



## RECORD OF PROCEEDING

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

**JANUARY 21, 2009**

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The meeting was called to order at 7:04 p.m.

Boy Scout Troop #631 from St. Mark's Presbyterian led everyone in the Pledge of Allegiance. Mayor Nations followed with a moment of silent prayer. Mayor Nations recognized and thanked: Jackson Fleming, Jacob Goldblum, Zeke Sabbert, Will Neary, Patrick Holman, Matthew Fulton, Ryan McChesney, Michael Myles and Michael Stafford for their participation in this opening ceremony. Also in attendance were Troop Leaders Diane Schreiber and David Dixon. Mayor Nations presented a Proclamation to Boy Scout Troop #631, commemorating their participation.

A roll call was taken with the following results:

PRESENT

Mayor John Nations  
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

None

## **APPROVAL OF MINUTES**

The minutes of the January 5, 2009, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Schenberg, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **INTRODUCTORY REMARKS**

Mayor Nations expressed his appreciation to President Pro Tem Bruce Geiger for presiding over the January 5 City Council meeting, which the Mayor was unable to attend.

Mayor Nations announced the names of the candidates who filed for the April 7, 2009 Municipal Election, in the order with which they had filed for office:

### **Mayor**

John Nations (incumbent)  
Gary Bader (withdrew 1/23/09)

### **Councilmember – Ward I**

Gene Schenberg (incumbent)  
Gary Stein  
Matt Segal

### **Councilmember – Ward II**

Lee Erickson (incumbent)  
Derek Grier

### **Councilmember – Ward III**

Daniel McGuire  
Randy Logan

### **Councilmember – Ward IV**

Bob Nation (incumbent)  
Steven Goldstein

Mayor Nations recognized Gary Stein and Randy Logan in attendance at tonight's meeting.

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

## **COMMUNICATIONS AND PETITIONS**

Ms. Marci Davis, who resides at 73 River Valley Drive, requested that Council reconsider Bill No. 2668/Ordinance No. 2509 (regulates/prohibits the keeping of non-domesticated animals in residential areas). She noted that, just prior to adopting this legislation, City Council amended same, to allow for an exemption to the provisions of this ordinance, for those living on lots that are two (2) acres or more in size. The exemption previously applied to those living on lots of one (1) acre or more in size. She asked that the one (1) acre minimum lot size be re-established. Ms. Davis gave City Clerk Judy Naggiar a handout entitled "City of Clayton" to distribute to the Mayor, Councilmembers, City Attorney and City Administrator.

Councilmember Hurt inquired as to the expected life of a chicken. Ms. Davis responded that seven years was the average life of a chicken, but chickens could live up to 14 years.

Mr. Jim Brattain, who resides at 298 Ridge Trail Drive, requested that Council reconsider Bill No. 2668/Ordinance No. 2509 (regulates/prohibits the keeping of non-domesticated animals in residential areas) to decrease the exemption from two acres to one acre.

Ms. Kathy Goldner, who resides at 123 Ridge Crest Drive, requested that Council reconsider Bill No. 2668/Ordinance No. 2509 (regulates/prohibits the keeping of non-domesticated animals in residential areas) to decrease the exemption from two acres to one acre. Councilmember Flachsbart stated that Ms. Goldner is a subdivision trustee and is active on several committees in the City and expressed his appreciation for her involvement. Councilmember Flachsbart asked Ms. Goldner to clarify if it is a correct statement that she feels that the residents are okay with keeping chickens and that she also feels that keeping chickens does not lower property values. Ms. Goldner responded that she feels that the residents do not think keeping chickens will lower property values.

Ms. Diane Slemmer, who resides at 112 Ridge Crest Drive, requested that Council reconsider Bill No. 2668/Ordinance No. 2509 (regulates/prohibits the keeping of non-domesticated animals in residential areas), at the very least, to lower the exemption, from two (2) acres to one (1) acre. However, she would prefer that such animals be allowed and that Chesterfield incorporate the same regulation that the City of Clayton has.

Mr. Mike McCarty, who resides at 73 River Valley Drive, requested that Council reconsider Bill No. 2668/Ordinance No. 2509 (regulates/prohibits the keeping of non-domesticated animals in residential areas) to decrease the exemption from two acres to one acre or incorporate the same regulation that the City of Clayton has.

Ms. Jaye Hague, who resides at 85 River Bend Drive, requested that Council reconsider Bill No. 2668/Ordinance No. 2509 (regulates/prohibits the keeping of non-domesticated animals in residential areas) to decrease the exemption from two acres to one acre.

Ms. Dawn Baggett, who resides at 258 Heather Crest, requested that Council reconsider Bill No. 2668/Ordinance No. 2509 (regulates/prohibits the keeping of non-domesticated animals in residential areas) to decrease the exemption from two acres to one acre.

Councilmember Hurt asked City Attorney Heggie if Council could amend Ordinance No. 2509 to include the options that anything that existed as of the date that the ordinance was passed could be “one acre or more” but that anything new had to be “two acres or more”? Mayor Nations stated that the only thing that the Council can do tonight is to vote whether or not to reconsider Ordinance No. 2509 and then it would be put on the next City Council agenda. This will all be discussed further under “New Business”.

Mayor Nations next provided an explanation of how business is conducted at a City Council meeting to the Scouts from Troop #631 from St. Mark's Presbyterian.

## **COUNCIL COMMITTEE REPORTS**

### **Finance and Administration Committee**

Councilmember Lee Erickson, Chairperson of the Finance and Administration Committee, announced that the next meeting of this Committee has been scheduled for Monday, January 26, at 5:30 p.m.

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

Councilmember Dan Hurt, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2691 [P.Z. 16-2008 - Long Road Dental Office (143 Long Road)] will be considered for second reading and adoption under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Hurt next reported that Bill No. 2692 [Boundary Adjustment Plat - Meadowbrook Farm (Lots 149 and 150)] is scheduled for both first and second reading approval, under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for Thursday, January 22, at 5:30 p.m.

## **REPORT OF THE CITY ADMINISTRATOR**

City Administrator Mike Herring reported that a liquor license request has been received from Tribeca Restaurant & Bar, located at 120 Chesterfield Valley Drive, to sell liquor by the drink and Sunday sales. Councilmember Casey made a motion, seconded by Councilmember Schenberg, to approve issuance of the liquor license to Tribeca Restaurant & Bar. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Staff has been working with the Monarch Chesterfield Levee District to construct a reservoir and drainage system, in the far west end of the Chesterfield Valley. Public Works Director/City Engineer Brian McGownd explained that in order to complete construction of the drainage system, it is necessary to relocate a portion of an existing oil pipeline, owned by Elbridge Energy Company. In response to Staff's recommendations, City Council approved setting-aside funding for this project, several years ago, via the TIF Special Projects Fund and the entire cost of this relocation, \$1,100,000, is covered by those funds. Mr. Herring stated that Staff is recommending reimbursing Elbridge Energy Company for this work, in an amount not to exceed \$1,100,000, with the entire amount paid for via the TIF Special Projects Fund. Councilmember Flachsbart made a motion, seconded by Councilmember Schenberg, to reimburse Elbridge Energy Company for this work, in an amount not to exceed \$1,100,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Staff is recommending award of a contract to Engineering Design Source, Incorporated (EDSI) for professional design services regarding PHASE TWO projects planned for the Chesterfield Valley Athletic Complex (CVAC). 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 EDSI, in an amount not to exceed \$510,000, for work associated with approximately \$8.9 million of planned construction. Mr. Herring stated that the entire \$510,000 will be paid from the sale of bonds, issued by the City and previously approved by City Council. Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to award a contract to EDSI, in an amount not to exceed \$510,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mayor Nations stated that EDSI has done a great job at CVAC and that EDSI has won awards for their design work at CVAC.

## **NEW BUSINESS**

Councilmember Hurt made a motion, seconded by Councilmember Schenberg, to reconsider Bill No. 2668/Ordinance No. 2509 at the February 2, 2009 City Council meeting. Councilmember Casey stated for clarification that Ordinance No. 2509 will be reconsidered at the February 2 City Council meeting and voted on and asked if an amendment can be offered at that meeting. Mayor Nations responded that an amendment could be offered and City Council can take any appropriate action at that meeting. A voice vote was taken with an affirmative result (Councilmember Fults and Councilmember Erickson voted "No") and the motion was declared passed. Bill No. 2668/Ordinance No. 2509 will be placed on the February 2, 2009 City Council meeting AGENDA.

Mayor Nations next noted that Councilmember Dan Hurt, after serving 20 years on City Council, has decided not to seek re-election, in April, from Ward III. Mayor Nations expressed his appreciation to Councilmember Hurt for his service to City Council and the people of Chesterfield. Councilmember Casey, Ward III, expressed his appreciation to

Councilmember Hurt for his 20 years of service to the City and the residents of Ward III and stated that Councilmember Hurt has “set a standard that will be hard to live up to.” Councilmember Casey stated that Councilmember Hurt deserves a round of applause from those in attendance and a “standing ovation” followed. Councilmember Hurt expressed his appreciation to the people who served with him during the past 20 years and thanked Councilmember Casey for his work and comments.

## **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)) (**SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, AS AMENDED**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second 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 second time. A roll call vote was taken for the passage and approval of Bill No. 2691 with the following results: Ayes – Nation, Schenberg, Geiger, Erickson, Casey, Hurt, Flachsbart and Fults. Nays – None. Whereupon Mayor Nations declared Bill No. 2691 approved, passed it and it became **ORDINANCE NO. 2510**.

**BILL NO. 2692** APPROVES A BOUNDARY ADJUSTMENT PLAT FOR A TRACT OF LAND BEING LOT 150 OF MEADOWBROOK FARM PLAT 8, P.B. 169, PG. 80 AND LOT 149 OF MEADOWBROOK FARM PLAT 7, P.B. 165, PG. 14, IN U.S. SURVEY 1890, TOWNSHIP 45 NORTH, RANGE 4 EAST, CITY OF CHESTERFIELD, SAINT LOUIS COUNTY, MISSOURI (**FIRST AND SECOND READING - DEPARTMENT OF PLANNING/PUBLIC WORKS RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2692. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2692 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2692. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2692 was read for the second time. Councilmember Fults asked if a builder proposed this legislation and Mayor Nations

responded that there was a problem with a boundary line in Meadowbrook Subdivision and this change was requested by a homeowner. A roll call vote was taken for the passage and approval of Bill No. 2692 with the following results: Ayes – Nation, Erickson, Schenberg, Geiger, Fults, Hurt, Flachsbart and Casey. Nays – None. Whereupon Mayor Nations declared Bill No. 2692 approved, passed it and it became **ORDINANCE NO. 2511.**

### **OTHER**

Councilmember Schenberg stated that he and Councilmember Flachsbart had a Ward I Subdivision Trustee meeting last week and thanked Chief Ray Johnson, Public Works Director/City Engineer Brian McGownd, and Staff for their participation at that meeting. Mayor Nations asked Mr. Herring to share these comments with both individuals.

Councilmember Geiger announced that Senator Kit Bond chose Rajiv Tarigopula, a student at Parkway West High School and Chesterfield resident, as one of 30 students nationwide to attend classes at the Senate Page School in Washington D.C. and requested that Mayor Nations invite Rajiv to attend a City Council meeting, to honor him for this achievement. Mayor Nations stated that City Council has recognized Rajiv several times as a finalist in the National Spelling Bee and that he would invite Rajiv to attend a City Council meeting and be recognized for his latest achievement.

Mayor Nations invited everyone in attendance who is interested in Bill No. 2668/Ordinance No. 2509 to attend the Agenda Review meeting prior to the City Council meeting on February 2. Councilmember Hurt encouraged everyone to attend these meetings to observe both sides of the debate and requested that speakers be limited to people who don't repeat themselves so new ideas can be expeditiously considered.

### **ADJOURNMENT**

Mayor Nations adjourned the meeting at 8:00 p.m.

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Mayor John Nations

**ATTEST:**

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Judith A. Naggjar, City Clerk