



## RECORD OF PROCEEDING

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

**JANUARY 23, 2008**

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

Den 3, Wolf Pack 371 from St. Clare of Assisi School led everyone in the Pledge of Allegiance. Mayor Nations followed with a moment of silent prayer. Mayor Nations recognized and thanked: Tommy Sommers, Tyler Fike, Liam Doyle, Josh Steffens, Buddy Roach and Alex Smith for their participation in this opening ceremony. Also in attendance were Troop Leaders Susan Fike and Kathy Sommers. Mayor Nations presented a Proclamation to Den 3, Wolf Pack 371, commemorating their participation.

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

A roll call was taken with the following results:

PRESENT

Mayor John Nations  
Councilmember Barry Flachsbart  
Councilmember Jane Durrell  
Councilmember Bruce Geiger  
Councilmember Lee Erickson  
Councilmember Dan Hurt  
Councilmember Mike Casey  
Councilmember Bob Nation  
Councilmember Connie Fults

ABSENT

None

## **INTRODUCTORY REMARKS**

Mayor Nations announced that the next meeting of City Council has been scheduled for Monday, February 4, at 7 p.m.

Mayor Nations next mentioned that candidate filing for the April 8, 2008 Municipal Election ended at 5 p.m. on Tuesday, January 22 and announced the names of the candidates who filed for the position of Councilmember, listed below in the order that each filed for office:

### **Ward I**

Barry Flachsbart (incumbent)

### **Ward II**

Bruce Geiger (incumbent)

Laurie Bennett

Lynn O'Connor

### **Ward III**

Mike Casey (incumbent)

Jon Harris

[Mayor Nations recognized Mr. Harris, who was in attendance.]

### **Ward IV**

Connie Fults (incumbent)

Natalie Bocis

[Mayor Nations recognized Ms. Bocis, who was in attendance.]

## **APPROVAL OF MINUTES**

The minutes of the January 7, 2008, City Council meeting were submitted for approval. Councilmember Erickson made a motion, seconded by Councilmember Nation, 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**

John King, attorney for the petitioner, stated that he met with the Planning Commission regarding six questions that were asked regarding Bill No. 2599 (P.Z. 41-2007, Chesterfield Blue Valley) and that he, Dean Wolfe, petitioner, and Julie Nolfo of CBB, were available to answer questions. He noted that he had responded to numerous questions from Councilmembers and Staff and requested approval of Bill No. 2599, at tonight's meeting.

## **COUNCIL COMMITTEE REPORTS**

### **Parks and Recreation Committee**

Councilmember Mike Casey, Chairperson of the Parks and Recreation Committee, reminded those in attendance that “Artfeast”, Chesterfield Arts’ most important fund-raising event, will take place on Saturday, January 26, at the Kemp Auto Museum.

Councilmember Casey reported that his Committee met on January 14 and is recommending approval of the following items:

Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to approve the amended definitions for application of departmental fees which further define what constitutes a resident, family, adult, child and senior. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to approve the changes to rates/rules/regulations at the CVAC which would be adjusted to include a rule that states “A City representative(s) at its discretion shall be allowed to attend and speak to the Board of Directors and a managers/coaches meeting prior to the start of the season.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Casey made a motion, seconded by Councilmember Erickson, to approve the establishment of two new fee categories at the Family Aquatic Center which would include an “Individual Season Pass” and an “Individual Mid-Season Pass” but would keep the 2007 fee schedule in place for 2008, with no additional changes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to approve the amended rules/regulations at Family Aquatic Center to ensure that the City stays in compliance with pool codes and safety standards. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to approve the extension of the current contract with Lifeguards Unlimited at the Family Aquatic Center, at no increase in cost, above the 2007 rate. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Casey noted that the next meeting of this Committee had not yet been scheduled.

## **Planning and Public Works Committee**

Councilmember Connie Fults, Chairperson of the Planning and Public Works Committee, reported that Bill No. 2599 (P.Z. 41-2007, Chesterfield Blue Valley) will be considered for adoption under the “Legislation – Planning Commission” portion of the Agenda and that there are several suggestions which will be presented.

Councilmember Fults next reported that Bill No. 2606 (P.Z. 43-2007, Chesterfield Industrial Park, Lot 8), Bill No. 2607 (Amends snow routes re: Forest Crest Drive and Greentrails Drive North), Bill No. 2608/Bill No. 2609 (Accepts Edison Avenue, RHL, Chesterfield Commons Drive and Chesterfield Commons East Drive as public streets), and Bill No. 2610 (Standardizes surety and bond requirements related to development) will be read for the first time under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Fults next reported that Bill No. 2611 (Approves record plat for Fox Hill Farms) and Bill No. 2612 (Approves boundary adjustment - St. Louis Chinese Christian Church) are scheduled for first and second reading approval, under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for Thursday, January 24, at 5:30 p.m.

## **REPORT OF THE CITY ADMINISTRATOR**

City Administrator Mike Herring reported that bids were recently sought for the purchase of a one-ton truck, with snow plow and salt spreader. This is a scheduled replacement and the vehicle being replaced will be sold, at auction, later this year. Based upon review of the information provided to him by Public Works Director/City Engineer Brian McGownd, Mr. Herring joined with Mr. McGownd in recommending award of a contract to Lou Fusz Chevrolet, for \$47,796.28. Mr. Herring noted that adequate funds exist within the FY2008 Budget, to cover this entire expense. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to Lou Fusz Chevrolet, at a total purchase price of \$47,796.28. 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 a truck, with a gross vehicle weight (GVW) of 19,500 pounds, and a matching snow plow and salt spreader. This is a scheduled replacement and the vehicle being replaced will be sold, at auction, later this year. Based upon review of the information provided to him by Public Works Director/City Engineer Brian McGownd, Mr. Herring joined with Mr. McGownd in recommending award of a contract to F&C Truck Sales, for \$58,693. Mr. Herring noted that adequate funds exist within the FY2008 Budget, to cover this entire expense. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to F&C Truck Sales, at a total purchase price of \$58,693. 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 three (3), 2.5 ton trucks, with snow plows and salt spreaders. This is a scheduled replacement and the vehicles being replaced will be sold, at auction, later this year. Based upon review of the information provided to him by Public Works Director/City Engineer Brian McGownd, Mr. Herring joined with Mr. McGownd in recommending award of a contract to F&C Truck Sales, for \$289,677. Adequate funds exist within the FY2008 Budget, to cover this entire expense. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to F&C Truck Sales, at a total purchase price of \$289,677. 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 one (1), 1.5 ton truck, with matching snow plow and salt spreader for the Parks and Recreation Department. Based upon review of the information provided to him by Darren Dunkle, Acting-Director of Parks and Recreation, Mr. Herring joined with Mr. Dunkle in recommending award of a contract to F&C Truck Sales, for \$58,693. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to F&C Truck Sales, at a total purchase price of \$58,693. 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 installation of fencing and the creation of additional concrete deck area, at the Family Aquatic Center. Based upon review of the information provided to him by Darren Dunkle, Acting-Director of Parks and Recreation, Mr. Herring joined with Mr. Dunkle in recommending award of a contract to Southern Ditching and Excavating Co, in an amount not to exceed \$30,000. Mr. Herring noted that the FY2008 Budget contains \$35,000 for this purpose. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to Southern Ditching and Excavating Co, in an amount not to exceed \$30,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **NEW BUSINESS**

Councilmember Geiger, Chairperson of the Finance & Administration Committee, announced that the next meeting of this Committee has been scheduled for Monday, February 4, at 5:00 p.m., just prior to the AGENDA REVIEW meeting, to discuss refinancing some existing debt. Councilmember Casey requested that City Administrator Herring send a reminder memo about this meeting.

## **LEGISLATION**

**BILL NO. 2601** AMENDS ORDINANCE NO. 2201 ESTABLISHING A GENERAL PENALTY FOR THE VIOLATION OF CITY OF CHESTERFIELD ORDINANCES BY INCREASING THE

**POTENTIAL FINE FOR VIOLATION THEREOF (SECOND  
READING; CITY ATTORNEY RECOMMENDS APPROVAL)**

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2601. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2601 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2601 with the following results: Ayes – Hurt, Nation, Fults, Flachsbart, Geiger, Durrell, Casey and Erickson. Nays – None. Whereupon Mayor Nations declared Bill No. 2601 approved, passed it and it became **ORDINANCE NO. 2423.**

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, to suspend the rules to address Bill No. 2611. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO. 2611** PROVIDES FOR THE APPROVAL OF A RECORD PLAT FOR FOX HILL FARMS, FOR A 39.301 ACRE TRACT OF LAND ZONED “E-1/2AC” ESTATE DISTRICT (ONE-HALF ACRE), LOCATED ON GRIFFITH LANE, SOUTH OF THE TERMINUS OF EAGLE BLUFF COURT, APPROXIMATELY 1,500 LINEAR FEET FROM WILD HORSE CREEK ROAD (18U32-0015, 19U64-0028, & 19U64-0017) **(FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2611. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2611 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2611. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2611 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2611 with the following results: Ayes – Geiger, Casey, Hurt, Flachsbart, Durrell, Nation, Fults and Erickson. Nays – None. Whereupon Mayor Nations declared Bill No. 2611 approved, passed it and it became **ORDINANCE NO. 2424.**

**BILL NO. 2607** AMENDS ORDINANCE NUMBER 35, AS EMBODIED IN CHAPTER 300, SCHEDULE XVI OF THE CITY CODE, BY ADDING SECTIONS OF FOREST CREST DRIVE AND GREENTRAILS DRIVE NORTH AS SNOW ROUTES **(FIRST READING – DEPARTMENT OF PLANNING/PUBLIC WORKS RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Geiger, for the first reading of Bill No. 2607. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2607 was read for the first time.

**BILL NO. 2608** PERTAINS TO THE ACCEPTANCE OF EDISON AVENUE BETWEEN LONG ROAD AND BAXTER ROAD IN THE CITY OF CHESTERFIELD (**FIRST READING – DEPARTMENT OF PLANNING/PUBLIC WORKS RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Geiger, for the first reading of Bill No. 2608. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2608 was read for the first time.

**BILL NO. 2609** PERTAINS TO THE ACCEPTANCE OF PUBLIC STREETS WITHIN CHESTERFIELD COMMONS AND CHESTERFIELD COMMONS EAST SUBDIVISIONS IN THE CITY OF CHESTERFIELD (**FIRST READING – DEPARTMENT OF PLANNING/PUBLIC WORKS RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2609. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2609 was read for the first time.

**BILL NO. 2610** AMENDS CERTAIN SECTIONS OF THE CITY CODE TO STANDARDIZE SURETY AND BOND REQUIREMENTS RELATED TO DEVELOPMENT (**FIRST READING – DEPARTMENT OF PLANNING/PUBLIC WORKS RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2610. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2610 was read for the first time

### **LEGISLATION - PLANNING COMMISSION**

**BILL NO. 2599** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY ADDING TO THE “PC” PLANNED COMMERCIAL DISTRICT A 75.063-ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF OLIVE STREET ROAD WEST OF ITS INTERSECTION WITH CHESTERFIELD AIRPORT ROAD (P.Z. 41-2007 CHESTERFIELD BLUE VALLEY, LLC) (**SECOND READING; PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, AS AMENDED**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2599. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2599 was read for the second time.

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to amend Bill No. 2599 pursuant to the separate sheets with highlighted changes that were distributed, during the AGENDA REVIEW meeting. Councilmember Fults made a motion, seconded by Councilmember Durrell, to amend the proposed amendment to delete Paragraph No. 7 on Page 8 on the sheets distributed this evening. Councilmember Fults stated that she feels there is a redundancy and that under the Access Management Plan, Staff has been given enough authority for proper management and further feels there is a problem with the word “discouraged” and how that could be interpreted in the future. A roll call vote was taken for the passage and approval of the motion to amend Bill No. 2599 with the following results: Ayes – Nation, Durrell, Fults, Hurt, Geiger, Casey and Erickson. Nays – Flachsbart. Mayor Nations declared the motion to amend Bill No. 2599 passed. City Attorney Heggie suggested that City Council consider an amendment to the amendment on Page 10 of 22, Item 11, to add “as directed by the Director of Planning and Public Works” which would address any issues about where the road had to be constructed. Councilmember Fults made a motion, seconded by Councilmember Casey, to further amend pursuant to City Attorney Heggie’s comments to change Paragraph 11 on Page 10 to state, “Provide all necessary rights of way and easements and construct a multi-lane internal boulevard as directed by the Director of Planning and Public Works.” Councilmember Hurt expressed concern that the City has not seen the State’s and County’s comments about this and feels this is a regional growth issue that needs to be addressed. Councilmember Casey stated that the language proposed by the City Attorney is standard in “Attachment A’s” where issues will be addressed by the “Director of Planning and Public Works” and feels this is an appropriate motion to consider. Mayor Nations stated he agrees with Councilmember Casey’s statement and stated that MoDOT does not expect to change their comments and their only concern is if the traffic would back up on the interstate. Mayor Nations stated his concern to the Council about “hamstringing” the City too much on a very important project. A roll call vote was taken for the passage and approval of the motion to amend Paragraph 11, on Page 10 of 22, with the following results: Ayes – Geiger, Casey, Fults, Nation, Durrell and Erickson. Nays – Flachsbart and Hurt. Mayor Nations declared the motion to further amend passed.

A roll call vote was taken for the passage and approval of the motion to amend the Attachment A, as amended, with the following results: Ayes – Durrell, Erickson, Geiger, Hurt, Casey, Flachsbart, Nation and Fults. Nays – None. Mayor Nations declared the motion to amend the Attachment A, as amended, passed.

Councilmember Fults stated that even though this project had an unfavorable vote from the Planning Commission, she stated she felt this was a good project, all issues have been addressed, and the project is an asset to the City and is a great development. Councilmember Fults encouraged a favorable vote on this project. Councilmember Durrell thanked Staff and all the people who attended the various meetings and further

stated that all of the concerns of the Planning Commission have been addressed and resolved. Councilmember Hurt thanked Mr. Wolfe, Mr. King, Ms. Nofol, Mr. Stock and Director of Planning and Public Works Mike Geisel for their efforts on this project. Mayor Nations expressed his appreciation to the Staff for all of the work that was done on this project. Councilmember Casey expressed his appreciation for the model that was developed for the Blue Valley project.

A roll call vote was taken for the passage and approval of Bill No. 2599, as amended, with the following results: Ayes – Fults, Erickson, Nation, Durrell, Casey, Geiger and Hurt. Nays – Flachsbart. Whereupon Mayor Nations declared Bill No. 2599, as amended, approved, passed it and it became **ORDINANCE NO. 2425**.

**BILL NO. 2606** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “M-3” PLANNED INDUSTRIAL DISTRICT TO A “PI” PLANNED INDUSTRIAL DISTRICT FOR A 1.283 ACRE TRACT OF LAND LOCATED AT THE SOUTHEAST CORNER OF CHESTERFIELD INDUSTRIAL BOULEVARD AND EDISON AVENUE (P.Z. 43-2007 CHESTERFIELD INDUSTRIAL PARK LOT 8 {MR. & MRS. FREDERICK MARTEN}) (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2606. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2606 was read for the first time.

**BILL NO. 2612** APPROVES A BOUNDARY ADJUSTMENT TRACT FOR A TRACT OF LAND ON THE NORTHWEST PART OF LOT 2 OF “SUBDIVISION IN PARTITION OF THE KINKEAD ESTATE”, AND A TRACT OF LAND CONVEYED TO J.C. LINDER AND WIFE BY DEED RECORDED IN BOOK 2478 PAGE 525, AND BEING PART OF LOT 3 OF KINKEAD ESTATES, U.S. SURVEY 367, TOWNSHIP 45 NORTH, RANGE 5 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI (**FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2612. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2612 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2612. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2612 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2612 with the following

results: Ayes – Casey, Geiger, Hurt, Erickson, Flachsbart, Fults, Durrell and Nation.  
Nays – None. Whereupon Mayor Nations declared Bill No. 2612 approved, passed it and  
it became **ORDINANCE NO. 2426**.

Councilmember Fults commended Mayor Nations for the excellent speech he presented  
January 20 at the First Baptist Church of Chesterfield’s Unity Dinner.

**ADJOURNMENT**

Mayor Nations adjourned the meeting at 7:46 p.m.

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Mayor John Nations

**ATTEST:**

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Judith A. Naggiar, City Clerk