RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
October 19, 2010

The City Council convened in Regular Session on Tuesday, October 19, 2010, at 7:30 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Michael Klinghammer, presiding, and the Members of the Council present as follows: Dave Beckering, Laurie Feldman, Bob Kneemiller, Larry Muench, Bridget Ohmes, Ron Stivison, and Richard Veit. Absent: Jerry Reese and Michael Weller. The Honorable Mayor Patricia M. York arrived during the Closed Session as reported in the record. City Clerk Marilyn K. McCoy was present and performed the duties of that office.
File #47279

A motion was made by BOB KNEEMILLER to excuse the absences of Councilmembers Jerry Reese and Michael Weller. RON STIVISON seconded the motion. All voted in favor, motion passed.

PUBLIC COMMENT RELATIVE TO CITY ISSUES

Council Bill 10324 Authorizing the Purchase of Real Property Located at 2138 First Capitol Drive

Tom Besselman, 550 Jackson, spoke in opposition to Council Bill 10324.

RESOLUTIONS

A Resolution Declaring One (1) 2003 Sreco Model EMSP-6-A Self-Propelled Sewer Easement Machine and Transport Trailer as Surplus Property *(Sponsor: Michael Klinghammer)*

Passed "Aye": Feldman, Klinghammer, Kneemiller, Muench, Ohmes, Stivison, Veit, and Beckering
"Nay": None
Absent: Reese and Weller

Approved by the Honorable Mayor on October 26, 2010, and is known as **Resolution R10-24**

A Resolution Declaring One (1) 2000 Ford F-550, 2 Wheel Drive Truck Assigned to the Water Division as Surplus Property and Authorizing Disposal by Trade-in With the Purchase of a Replacement Vehicle *(Sponsor: Michael Klinghammer)*

Passed "Aye": Klinghammer, Kneemiller, Muench, Ohmes, Stivison, Veit, Beckering, and Feldman
"Nay": None
Absent: Reese and Weller

Approved by the Honorable Mayor on October 26, 2010, and is known as **Resolution R10-23**

BILLS FOR FINAL PASSAGE

Bill 10294 (*Amended*)

An Ordinance Amending Chapters 54 and 73 of the Code of Ordinances of the City of St. Charles, Missouri by Amending Section 54.030 Pertaining to Obstructing Streets and Sidewalks and Section 73.17 Pertaining to Stopping, Standing and Parking Regulations *(Sponsor: Richard Veit)*

A motion was made by RICHARD VEIT to amend Council Bill 10294 to limit the implementation of the ordinance to only those driveways that are 22 feet in length or less. DAVE BECKERING seconded the motion. All voted in favor, motion passed.

Bill 10305 ***(Supplemental RCA)***
An Ordinance Amending Chapter 54 of the Code of Ordinances by Enacting a New Section to be Known as Section 54.017 and Amending Sections 54.060 and 54.065 Pertaining to the Processing and Acceptance of Private Streets as Provisional or Public Streets *(Sponsors: Jerry Reese, Michael Klinghammer, Ron Stivison, Larry Muench, and Bridget Ohmes)*

Passed "Aye": Kneemiller, Muench, Ohmes, Stivison, Veit, Beckering, Feldman, and Klinghammer
"Nay": None
Absent: Reese and Weller

Approved by the Honorable Mayor on October 26, 2010, and is known as **Ordinance 10-219**

Bill 10317
An Ordinance Authorizing the Mayor and City Clerk to Execute and File the Consolidated Plan Action Plan 2011 with the U.S. Department of Housing and Urban Development for a Community Development Block Grant (Fiscal Year 2011) *(Sponsors: Michael Klinghammer, Richard Veit and Larry Muench)*

Councilmember Laurie Feldman requested that her name be added as a sponsor to Council Bill 10317.

Passed "Aye": Kneemiller, Muench, Ohmes, Stivison, Veit, Beckering, Feldman, and Klinghammer
"Nay": None
Absent: Reese and Weller

Approved by the Honorable Mayor on October 26, 2010, and is known as **Ordinance 10-220**

Bill 10318 ***(Supplemental RCA)***
An Ordinance Authorizing the Submittal of Four (4) Grant Applications with East West Gateway Coordinating Council for the FY 2011-2012 Transportation Improvement Program for McClay and Hackmann Corridor; South Main Street South Reconstruction; Fifth Street Corridor Intersections South of I-70; and I-70 and Highway 94 Enhancements, and to Sign all Necessary Documents to Accept and Receive Said Grants *(Sponsors: Jerry Reese, Michael Klinghammer, Larry Muench, Bridget Ohmes, and Ron Stivison)*

Councilmember Laurie Feldman requested that her name be added as a sponsor to Council Bill 10318.

Passed "Aye": Kneemiller, Muench, Ohmes, Stivison, Veit, Beckering, Feldman, and Klinghammer
"Nay": None
Absent: Reese and Weller

Approved by the Honorable Mayor on October 26, 2010, and is known as **Ordinance 10-221**

Bill 10319
An Ordinance Authorizing a Contract with Magic USA, Inc. for the Installation of a Temporary Ice Rink in Frontier Park for Winter 2010-2011 in an Amount Not to Exceed $113,100.00 *(Sponsors: Ron Stivison and Larry Muench)*

Passed "Aye": Kneemiller, Muench, Ohmes, Stivison, Veit, Beckering, Feldman, and Klinghammer
"Nay": None
Absent: Reese and Weller

Approved by the Honorable Mayor on October 26, 2010, and is known as **Ordinance 10-222**

Bill 10320 (*Withdrawn*)
An Ordinance Amending Section 134.20 of the Code of Ordinances to Exempt Sparklers from the Prohibition of Discharging Fireworks *(Sponsors: Larry Muench and Richard Veit)*

Councilmembers Larry Muench and Richard Veit withdrew Council Bill 10320 from Council consideration.
File #47487

Bill 10321
An Ordinance Authorizing an Acceptance of Conveyance of a Quit Claim Deed for the Dedication of the Right of Way and Permanent Utility Easement to the City from Missouri Department of Transportation for the New Town Boulevard Reconstruction Project *(Sponsor: Michael Klinghammer)*

Passed "Aye": Kneemiller, Muench, Ohmes, Stivison, Veit, Beckering, Feldman, and Klinghammer
"Nay": None
Absent: Reese and Weller

Approved by the Honorable Mayor on October 26, 2010, and is known as **Ordinance 10-223**

Bill 10322
An Ordinance Approving the Record Plat for Resubdivision Plat of Lot 39B of Elm Point Industrial Park Plat 4, a Subdivision of the City of Saint Charles, Missouri. *(Sponsor: Michael Klinghammer)*

Passed "Aye": Kneemiller, Muench, Ohmes, Stivison, Veit, Beckering, Feldman, and Klinghammer
"Nay": None
Absent: Reese and Weller

Approved by the Honorable Mayor on October 26, 2010, and is known as **Ordinance 10-224**

Bill 10323
An Ordinance Authorizing Agreements with Social Service Agencies for Administering Programs Benefiting St. Charles Citizens Utilizing Community Development Block

Grant Funds for the Program Year January 1, 2010 – December 31, 2010. *(Sponsors: Michael Klinghammer, Richard Veit, and Larry Muench)*

Passed "Aye": Muench, Ohmes, Stivison, Veit, Beckering, Feldman, Klinghammer, and Kneemiller
"Nay": None
Absent: Weller and Reese

Approved by the Honorable Mayor on October 26, 2010, and is known as **Ordinance 10-225**

Bill 10324 ***(Held)***
An Ordinance Authorizing the Purchase of Real Property Located at 2138 First Capitol Drive for the not to Exceed Amount of $467,000, Inclusive of Closing Costs; Authorizing Acceptance of an Assignment of Lease Agreement; and Granting the Mayor and City Clerk Continuing Authority to Execute Documents Necessary to Carry out the Intent of this Ordinance *(Sponsor: Larry Muench)*

Council Bill 10324 was held by Sponsor Larry Muench.

BILLS FOR INTRODUCTION

The following Council Bills were introduced:

Bill 10326
An Ordinance Authorizing a Cooperative Agreement Between the Community College District of Jefferson County and the City of St. Charles to Provide Educational and Clinical Opportunities for EMS Students of the St. Charles Fire Department *(Sponsor: Michael Klinghammer)*

Councilmember Richard Veit requested that his name be added as a sponsor to Council Bill 10326.

Bill 10327
An Ordinance Amending Schedule II, Subsection (A) of Chapter 78 of the Code of Ordinances by Establishing Parking Restrictions Along a Portion of Compton Parkway in the Covington Subdivision *(Sponsor: Jerry Reese)*

Bill 10328
An Ordinance Approving the Record Plat for Lot Consolidation of Lots 3, 4 and 5 of Elm Terrace, a Subdivision of the City of Saint Charles, Missouri *(Sponsor: Bridget Ohmes)*

Bill 10329
An Ordinance Amending Section 51.40 to Establish an Additional $50 Deposit for Water Service Customer Reconnections and a Ten Percent Late Payment Fee *(Sponsor: Michael Klinghammer)*

Bill 10330
An Ordinance Amending Schedule II, Subsection (A) of Chapter 78 of the Code of Ordinances by Establishing Parking Restrictions Along a Portion of Harry S Truman Boulevard *(Sponsors: Jerry Reese, Michael Klinghammer, Larry Muench, Bridget Ohmes, and Ron Stivison)*

Bill 10331
An Ordinance Amending Schedule II, Subsection (A) of Chapter 78 of the Code of Ordinances by Establishing Parking Restrictions Along a Portion of Randolph Street *(Sponsors: Jerry Reese, Michael Klinghammer, Larry Muench, Bridget Ohmes, and Ron Stivison)*

Councilmember Dave Beckering requested that his name be added as a sponsor to Council Bill 10331.

Bill 10332
An Ordinance Ordering That Assessments Be Made Against Benefited Properties Situated Within the Streets of St. Charles at Noah's Ark Neighborhood Improvement District Based Upon Estimated Costs of Certain Phase Two-A Improvements Within the District; Ordering Preparation of a Phase Two-A Assessment Roll; and Calling for a Public Hearing and Providing Direction for the Giving of Notice Thereof; All Pursuant to the Neighborhood Improvement District Act *(Sponsors: Laurie Feldman and Bob Kneemiller)*

Bill 10333
An Ordinance Authorizing the Acceptance of 570 Lineal Feet of Precast Two Foot Tall by Four Foot Wide Concrete Box Culvert Located Between Elm Point Mobile Home Park and Elm Point Industrial Drive *(Sponsor: Michael Klinghammer)*

Bill 10334
An Ordinance Authorizing Acceptance of the Water Lines, Storm Water Drainage, Streets and Their Appurtenances in The New Town at St. Charles - Plat Four for Only that Portion of Said Plat Completed by Rowles Homes, Inc., and Authorizing Release of Security Related Thereto *(Sponsor: Michael Klinghammer)*

City Attorney Michael Valenti confirmed, upon an inquiry of Councilmember Dave Beckering, that the vacuum system in New Town was not included in the infrastructure accepted in Council Bill 10334.

Bill 10335
An Ordinance Authorizing Acceptance of Public Improvements (Streets and water) at Hollow Brook (Old Hwy 94) for Vantage Home Builders and Authorization for Full Release of Related Escrow Funds *(Sponsor: Michael Klinghammer)*

Bill 10336
An Ordinance to Enter into Amendment No. 5 with E.T. Archer (HDR-Archer) for Post-Bid Construction Related Services by $146,014.00 to a not-to-exceed Amount of $592,896.00 Which Amends the Total Contract Amount to $1,692,040.00 *(Sponsor: Michael Klinghammer)*

Bill 10337
An Ordinance Authorizing Supplemental Agreement No. 4 to the Engineering Services Contract with Donahue & Associates, Inc., for the Mississippi Wastewater Treatment Plant Improvements in an Amount of $5,000 for a Total Contract Amount Not to Exceed $1,281,780.50 *(Sponsor: Michael Klinghammer)*

CONSENT AGENDA
Councilmember Larry Muench removed *Item10.D.2. Report on South Main Street Reconstruction Project (Boone's Lick to Reservoir)* from the Consent Agenda. President of the Council Michael Klinghammer removed *Item 10.E.1. Contract with Coe Equipment, Inc for Purchase of One (1) Track-Driven Sewer Easement Machine and Transport Trailer in an Amount not to Exceed $49,999.00* from the Consent Agenda. A motion was made by DAVE BECKERING to approve the balance of the Consent Agenda. LARRY MUENCH seconded the motion. A roll call vote was taken, with the following results: "Aye": Muench, Ohmes, Stivison, Veit, Beckering, Feldman, Klinghammer, and Kneemiller "Nay": None. Absent: Reese and Weller. Motion passed.

A. Approval of Council Minutes
1. Regular City Council Meeting of October 5, 2010
2. Public Hearing of October 5, 2010

File #47488

B. Approval of Council Committee Reports
1. Approval of Council Committee Minutes
a. Joint Meeting with St. Charles School District, Orchard Farm School District, and Francis Howell School District of August 10, 2010

File #47489

b. Council Work Session of August 12, 2010

File #47292

c. Technology Committee Meeting of September 27, 2010

File #47304

d. Council Work Session of October 5, 2010

File #47292

2. Approval of Council Committee Motions/Actions/Recommendations

a. Joint Meeting with St. Charles School District, Orchard Farm School District, and Francis Howell School District of August 10, 2010 ***(None)***

b. Council Work Session of August 12, 2010 ***(None)***

c. Technology Committee Meeting of September 27, 2010

i. Motion that a Report on the Public Works Software to Date be Submitted at the Next Technology Committee Meeting, to Include the Following Information: 1) reason that Wynnsoft withdrew from the process; 2) thoughts/direction going forward; and 3) capabilities which we can leverage with New World System to obtain a solution as soon as possible.

ii. Motion to Recommend Approval of the Request to Purchase Six Cisco Catalyst 3750E Switches and Trade in Nine Cisco Catalyst Network Data Switches in an Amount not to Exceed $64,940.40

d. Council Work Session of October 5, 2010 ***(None)***

C. Receipt of Reports from Boards, Commissions or Committees

1. Economic Development Commission Meeting of May 6, 2010

a. Motion to Accept the Resignation of Edward Pundmann as Chairman of the EDC

b. Motion to Elect Geoff Orf as Chairman of the EDC

File #47336

2. Economic Development Commission Meeting of June 3, 2010

a. Motion to Elect Keith Schneider as Co-Chairman of the EDC

b. Motion to Cancel the July EDC Meeting

File #47336

3. Economic Development Commission Meeting of August 5, 2010

File #47336

4. Economic Development Commission Meeting of September 2, 2010

File #47336

5. Planning and Zoning Commission Meeting of August 23, 2010

File #47334

6. Human Relations Commission Meeting of September 2, 2010

File #47315

7. Convention Center Oversight Meeting of July 19, 2010

a. Motion to Award the roof Repair Bid to T. R. Clark Enterprises LLC in the Amount of $8700 Which Includes Acid-Etching the Roof Surfaces

File #47347

8. Convention Center Oversight Meeting of August 2, 2010

a. motion to Approve the Work on the Arbor as Proposed with Cost Taken out of Operating Budget

File #47347

9. Citizens with Disabilities Advisory Board Meeting of August 25, 2010

File #47325

D. Receipt of Reports of the Director of Administration

1. Authorization to Negotiate a Contract with George Butler Associates, Inc for the Hackmann and Kettering Sight Distance Repair Project

File #47490

2. Report on South Main Street Reconstruction Project (Boone's Lick to Reservoir)

REMOVED FROM THE CONSENT AGENDA

E. Approval of Contracts and Easements from $30,001 - $99,999

1. Contract with Coe Equipment, Inc for Purchase of One (1) Track-Driven Sewer Easement Machine and Transport Trailer in an Amount not to Exceed $49,999.00

REMOVED FROM THE CONSENT AGENDA

2. Amendment #2 with Save on Mail for Additional Services to Cover Postage Through December 31, 2010 in an Amount of $15,000.00 for a Total Contract Amount of $70,000.00

File #47491

3. Contract Renewal with SSM Executive Health to Provide the City of St. Charles Firefighters with Annual Physicals for the 2010 Calendar Year in an Amount of $40,100.00 for a Total Contract Amount of $47,700.00

File #47492

4. Contract with Ford Asphalt Company, Inc, for Asphalt Pavement Repairs for the Water Division in an Amount not to Exceed $75,000.00

File #47 493

5. Contract with Schulte Supply for One (1) Trailer Mounted Valve Exerciser and Vacuum Unit for the Water Division in an Amount not to Exceed $50,840.75

File #47494

6. Contract with Drake-Scruggs Equipment, Inc., for the Purchase of one (1) 2011 Ford F-550 4x2 Truck with Knapheide Steel Service Body and Aerial Platform Lift in an Amount not to Exceed $61,899.20

File #47495

7. Contract with Dave Sinclair Ford, for the Purchase on one (1) 2011 Ford F-350 Chassis Cab Truck with Knapheide Utility Bed for the Water Division Distribution Branch in an Amount not to Exceed $33,221.00

File #47496

F. Preliminary Plats
None

G. Miscellaneous
1. Receipt of the Proposed Annual Budget for 2011 as Submitted by the Board of Directors of the Elm & 370 Community Improvement District
File #47497
2. Report of the Court Administrator of Monies Collected and Deposited for the month of September 2010
File #47320
3. Receipt of September Investment Report
File#47321
4. Update on the Creekbank Stabilization Projects
File#47303

ITEMS REMOVED FROM THE CONSENT AGENDA

Item 10.D.2. Report on South Main Street Reconstruction Project (Boone's Lick to Reservoir)

Director of Public Works Debra Aylsworth responded to an inquiry of Councilmember Larry Muench that the Project will be delayed approximately two months due to the inability of the contractor to meet the Disadvantaged Business Enterprise (DBE) requirements as set forth by MoDot for this project.

A motion was made by LARRY MUENCH to approve Item 10.D.2 Report on South Main Street Reconstruction Project (Boone's Lick to Reservoir). DAVE BECKERING seconded the motion. A roll call vote was taken, with the following results: "Aye": Ohmes, Stivison, Veit, Beckering, Feldman, Klinghammer, Kneemiller, and Muench. "Nay": None. Absent: Reese and Weller. Motion passed.
File #47498

Item 10.E.1 Contract with Coe Equipment, Inc for Purchase of One (1) Track-Driven Sewer Easement Machine and Transport Trailer in an Amount not to Exceed $49,999.00

City Clerk Marilyn McCoy informed the Council that the Board of Public Works recommended that the contract with Coe Equipment be authorized without a trade-in which will amend the purchase price. President of the Council Michael Klinghammer withdrew *Item 10.E.1 Contract with Coe Equipment, Inc for Purchase of One (1) Track-Driven Sewer Easement Machine and Transport Trailer in an Amount not to Exceed $49,999.00* from Council consideration, stating that a revised contract will be presented at the November 2, 2010, Regular Council Meeting.
File #47499

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Update from Council Liaisons on Board/Commission/Committee (Announcement of Selection of City Clerk to Succeed Marilyn McCoy Upon Retirement)

President of the Council Michael Klinghammer announced that Deputy City Clerk Laura Whitehead has been selected as the City Clerk to succeed Marilyn McCoy. Deputy City Clerk Laura Whitehead thanked the Council for the opportunity to serve as the City Clerk of the City of St. Charles, Missouri.

Written and/or Verbal Messages from the Councilmembers

Rendezvous Ramble. Councilmember Larry Muench announced that South Main Preservation Society is sponsoring a Rendezvous Ramble to celebrate the 20th anniversary of the Katy Trail on October 24, 2010.

Lance Corporal Phillip D. Vinnedge. Councilmember Richard Veit requested that everyone keep the family of Lance Corporal Phillip D. Vinnedge in their thoughts and prayers.

TABLED BILLS/PUBLIC HEARINGS

Bill 10162
An Ordinance Amending Section 40.23 of the Code of Ordinances Requiring Competitive Bidding with Contract Extensions and Renewals *(Sponsor: Bob Kneemiller)* ***(Tabled on June 1, 2010)***

There was no action taken on Council Bill 10162.

Closed Session

A roll call vote was taken to reconvene into closed session relative to legal actions, causes of action, or litigation (RSMo 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); hiring, firing, disciplining or promoting of particular employees when information relating to the performance or merit of individual employees is discussed or recorded (RSMo 610.021.3); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12), with the following results: "Aye": Stivison, Veit, Beckering, Feldman, Klinghammer, Kneemiller, Muench, and Ohmes. "Nay": None. Absent: Reese and Weller. Motion passed.

The Open Portion of the Regular Council Meeting was adjourned at 8:10 p.m.

November 2, 2010
Date Approved

Marilyn K. McCoy
City Clerk

Michael Klinghammer
Michael Klinghammer, Presiding Officer