



RECORD OF PROCEEDING

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

JANUARY 20, 2010

The meeting was called to order at 7:03 p.m.

Mayor Nations led everyone in the Pledge of Allegiance and followed with a moment of silent prayer.

PRESENTATION

Mayor Nations recognized Mr. Harvey Rosenberg, who has been serving in a voluntary capacity as Special Assistant to Mayor Nations for Renewable Energy/Energy Alternatives. Mayor Nations presented a proclamation to Mr. Rosenberg in recognition of his many efforts on behalf of the City of Chesterfield, investigating and analyzing alternative energy options and opportunities. Mayor Nations thanked Mr. Rosenberg for his work that led to Staff's recommendation for the installation of a "solar-thermal" system at City Hall, which will be considered for approval, later during this meeting.

ROLL CALL

A roll call was taken with the following results:

PRESENT

Mayor John Nations
Councilmember Barry Flachsbart
Councilmember Matt Segal
Councilmember Bruce Geiger
Councilmember Lee Erickson
Councilmember Mike Casey
Councilmember Randy Logan
Councilmember Connie Fults

ABSENT

Councilmember Bob Nation

APPROVAL OF MINUTES

The minutes of the January 4, 2010, City Council meeting were submitted for approval. Councilmember Logan made a motion, seconded by Councilmember Segal, 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

Ms. Jessica Medford-Miller, Chief of Planning and System Development for Metro, provided an update on Metro Transit, including the “Moving Transit Forward” long-range transit plan. Mayor Nations reminded everyone in attendance that St. Louis County has put a ½ cent sales tax, for the purpose of funding public transportation, on the April 6 ballot. Mayor Nations stated that he has agreed to lead this campaign to pass this tax and that this issue is vitally important to the region and Chesterfield. Mayor Nations provided an overview of Metro’s current situation and future plans to promote economic growth. Mayor Nations commended Metro, for its efforts throughout the region, and thanked Ms. Medford-Miller for her presentation.

INTRODUCTORY REMARKS

Mayor Nations announced the names of the candidates who filed for the April 6 Municipal Election:

Councilmember – Ward I

Barry Flachsbart (incumbent)

Councilmember – Ward II

Bruce Geiger (incumbent)

Councilmember – Ward III

Mike Casey (incumbent)

Councilmember – Ward IV

Connie Fults (incumbent)

Mayor Nations congratulated Councilmembers Flachsbart, Geiger, Casey and Fults and stated they are running unopposed in this election. Mayor Nations stated it is a privilege for him to serve with them and looks forward to continuing to do so. City Administrator Herring reported that this is the first time in the history of the City that all four incumbent Councilmembers filed for re-election and finished the qualifying filing period with no opposition. Mayor Nations stated that when Councilmember Flachsbart is re-elected in April, it will be his tenth election to the City Council, which will tie him with former-Councilmember Dan Hurt, for the most elections to City Council.

Mayor Nations announced that the next meeting of City Council has been scheduled for Monday, February 1, at 7 p.m.

APPOINTMENTS

Mayor Nations nominated Mr. Daniel Semar for appointment as a member of the Landmarks Preservation Commission. Councilmember Casey made a motion, seconded by Councilmember Segal, to approve this appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Semar's three-year term will expire June 30, 2012.

Mayor Nations next nominated Mrs. Joan Schacht for appointment as an alternate member of the Landmarks Preservation Commission. Councilmember Casey made a motion, seconded by Councilmember Segal, to approve this appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mrs. Schacht's three-year term will expire January 4, 2013.

COUNCIL COMMITTEE REPORTS

Planning/Public Works Committee

Councilmember Connie Fults, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2766 [P.Z. 04-2009 – 13506 Olive Blvd. (Spirit Energy)] and Bill No. 2767 [P.Z. 13-2009, Spirit Town Center (Greenberg Development)] will be considered for adoption under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Fults next reported that Bill No. 2770 (Authorizes acceptance of funding for Edison Avenue project 2010) and Bill No. 2771 [Authorizes acceptance of funding for Appalachian Trail – Phase I project 2011/2012] will be considered for adoption under the "Legislation" portion of the Agenda.

Councilmember Fults made a motion, seconded jointly by Councilmembers Segal and Flachsbart, to approve Resolution No. 368 (Authorizes execution of a contract and funding for a "solar-thermal" project at City Hall). Councilmember Geiger stated, as he mentioned in the Agenda Review meeting, that he has some concerns about the budget but does not have concerns about this project. Councilmember Geiger stated he would like to delay the vote on Resolution No. 368, until after the February Finance and Administration Committee meeting, when Mr. Herring will present a new and detailed Five-Year Forecast. Councilmember Geiger made a motion, seconded by Councilmember Fults, to hold Resolution No. 368 until the March 1 City Council meeting. Mayor Nations stated that he feels this is a good proposal and should be approved; and urged the Council to vote against the motion to hold Resolution No. 368. Councilmember Erickson also urged the Council to vote against the motion to hold Resolution No. 368 and to take action today. Councilmember Casey stated he feels this is a good project; however, the firm he works for has a commercial relationship with the

manufacturer in China and he will abstain from voting on Resolution No. 368. A roll call vote was taken on the motion to hold Resolution No. 368, with the following results: Ayes – Geiger and Fults. Nays – Logan, Segal, Erickson and Flachsbart. Abstentions – Casey. Whereupon Mayor Nations declared the motion to hold Resolution No. 368 failed. A roll call vote was then taken for approval of Resolution No. 368 with the following results: Ayes – Logan, Erickson, Geiger, Flachsbart, Fults and Segal. Nays – None. Abstentions – Casey. Whereupon Mayor Nations declared Resolution No. 368 passed.

Councilmember Fults next reported that Bill No. 2772 [Authorizes execution of a "Municipal Cooperation Agreement" with MoDOT, regarding the Highway 141 project] and Bill No. 2773 [Authorizes execution of an "Enhancement Agreement" with MoDOT, regarding the Highway 141 project] are scheduled for both first and second reading approval, under the "Legislation" portion of the Agenda, due to time constraints imposed by MoDOT.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for Thursday, January 21, at 5:30 p.m.

REPORT FROM THE CITY ADMINISTRATOR

There were no items requiring discussion/recommendations from the City Administrator.

NEW BUSINESS

Mayor Nations recognized Councilmembers Casey and Logan, Ward 3. Councilmember Casey urged the other Councilmembers to support Councilmember Logan and himself, on the proposed construction of approximately 500 feet of sidewalk (from 1717 Claymont Estates Drive to Woods Bluff Drive). Councilmember Casey stated that the estimated cost for this sidewalk would be \$25,000; and if approved, the funding would come from the amount already appropriated within the Capital Improvement Sales Tax Fund, for capital street improvement projects. Councilmember Casey made a motion, seconded by Councilmember Logan, to approve the funding of \$25,000 from the Capital Improvement Sales Tax Fund for this sidewalk construction in Claymont Woods subdivision. Councilmember Flachsbart stated that he supports this project, but, as he commented during the Planning/Public Works Committee meeting, where this proposal was first discussed, he would prefer waiting until the City's financial position becomes clearer, later this year. Mayor Nations stated that he agrees with Councilmembers Casey and Logan and supports this project, which will improve the neighborhood. Councilmember Logan stated that it is commendable that Public Works Director/City Engineer Brian McGownd can complete this project on such a small budget, Councilmember Fults stated she supports this sidewalk project and commends the Ward 3 Councilmembers for doing the legwork, working with the residents and Trustees and bringing this project forward. A roll call vote was taken for the approval of this motion with the following results: Ayes – Fults, Erickson, Logan, Casey, Segal, Geiger and Flachsbart. Nays – None. Whereupon Mayor Nations declared the motion passed.

LEGISLATION

BILL NO. 2770 AUTHORIZES THE CITY ADMINISTRATOR TO EXECUTE A SURFACE TRANSPORTATION PROGRAM AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION REGARDING THE MAINTENANCE TO EDISON AVENUE FROM BAXTER ROAD TO LONG ROAD **(SECOND READING – PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2770. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2770 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2770 with the following results: Ayes – Erickson, Casey, Flachsbart, Fults, Geiger, Segal and Logan. Nays – None. Whereupon Mayor Nations declared Bill No. 2770 approved, passed it and it became **ORDINANCE NO. 2588**.

BILL NO. 2771 AUTHORIZES THE CITY ADMINISTRATOR TO EXECUTE A SURFACE TRANSPORTATION PROGRAM AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION REGARDING THE IMPROVEMENTS TO APPALACHIAN TRAIL FROM OLIVE BOULEVARD TO BEAVER CREEK DRIVE. **(SECOND READING – PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2771. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2771 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2771 with the following results: Ayes – Logan, Fults, Casey, Flachsbart, Segal, Erickson and Geiger. Nays – None. Whereupon Mayor Nations declared Bill No. 2771 approved, passed it and it became **ORDINANCE NO. 2589**.

BILL NO. 2772 AUTHORIZES THE MAYOR OF THE CITY OF CHESTERFIELD, MISSOURI TO EXECUTE A MUNICIPAL COOPERATION AGREEMENT PROVIDING FOR AESTHETIC ENHANCEMENTS AND THE MAINTENANCE THEREOF IN CONJUNCTION WITH THE CONSTRUCTION OF ROUTE 141 WITHIN THE CITY OF CHESTERFIELD **(FIRST AND SECOND READINGS – PLANNING AND PUBLIC WORKS COMMITTEE)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2772. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2772 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2772. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2772 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2772 with the following results: Ayes – Casey, Fults, Segal, Logan, Geiger, Flachsbart and Erickson. Nays – None. Whereupon Mayor Nations declared Bill No. 2772 approved, passed it and it became **ORDINANCE NO. 2590.**

BILL NO. 2773 AUTHORIZES THE MAYOR OF THE CITY OF CHESTERFIELD, MISSOURI TO EXECUTE AN ENHANCEMENT AGREEMENT PROVIDING FOR AESTHETIC ENHANCEMENTS AND THE MAINTENANCE THEREOF IN CONJUNCTION WITH THE CONSTRUCTION OF ROUTE 141 WITHIN THE CITY OF CHESTERFIELD (**FIRST AND SECOND READINGS – PLANNING AND PUBLIC WORKS COMMITTEE**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2773. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2773 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2773. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2773 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2773 with the following results: Ayes – Erickson, Geiger, Fults, Casey, Flachsbart, Logan and Segal. Nays – None. Whereupon Mayor Nations declared Bill No. 2773 approved, passed it and it became **ORDINANCE NO. 2591.**

LEGISLATION – PLANNING COMMISSION

BILL NO. 2766 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “C-2” SHOPPING DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 0.31 ACRE TRACT OF LAND LOCATED IN THE SOUTHWEST CORNER OF OLIVE BOULEVARD AND WOODS MILL ROAD (P.Z. 04-2009 13506 OLIVE BLVD. {SPIRIT ENERGY, LLC}) (**SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, AS AMENDED**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2766. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2766 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2766 with the following results: Ayes – Erickson, Casey, Logan, Segal, Fults, Flachsbart and Geiger. Nays – None. Whereupon Mayor Nations declared Bill No. 2766 approved, passed it and it became **ORDINANCE NO. 2592.**

BILL NO. 2767 REPEALS CITY OF CHESTERFIELD ORDINANCE 2330 AND REPLACING IT WITH A NEW ORDINANCE TO ALLOW FOR CHANGES TO THE FLOOR AREA, BUILDING REQUIREMENTS AND SETBACKS FOR A 7.8 ACRE TRACT OF LAND ZONED “PC” PLANNED COMMERCIAL DISTRICT LOCATED ON CHESTERFIELD AIRPORT ROAD ON THE SOUTHWEST CORNER OF ITS INTERSECTION WITH GODDARD AVENUE [P.Z. 13-2009 SPIRIT TOWN CENTER (GREENBERG DEVELOPMENT)] (**SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2767. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2767 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2767 with the following results: Ayes – Casey, Erickson, Logan, Segal, Geiger and Fults. Nays – Flachsbart. Whereupon Mayor Nations declared Bill No. 2767 approved, passed it and it became **ORDINANCE NO. 2593.**

ADJOURNMENT

Mayor Nations adjourned the meeting at 7:50 p.m.

Mayor John Nations

ATTEST:

Judith A. Naggiar, City Clerk

