

MARY MONACHELLA  
Defendant(s)/Respondent(s)

14164 TRAMTOP DR.  
Address

CHESTERFIELD MO. 63017  
City/State/Zip

314 878 4119  
Telephone No.

Other Information

→ **DISMISSAL** ←

The (plaintiff) (defendant) dismisses the (claim) (counter-claim) against the (defendant) (plaintiff)  
(with) (without) prejudice at (plaintiff's) (defendant's) cost.

MICHAEL HORTON  
(PLAINTIFF) (DEFENDANT) SIGNATURE

27 APRIL 2018  
DATED





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**18SL-SC00263 - MICHAEL HORTON V MARY MONACHELLA (E-CASE)**

<b>Case Header</b>	<b>Parties &amp; Attorneys</b>	<b>Docket Entries</b>	<b>Charges, Judgments &amp; Sentences</b>	<b>Service Information</b>	<b>Filings Due</b>	<b>Scheduled Hearings &amp; Trials</b>	<b>Civil Judgments</b>	<b>Garnishments/ Execution</b>
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This information is provided as a service and is not considered an official court record.

**Judge/Commissioner Assigned:** DUNNE, ELLEN W.

**Date Filed:** 03/22/2018

**Location:** St Louis County

**Case Type:** AC Small Claims under \$100

**Disposition:** Dismissed by Parties

**Date of Disposition:** 04/27/2018

**Judge/Commissioner At Disposition:** DUNNE, ELLEN W.



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