



## RECORD OF PROCEEDING

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

**March 3, 2008**

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

Scout Troop #505, Den 9, from Incarnate Word led everyone in the Pledge of Allegiance. Mayor Nations recognized and thanked: Michael Ellinger, Ryan Ellinger, Sean Glaze, Jack Wagner, Drew Mitchell, Jacob Cichelero, Nolan Geis, Tommy Kressig, John Kallial, Spencer Hritz and Brandon Kelly for their participation in this opening ceremony. Also in attendance was Troop Leader Julia Kressig. Mayor Nations presented a Proclamation to Scout Troop #505, commemorating their participation.

Mayor Nations followed with a moment of silent prayer.

#### **INTRODUCTORY REMARKS**

Mayor Nations presented Terry Wunderlich with a proclamation which highlighted some of her many accomplishments: Terry has been a member of the Chesterfield Historical Commission for 18 years and has served as a member of the 1994 Historic District Task Force which was the first step in getting “Old Chesterfield” on the National Register of Historic Places; Terry led the restoration work on the Conway Cemetery; Terry served as a docent at Faust Park; Terry is active in the Reachout program of Ascension Church and is an active member of the Mary Hempstead Lisa Chapter of the Daughters of the American Revolution. Mayor Nations next presented a Certificate of Appreciation to Terry Wunderlich for serving on the Chesterfield Historical Commission. Mayor Nations, on behalf of the City Council and the residents of Chesterfield, expressed his appreciation for all that Terry did for the City and the community.

Councilmember Durrell stated that Terry Wunderlich is the “personification of volunteerism” and provided an overview of additional contributions Terry has made to the City and community and further acknowledged the contributions made by Terry’s husband, Bill Wunderlich.

## **ROLL CALL**

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

## **APPROVAL OF MINUTES**

The minutes of the February 20, 2008, City Council meeting were submitted for approval. Councilmember Erickson made a motion, seconded by Councilmember Geiger, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **ADDITIONAL INTRODUCTORY REMARKS**

Mayor Nations announced that the City Council meeting scheduled for Monday, March 17, has been re-scheduled for Wednesday, March 19, at 7 p.m.

## **COMMUNICATIONS AND PETITIONS**

Mike Doster, attorney for the petitioner, supported Bill No. 2625 (P.Z. 38-2007, Edison Crossing (162 Long Road) and Bill No. 2626 (P.Z. 45-2007, Downtown Chesterfield (Chesterfield Village, Inc.). Mr. Doster stated that suggested language regarding the hours of operation contained in Bill No. 2625 would be worked on before the March 19 City Council meeting. Mr. Doster stated that they are agreeable to delete item “f” but want to retain items “i” and “p” on the “Permitted Uses” on Bill No. 2625. Mr. Doster addressed Councilmember Erickson’s concern discussed in the Agenda Review meeting regarding Bill No. 2626 about the purchasers and homeowners being aware of the Downtown Chesterfield development. Mr. Doster stated that Kathy Higgins of Sachs Properties stated there is a provision in the contract between Sachs and Hayden that requires notification of the density of the “Downtown” development.

Marion Saxon, who resides at 15838 Country Ridge, and is a member of the Chesterfield Swim and Dive Team parent committee, spoke in support of the recommendation to reduce the fees for the Swim and Dive Team.

Dean Wolfe, petitioner, stated he was available to answer questions on Bill No. 2617 (P.Z. 49-2007, Chesterfield Blue Valley, LLC).

## **COUNCIL COMMITTEE REPORTS**

### **Parks and Recreation Committee**

Councilmember Mike Casey, Chairperson of the Parks and Recreation Committee, reported that Bill No. 2622 (Adopts/approves various changes/additions to the “Parks Rules and Regulations”) will be considered for adoption under the “Legislation” portion of the Agenda.

Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to approve the recommendation from the Committee re: fees paid by Swim/Dive Team at the Family Aquatic Center. Councilmember Hurt commended Acting-Director of Parks and Recreation Darren Dunkle for providing the requested breakdown of fees and encouraged parents to continue participation in these programs. Councilmember Flachsbart stated that he feels that the fees are competitively priced with other City fees and that these fees cover the direct cost. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

### **Planning and Public Works Committee**

Councilmember Connie Fults, Chairperson of the Planning and Public Works Committee, reported that Bill No. 2616 (P.Z. 48-2007, Clocktower Plaza), Bill No. 2617 (P.Z. 49-2007, Chesterfield Blue Valley, LLC), and Bill No. 2620 (Grading Ordinance Amendment (Natural Watercourse Protection) will be considered for adoption under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Fults made a motion, seconded by Councilmember Casey, to approve the recommendation re: federal funding opportunity - Edison Avenue. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults made a motion, seconded by Councilmember Casey, to approve the recommendation re: federal funding opportunity - "Safe Routes to School." A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults next reported that Bill No. 2628 (Accepts Old Chesterfield Road as a public street), Bill No. 2625 (P.Z. 38-2007, Edison Crossing (162 Long Road), and Bill No. 2626 (P.Z. 45-2007, Downtown Chesterfield (Chesterfield Village, Inc.) will be read for the first time under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Fults next reported that Bill No. 2627 (Approves a minor subdivision plat - River Crossings) is scheduled for both first and second reading approval, under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Fults announced that the March 6 Committee meeting has been cancelled.

## **REPORT OF THE CITY ADMINISTRATOR**

City Administrator Mike Herring reported that bids were recently sought for sealcoating and asphalt repairs to parking lots at City Hall, Central Park, Dierbergs Meditation Park and at the Chesterfield Valley Athletic Complex. Based upon a review of the information provided to him by Brian McGownd, Public Works Director/City Engineer, Mr. Herring joined with him in recommending award of a contract to E. Meier Contracting Inc., in an amount not to exceed \$80,000. Councilmember Geiger made a motion, seconded by Councilmember Flachsbart, to award a contract to E. Meier Contracting Inc., in an amount not to exceed \$80,000. 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 aerial photography services of the City. Based upon a review of the information provided to him by Brian McGownd, Public Works Director/City Engineer, Mr. Herring joined with him in recommending award of a contract to Sanborn, Inc., in an amount not to exceed \$49,000, for aerial photographic services. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to Sanborn, Inc., in an amount not to exceed \$49,000, for aerial photographic services. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that proposals were recently sought for the provision of construction inspection services for various street, sidewalk, parks and TIF projects. Based upon the information and recommendation provided to him by Brian McGownd, Public Works Director/City Engineer, and Darren Dunkle, Acting-Director of Parks and Recreation, Mr. Herring joined with them in recommending that City Council authorize Staff to secure these services from the following three firms: SCI Engineering, Shively Geotechnical, and Terracon and that Staff be authorized to expend up to the budgeted amount of \$200,000. Mr. Herring further recommended that Staff be authorized to employ the services of Geotechnology, Midwest Engineering, PSI and Shannon & Wilson, if the above-noted firms are not able to perform, under the terms/conditions of this contract. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to secure these services from SCI Engineering, Shively Geotechnical and Terracon and that Staff be authorized to expend up to the budgeted amount of \$200,000. A voice vote was taken with an affirmative result (7-0-1 - Councilmember Fults abstained) and the motion was declared passed.

Mr. Herring next reported that Staff is recommending that the City reimburse Sachs Properties in an amount not to exceed \$125,000 for "grading and storm sewer work" necessary for the continued development of Central Park, including the construction of Park Road, which will link Lydia Hill with Burkhardt Place. Based upon the information provided to him by Mike Geisel, Director of Planning and Public Works, and Darren

Dunkle, Acting-Director of Parks and Recreation, Mr. Herring joined with them in recommending that the City reimburse Sachs Properties, in an amount not to exceed \$125,000, funded by bond proceeds, allocated to cover the remaining work, in Central Park. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to reimburse Sachs Properties, in an amount not to exceed \$125,000, funded by bond proceeds, for the completion of Phase One work, within Central Park. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Flachsbart commended Staff on their successful negotiations with Sachs Properties and Councilmember Erickson stated that he felt the City had reached a “milestone” on this project.

## **LEGISLATION**

**BILL NO. 2620** AMENDS ORDINANCES 1973, 1998 AND 2231 AS EMBODIED IN CHAPTER 12, GRADING, EROSION AND SEDIMENT CONTROL, OF THE CITY CODE BY ADDING REQUIREMENTS RELATIVE TO NATURAL WATERCOURSE PROTECTION. **(SECOND READING – PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2620. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2620 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2620 with the following results: Ayes – Flachsbart, Hurt, Nation, Durrell, Casey, Erickson, Fults and Geiger. Nays – None. Whereupon Mayor Nations declared Bill No. 2620 approved, passed it and it became **ORDINANCE NO. 2440**.

**BILL NO. 2622** AMENDS CITY OF CHESTERFIELD ORDINANCE NO. 2102 BY DELETING THE CURRENT RULES AND REGULATIONS AND ADOPTING THE ATTACHED PARKS RULES AND REGULATIONS **(SECOND READING - PARKS AND RECREATION COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Casey made a motion, seconded by Councilmember Flachsbart, for a second reading of Bill No. 2622. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2622 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2622 with the following results: Ayes – Flachsbart, Durrell, Fults, Casey, Erickson, Geiger, Nation and Hurt. Nays – None. Whereupon Mayor Nations declared Bill No. 2622 approved, passed it and it became **ORDINANCE NO. 2441**.

**BILL NO. 2628** PERTAINS TO THE ACCEPTANCE OF OLD CHESTERFIELD ROAD, BETWEEN BAXTER ROAD AND WILD HORSE CREEK ROAD, IN THE CITY OF CHESTERFIELD **(FIRST**

**READING; PLANNING/PUBLIC WORKS COMMITTEE  
RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 2628. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2628 was read for the first time.

**LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2616** REPEALS THE CITY OF CHESTERFIELD ORDINANCE 2247 AND REPLACING IT WITH AN ORDINANCE ALLOWING FOR THE ADDITION OF RECREATIONAL USES AND ESTABLISHMENT OF HOURS OF OPERATION FOR SAID USE FOR A "PC" PLANNED COMMERCIAL DISTRICT FOR A 2.61 ACRE TRACT OF LAND LOCATED ON CHESTERFIELD COMMONS EAST, EAST OF ITS INTERSECTION OF EDISON AVENUE (P.Z. 48-2007 CLOCKTOWER PLAZA) **(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. 2616. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2616 was read for the second time.

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, to amend Bill No. 2616, to delete “c” on Page 3, of the Attachment “A” which results in old item “d” becoming new item “c”. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A roll call vote was taken for the passage and approval of Bill No. 2616, as amended, with the following results: Ayes – Casey, Flachsbart, Durrell, Erickson, Nation, Geiger, Hurt and Fults. Nays – None. Whereupon Mayor Nations declared Bill No. 2616 approved, passed it and it became **ORDINANCE NO. 2442.**

**BILL NO. 2617** REPEALS THE CITY OF CHESTERFIELD ORDINANCE NUMBERS 2236 AND 2425 TO ALLOW FOR CONSOLIDATING TWO (2) “PC” PLANNED COMMERCIAL DISTRICTS TOTALING 130.9 ACRES LOCATED ON THE NORTH SIDE OF OLIVE STREET ROAD, WEST OF ITS INTERSECTION WITH CHESTERFIELD AIRPORT ROAD. [(17W540078, 16W230053 PART OF, 17W520025, 17W530123, 16W210022 PART OF, 16W210033 PART OF, 16W230042 PART OF)/P.Z. 49-2007 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. 2617. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2617 was read for the second time. Councilmember Fults thanked the petitioner and their entire team for their work and cooperation on this project and also thanked the members of the Planning and Zoning Committee. A roll call vote was taken for the passage and approval of Bill No. 2617 with the following results: Ayes – Erickson, Durrell, Casey, Hurt, Nation, Fults and Geiger. Nays – Flachsbart. Whereupon Mayor Nations declared Bill No. 2617 approved, passed it and it became **ORDINANCE NO. 2443**.

**BILL NO. 2625** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “NU” NON-URBAN DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR AN 11.4 ACRE TRACT OF LAND LOCATED IN THE SOUTHEAST CORNER OF LONG ROAD AND EDISON AVENUE (P.Z. 38-2007 EDISON CROSSING {ED HOLTHAUS REALTY}) (**FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED, AS DETAILED IN THE ATTACHED "GREEN SHEET"**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2625. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2625 was read for the first time.

Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to amend Bill No. 2625 to delete “f” from Item “I. Specific Criteria”, Section “A”, “Permitted Uses” on Page 1 of the Attachment “A”. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO. 2626** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “R-8” PEU RESIDENCE DISTRICT WITH A PLANNED ENVIRONMENTAL UNIT PROCEDURE, “R-5” RESIDENCE DISTRICT, “FPR-5” RESIDENCE DISTRICT, “R-6A” PEU RESIDENCE DISTRICT WITH A PLANNED ENVIRONMENTAL UNIT PROCEDURE, “C-8” PLANNED COMMERCIAL DISTRICT, “NU” NON-URBAN DISTRICT AND “M-3” PLANNED INDUSTRIAL DISTRICT TO “PC & R” PLANNED COMMERCIAL & RESIDENTIAL DISTRICT FOR A 98.10 ACRE TRACT OF LAND LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF U.S.

HIGHWAY 40/I-64 AND CHESTERFIELD PARKWAY WEST  
(P.Z. 45-2007 DOWNTOWN CHESTERFIELD –  
CHESTERFIELD VILLAGE INC.) **(FIRST READING;  
PLANNING COMMISSION RECOMMENDS APPROVAL;  
PLANNING AND PUBLIC WORKS COMMITTEE  
RECOMMENDS APPROVAL, BUT ONLY IF AMENDED, AS  
DETAILED IN THE ATTACHED "GREEN SHEET")**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2626. A voice vote was taken with an affirmative result (7-0-1 - Councilmember Nation abstained) and the motion was declared passed. Bill No. 2626 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, to amend Bill No. 2626 pursuant to the “Green Sheet” to accept “Section I. Specific Criteria, A. Permitted Uses, page 2 Parking Uses.” A voice vote was taken with an affirmative result (7-0-1 - Councilmember Nation abstained) and the motion was declared passed.

**BILL NO. 2627** PROVIDES FOR THE APPROVAL OF THE MINOR  
SUBDIVISION PLAT FOR RIVER CROSSINGS  
DEVELOPMENT LOTS 6, 7, AND 8, A 5.412 ACRE TRACT OF  
LAND, ZONED “PC” PLANNED COMMERCIAL DISTRICT,  
LOCATED NORTH OF ARNAGE DRIVE AND EAST OF LONG  
ROAD. **(FIRST AND SECOND READINGS; PLANNING AND  
DEVELOPMENT SERVICES DEPARTMENT  
RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2627. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2627 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2627. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2627 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2627 with the following results: Ayes – Hurt, Flachsbart, Fults, Erickson, Nation, Geiger, Durrell and Casey. Nays – None. Whereupon Mayor Nations declared Bill No. 2627 approved, passed it and it became **ORDINANCE NO. 2444.**

**ADJOURNMENT**

Mayor Nations adjourned the meeting at 7:52 p.m.

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Mayor John Nations

**ATTEST:**

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Judith A. Naggiar, City Clerk