



## RECORD OF PROCEEDING

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

**April 23, 2008**

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

Girl Scout Troop #2924 from Ascension School led everyone in the Pledge of Allegiance: Megan Davis, Bridget Feltz, Rina Fernan, Lydia Frank, Erin Gerth, Kaitlyn Ley, Alec Morand, Jaclyn Nischbach, Julie Owen, Ellen Rasche and Maggie Wilsdorf. Also in attendance were Troop Leaders Teresa Morand and Susan Ley. Mayor Nations followed with a moment of silent prayer. Mayor Nations presented a proclamation to Girl Scout Troop #2924 commemorating their participation.

Mayor Nations congratulated and presented a proclamation to each Girl Scout from Troop #2924 in recognition of receiving the Marian Award, which is the highest honor for Girl Scouting in the St. Louis region: Megan Davis, Bridget Feltz, Rina Fernan, Lydia Frank, Erin Gerth, Kaitlyn Ley, Alec Morand, Jaclyn Nischbach, Julie Owen, Ellen Rasche and Maggie Wilsdorf. Mayor Nations thanked the parents of these Girl Scouts and the Girl Scout Troop Leaders for this tremendous achievement.

A roll call was taken with the following results:

PRESENT

Mayor John Nations  
Councilmember Barry Flachsbarth  
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 March 19, 2008, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Erickson, 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 recognized one of the original members of City Council, Jade Bute, who recently and suddenly passed away, as “one of the pillars of the community.” Mayor Nations stated that Former Councilmember Bute’s “commitment to the City ran strong.” Mayor Nations stated that Jade Bute continued her involvement with the City after leaving the Council and was a recipient of the Chesterfield “Citizen of the Year” Award. Mayor Nations announced that a memorial service in honor of Former Councilmember Jade Bute will be held at City Hall on May 18, 2008. Mayor Nations observed a moment of silence in memory of Former Councilmember Jade Bute.

Mayor Nations extended congratulations to Councilmember Barry Flachsbart-Ward I, Councilmember Bruce Geiger-Ward II, Councilmember Mike Casey-Ward III and Councilmember Connie Fults-Ward IV on their re-election to City Council.

## **SWEARING-IN CEREMONY**

The Honorable Richard K. Brunk, Jr., Municipal Judge, presided over the Swearing-In Ceremony. Sworn in were Councilmember Barry Flachsbart – Ward I, Councilmember Bruce Geiger – Ward II, Councilmember Mike Casey – Ward III and Councilmember Connie Fults – Ward IV.

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

Mayor Nations temporarily adjourned the meeting for those in attendance to attend the reception for the newly reelected Councilmembers.

The meeting was reconvened at 7:44 p.m.

## **COMMUNICATIONS AND PETITIONS**

Bill Remis, representing the petitioner, stated that he will review the proposed amendment on Bill No. 2631 (Rezoning) and Bill No. 2632 (PEU) (P.Z. 44 and 44A – 2007, Woods Mill Park Apartments) with his client and respond before the next Council meeting. Mr. Remis stated he was available to answer any questions.

Mayor Nations recognized Darcy Capstick and Ken Denson, Co-Chairpersons – Citizens Committee for the Environment, who updated City Council regarding Committee activities planned for April, including the “Tree, Earth and Arbor Day” events, planned for April 26 and provided information about these events to the Mayor and Councilmembers. Darcy Capstick presented the National Wildlife Federation “Certification of Exceptional Merit” for the Dierbergs Meditation Park to Mayor Nations. Ken Denson announced that the City has received its eleventh “Tree City USA” certification. Mayor Nations commended the Citizens Committee for the Environment for their efforts in the community.

Mayor Nations recognized Councilmember Erickson who stated that he enjoyed serving in the capacity as Council Liaison to the Citizens Committee for the Environment during this past year. Councilmember Erickson stated that the municipal officials “are the stewards of the land here in Chesterfield” and recommended that the City formalize a plan for the environment. Councilmember Erickson stated that he would introduce a five-part plan in the Parks & Recreation Committee that would include an annual plan, citizen engagement and ideas for that plan, recommend assigning City Staff to oversee the plan, that the plan would be measureable in multiple ways, and the City would have agreed upon goals as the City consider plans and a way to formalize the activity that occurs in the Citizens Committee for the Environment.

Mayor Nations recognized Councilmember Durrell who asked about the location of the nearest site and hours of operation for collection of hazardous waste. Ms. Capstick responded that the nearest collection site to the City of Chesterfield is at Westminster Academy in Town & Country on May 5 from 8:00 a.m. until 3:00 p.m. Councilmember Flachsbart suggested that a link to the hazardous waste collection sites be linked to the Citizens Committee for the Environment link on the City’s public web site.

## **APPOINTMENTS**

Mayor Nations nominated Ms. Betty Schubert, for appointment as a member of the Landmarks Preservation Commission, to fill an unexpired term. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to approve this appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Ms. Schubert’s term will expire June 30, 2009.

Mayor Nations next nominated Ms. Su Ghosh, for appointment as an alternate member of the Landmarks Preservation Commission. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to approve this appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Ms. Ghosh's three-year term will expire June 30, 2011.

Mayor Nations next nominated Bob and Doris DeFer for re-appointment as a member of the Landmarks Preservation Commission. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to approve these re-appointments. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bob and Doris DeFer's three-year terms will expire June 30, 2011.

Mayor Nations next nominated Lauren Strutman for re-appointment as a member of the Landmarks Preservation Commission. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to approve this re-appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Ms. Strutman's three-year terms will expire June 30, 2011.

## **COUNCIL COMMITTEE REPORTS**

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

Councilmember Connie Fults, Chairperson of the Planning and Public Works Committee, reported that Bill No. 2631 (Rezoning) and Bill No. 2632 (PEU - P.Z. 44 and 44A -2007, Woods Mill Park Apartments) will be read for the first time under the "Legislation – Planning Commission" portion of the Agenda and that Councilmember Durrell will offer amendments.

Councilmember Fults next made a motion, seconded by Councilmember Geiger, to hold Bill No. 2633 (P.Z. 47-2007, Conway Pointe Office Building), at the request of the petitioner, until the next City Council meeting on May 5. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults next reported that Bill No. 2634 (P.Z. 03-2008, Chesterfield Valley Nursery), and Bill No. 2635 (P.Z. 06-2008, Spirit Valley Business Park) will be read for the first time under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Fults next reported that Bill No. 2636 (Approves record plat for Elbridge Payne Office Park) and Bill No. 2637 (Approves boundary adjustment plat for Wilson Creek) are scheduled for both 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 April 24 at 5:30 p.m.

## **REPORT OF THE CITY ADMINISTRATOR**

City Administrator Mike Herring reported that The Cheese Course, which will operate in clients' homes, is requesting a liquor license to sell liquor in the original package, and Surf Dogs, 137 Chesterfield Towne Center, is requesting a liquor license to sell liquor by-the-drink and Sunday sales. Both applications have been reviewed and recommended for approval by the Departments of Planning/Public Works and Police. Councilmember Casey made a motion, seconded by Councilmember Fults, to approve both liquor licenses. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart asked if issuing a liquor license for someone going to clients' homes would cause a problem by getting too close to schools. City Attorney Rob Heggie responded that he would review the City's Code and issue a recommendation to City Administrator Herring to either consider or reconsider the liquor license issued to The Cheese Course.

Mr. Herring next reported that bids were recently sought for the Clayton Road Sidewalk Project to construct a continuous sidewalk, on the north side of Clayton Road, from Baxter Road to Parkway West High School. 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 Gershenson Construction Company, in an amount not to exceed of \$80,000. The FY2008 Budget contains \$122,500 for this project. Councilmember Flachsbart made a motion, seconded by Councilmember Hurt, to award a contract to Gershenson Construction Company, 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 proposals were recently sought for a preventative maintenance agreement regarding the HVAC system, at City Hall, the Public Works Maintenance facility and the future Parks Maintenance facility. 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 Herbig Mechanical, Inc., for the remainder of 2008 and all of calendar years 2009 and 2010, at annual costs of \$11,040, \$15,440 and \$16,140, respectively. Mr. Herring reported that this first year's expense is fully-funded within the FY2008 Budget. Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to award a contract to Herbig Mechanical, Inc., for the remainder of 2008 and all of calendar years 2009 and 2010, at annual costs of \$11,040, \$15,440 and \$16,140, respectively. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Staff is recommending approval of a "change order" to the existing contract with EDSI, totaling \$101,696, resulting from a significant expansion of services provided by this company. Based upon a review of the information provided to him by Darren Dunkle, Director of Parks and Recreation, and Mike Geisel, Director of Planning/Public Works, Mr. Herring joined with them in recommending approval of this

change order. Mr. Herring noted that this contract is funded entirely by bond proceeds, resulting from the passage of Proposition "P", in November, 2004. Councilmember Flachsbart made a motion, seconded by Councilmember Fults, to approve the change order to the existing contract with EDSI. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Flachsbart extended compliments to Staff on making a good arrangement with EDSI for consulting services.

### **CITY COUNCIL COMMITTEE ASSIGNMENTS (APRIL, 2008 – APRIL, 2009)**

President Pro Tem Mike Casey recommended the following City Council Committee assignments for the coming year:

Public Health and Safety Committee – Councilmembers Nation (Chairperson), Flachsbart, Geiger and Casey

Finance and Administration Committee – Councilmembers Erickson (Chairperson), Durrell, Hurt and Fults

Parks and Recreation Committee – Councilmembers Flachsbart (Chairperson), Erickson, Casey and Fults

Planning/Public Works Works Committee – Councilmembers Hurt (Chairperson), Durrell, Geiger, and Nation

A motion was made by Councilmember Casey, seconded by Councilmember Geiger, to approve the Committee Assignments for 2008 – 2009. A voice vote was taken with a unanimous result and the motion was declared passed.

Mayor Nations announced that nominations were in order for the selection of President Pro Tem. Councilmember Erickson nominated Councilmember Bruce Geiger and the nomination was seconded by Councilmember Nation. A motion was made by Councilmember Durrell, seconded by Councilmember Fults, to close nominations and select Councilmember Geiger as President Pro Tem, by acclamation. A voice vote was taken with a unanimous result and the motion was declared passed.

Councilmember Geiger commended Councilmember Casey for performing an outstanding job as President Pro Tem during the past year.

### **LEGISLATION – PLANNING COMMISSION**

**BILL NO 2631** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT, “FPNU” FLOOD PLAIN NON-URBAN DISTRICT, “R-3” RESIDENTIAL DISTRICT AND “FPR-3” FLOOD PLAIN RESIDENTIAL DISTRICT TO AN “R-

**6AA” RESIDENTIAL DISTRICT FOR A 16.7 ACRE TRACT OF LAND LOCATED AT THE INTERSECTION OF WOODS MILL RD. AND KINGSCROSS LN. (P.Z. 44-2007 WOODS MILL PARK APARTMENTS {542 KINGSCROSS LN}) (FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2631. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2631 was read for the first time.

**BILL NO 2632** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY ESTABLISHING A PLANNED ENVIRONMENT UNIT (PEU) SPECIAL PROCEDURE IN THE “R-6AA” RESIDENTIAL DISTRICT FOR A 16.7 ACRE TRACT OF LAND LOCATED AT THE INTERSECTION OF WOODS MILL RD. AND KINGSCROSS LN. (P.Z. 44A-2007 WOODS MILL PARK APARTMENTS {542 KINGSCROSS LN}) **(FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2632. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2632 was read for the first time.

Councilmember Durrell made a motion, seconded by Councilmember Flachsbart, to amend Bill No. 2632, Attachment A, Section 1. C. 1.b., to add the following **item “c”**: “One-hundred (100) feet from the common property line with Lots 27, 59, 60, 61 and 62 of Judson Manor plat two, as recorded in plat book 113, page 100, of the St. Louis County Recorder’s office, a line bearing South 53 degrees, 48 minutes, 18 seconds for 562.31 feet and south 53 degrees, 53 minutes, 47 seconds east, a distance of 562.47 feet.” Councilmember Durrell made a motion, seconded by Councilmember Flachsbart, to further amend Bill No. 2632, Attachment A, Section 1.I.1. Access/Access Management, to add the following **item “2”**: “No roadway connections or extensions to Judson Manor Drive will be permitted in association with this development.” Councilmember Durrell stated that these amendments would result in re-numbering the items listed and City Attorney Heggie clarified the language contained in these amendments. Councilmember Durrell stated that the reason for these amendments is because the new owner went for a title search and discovered there were four different kinds of zoning and St. Louis County requested that the City provide zoning for this property that would describe this project as it exists. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO 2634** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “NU” NON-URBAN DISTRICT TO AN “AG” AGRICULTURE

DISTRICT FOR A 10.4 ACRE TRACT OF LAND LOCATED NORTH OF NORTH OUTER 40 ROAD APPROXIMATELY 6,600 FEET EAST OF THE INTERSECTION WITH BOONE'S CROSSING (P.Z. 03-2008 CHESTERFIELD VALLEY NURSERY {WALTER E. GRAELER}) (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2634. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2634 was read for the first time.

**BILL NO 2635** REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 2373 TO ALLOW FOR AN ADDITIONAL PERMITTED USE FOR A 52.89-ACRE TRACT OF LAND LOCATED SOUTH OF OLIVE STREET ROAD AND EAST OF WARDENBURG [P.Z. 06-2008 SPIRIT VALLEY BUSINESS PARK (SPIRIT VALLEY DEVELOPMENT LLC)] (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2635. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2635 was read for the first time.

Mayor Nations recognized members of the Graeler family in attendance.

**BILL NO 2636** PROVIDES FOR THE APPROVAL OF A RECORD PLAT FOR ELBRIDGE PAYNE OFFICE PARK, FOR A 5.4 ACRE TRACT OF LAND ZONED “C-8” PLANNED COMMERCIAL DISTRICT LOCATED AT THE INTERSECTION OF CHESTERFIELD PARKWAY EAST AND ELBRIDGE PAYNE RD. (**FIRST AND SECOND READINGS - PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2636. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2636 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2636. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2636 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2636, with the following results: Ayes – Fults, Hurt, Nation, Durrell, Erickson, Flachsbart, Casey and Geiger. Nays – None. Whereupon Mayor Nations declared Bill No. 2636 approved, passed it and it became **ORDINANCE NO. 2451**.

**BILL NO 2637** APPROVES A BOUNDARY ADJUSTMENT PLAT FOR A TRACT OF LAND BEING PART OF LOT 10 AND ANOTHER TRACT OF LAND BEING ALL OF COMMON GROUND C OF WILSON CREEK SUBDIVISION AS RECORDED IN PLAT BOOK 355, PAGE 406 CITY OF CHESTERFIELD, SAINT LOUIS COUNTY, MISSOURI (WILSON CREEK BOUNDARY ADJUSTMENT PLAT) (**FIRST AND SECOND READINGS – DEPARTMENT OF PLANNING & PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2637. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2637 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2637. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2637 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2637, with the following results: Ayes – Casey, Durrell, Hurt, Nation, Fults, Erickson, Geiger and Flachsbart. Nays – None. Whereupon Mayor Nations declared Bill No. 2637 approved, passed it and it became **ORDINANCE NO. 2452**.

**ADJOURNMENT**

Mayor Nations adjourned the meeting at 8:18 p.m.

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Mayor John Nations

**ATTEST:**

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Judith A. Naggiar, City Clerk