



## RECORD OF PROCEEDING

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

**May 3, 2010**

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The meeting was called to order at 7:05 p.m.

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

A roll call was taken with the following results:

PRESENT

ABSENT

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

APPROVAL OF MINUTES

The minutes of the April 21, 2010, City Council meeting were submitted for approval. Councilmember Geiger 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 complimented everyone involved with the recent Earth Day Celebration and expressed his thanks for all of their hard work. He asked that City Administrator Herring convey his thanks to all of the appropriate employees.

Mayor Nations announced that the next meeting of City Council has been scheduled for Monday, May 17, at 7 p.m.

## **COMMUNICATIONS AND PETITIONS**

Mr. Tom Stern, President of Solon Gershman Inc. Commercial Real Estate, spoke regarding possible TDD funding of the extension of Highway 141. He expressed concern that an additional tax of tenants would severely impair their ability to compete with other businesses in the area that do not have the additional tax. He asked that Council not rush to impose a TDD on their properties. He also asked that they be allowed to participate in any discussion to implement a TDD. Mayor Nations responded by saying that the only way a TDD could be imposed is if the property owners agree to it. Mr. Stern then stated that he would feel better if the ordinance specifically said commercial property owners could opt out of a TDD, and at no point in the future would they be asked to participate.

Former Mayor Nancy Greenwood, who resides at 14441 Corallin Drive, spoke in opposition to trees being removed from rights-of-way when they appear to be alive and in full bloom, and provide lots of shade. She requested that the policy be addressed to stop the removal of “diseased” trees when they appear to be healthy. Mayor Nations responded that Mr. Herring would take this issue to Director of Public Works Mike Geisel and have him contact Ms. Greenwood to discuss the matter and give a full update to Committee regarding tree removal. Mr. Herring noted that he would also have Mr. Geisel provide a full update, regarding current “tree removal” policies, to the P/PW Committee, at their next meeting.

Mr. Dan Hayes, JMD Investments, LLC, stated he was available to answer questions related to proposed Bill No. 2787, P.Z. 02-2010, Spirit Trade Center, Lot 30 (JMD Investments, LLC).

## **APPOINTMENTS**

There were no appointments.

Councilmember Flachsbart made a motion, seconded by Councilmember Logan to suspend the rules to proceed to Item XII. A., Bill No. 2784. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO. 2784     AUTHORIZES THE ACCEPTANCE OF A DONATION OF LAND FOR RECREATIONAL AND EDUCATIONAL PURPOSES (FIRST AND SECOND READINGS; PARKS/RECREATION COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Logan made a motion, seconded by Councilmember Fults, for the first reading of Bill No. 2784. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2784 was read for the first time.

Councilmember Logan made a motion, seconded by Councilmember Fults, to amend Bill No. 2784 to replace the word “can” with the word “will” in paragraph 3 where it refers to using the land as a park. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Logan made a motion, seconded by Councilmember Fults, for the second reading of Bill No. 2784. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2784 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2784 with the following results: Ayes – Nation, Segal, Erickson, Flachsbart, Geiger, Casey, Logan and Fults. Nays – None. Whereupon Mayor Nations declared Bill No. 2784 approved, passed it and it became **ORDINANCE NO. 2604**.

Mayor Nations next recognized Rockwood Board of Education President Steve Banton and Rockwood Superintendent Dr. Craig Larson in attendance at tonight’s meeting. He then presented Dr. Larson with a Proclamation, honoring his service to Chesterfield and the entire School District, as he prepares for retirement.

Mayor Nations recognized a Scout in attendance and provided an explanation of how business is conducted at a City Council meeting.

**COUNCIL COMMITTEE REPORTS**

**Planning/Public Works Committee**

Councilmember Matt Segal, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2787 [P.Z. 02-2010, Spirit Trade Center, Lot 30 (JMD Investments, LLC)] will be read for the first time under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Segal made a motion, seconded by Councilmember Flachsbart, to approve an Amended Site Development Plan, Architectural Elevations, and Lighting Plan for Four Seasons Plaza West (National City Bank ATM). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Segal reported that Bill No. 2788 [P.Z. 18-2008, City of Chesterfield (Architectural Review Board)] will be read for the first time under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Segal next reported that Bill No. 2789 (Approves a Boundary Adjustment Plat for Brooking Park Village, Lots 1 and 2) and Bill No. 2790 (Approves a Boundary Adjustment Plat for Spirit of St. Louis Airport, Lots 11B, C and D) are scheduled for both first and second reading approval, under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Segal announced that the next meeting of this Committee has been scheduled for Thursday, May 6, at 5:30 p.m.

### **Finance and Administration Committee**

Councilmember Randy Logan, Chairperson of the Finance and Administration Committee, made a motion, seconded by Councilmember Nation, to approve the Proposed 2011 City Council Meeting Schedule. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Logan next made a motion, seconded by Councilmember Fults, to approve a recommendation, endorsed by both the City’s Retirement Board of Trustees and the F&A Committee, to use forfeiture dollars, left behind by non-vested employees, to provide a one-time additional contribution to each eligible, full-time employee’s retirement account. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Logan next made a motion, seconded by Councilmember Flachsbart, to approve Resolution No. 371 (Approves Termination of Agreement with Network 1 Communications). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Logan stated that Bill No. 2785 (Authorizes Mayor to Execute a Project Cost-Share Agreement re: Funding the Extension of Highway 141) and Bill No. 2786 (Authorizes the Issuance of Bonds to Fund Chesterfield’s Share of Highway 141 Project Costs) will be read for the first time, under the “Legislation” portion of the Agenda.

Councilmember Logan announced that the next meeting of this Committee has tentatively been scheduled for Monday, May 24, at 5:30 p.m.

### **REPORT FROM THE CITY ADMINISTRATOR**

There was no Report from the City Administrator.

## NEW BUSINESS

There was no New Business.

## LEGISLATION

**BILL NO. 2785** APPROVES A PROJECT COST-SHARE AGREEMENT AMONG ST. LOUIS COUNTY, THE CITY OF MARYLAND HEIGHTS AND THE CITY OF CHESTERFIELD FOR THE EXTENSION OF ROUTE 141 AND AUTHORIZES EXPENDITURE OF FUNDS FOR THE CITY OF CHESTERFIELD'S SHARE OF THE TOTAL COST (**FIRST READING; FINANCE AND ADMINISTRATION COMMITTEE**)

Councilmember Logan made a motion, seconded by Councilmember Geiger, for the first reading of Bill No. 2785. Councilmember Nation stated that he would be voting “no” because he feels that more time is needed for discussion and understanding of the issue. He continued by stating that he is in support of proceeding with Bill No. 2786, but he has too many questions at this time to support Bill No. 2785. A voice vote was taken with an affirmative result (6-2-0 – Councilmembers Flachsbart and Nation voted “No”) and the motion was declared passed. Bill No. 2785 was read for the first time.

**BILL NO. 2786** AUTHORIZES THE CITY OF CHESTERFIELD, MISSOURI, TO ENTER INTO A LEASE PURCHASE TRANSACTION, THE PROCEEDS OF WHICH WILL BE USED TO PAY A PORTION OF THE COSTS OF IMPROVING MISSOURI HIGHWAY 141; AND APPROVES THE EXECUTION OF CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH (**FIRST READING; FINANCE AND ADMINISTRATION COMMITTEE**)

Councilmember Logan made a motion, seconded by Councilmember Geiger, for the first reading of Bill No. 2786. A voice vote was taken with an affirmative result (7-0-1 – Councilmember Erickson “abstained”) and the motion was declared passed. Bill No. 2786 was read for the first time.

Councilmember Geiger encouraged all Councilmembers with questions about proposed Bill No. 2785 and proposed Bill No. 2786 to get their questions answered prior to the next Council meeting, when these bills will be voted on. He continued by asking Mr. Herring to talk to the City’s Financial Advisor, Michelle Bock (Piper Jafry), about alternatives to the proposed seven year/“interest only” bonding. Discussion ensued regarding details of generating revenues to pay off the balloon payment on the proposed bonding in 2017. Councilmember Nation suggested that the City also look at a principal and interest repayment for this debt obligation.

Mr. Segal stated for the record that he will not be at the next Council meeting; therefore, he would like the following items to be addressed: add a clause in the agreement for commercial properties to formally opt out; consider a preferred return for Chesterfield (since Maryland Heights stands to gain the most from the Highway 141 Project, he recommends sharing at a rate of 75/25 instead of the proposed 50/50); change the header of the agreement from the “Page to Olive Connector” to something that encompasses the full project (from St. Luke’s heading north through 364). Mayor Nations stated for clarification that there is no opt out; rather, businesses would have to voluntarily “opt in”, if they wanted to become part of any TDD. At Mayor Nations’ request, Mr. Heggie noted that he would review the statute to see if there is a way to clarify the issue of participation in a TDD. Councilmember Segal made a motion, seconded by Councilmember Logan, that the Finance & Administration Committee schedule a special meeting before the May 17 City Council meeting, for the sole purpose of discussing these two proposed ordinances (Bill #'s 2785/2786). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

### **LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2787** AMENDS CITY OF CHESTERFIELD ORDINANCE 656 AND AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “M3” PLANNED INDUSTRIAL DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 1.22 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF EDISON AVENUE AND EAST OF THE INTERSECTION OF EDISON AVENUE AND SPIRIT DRIVE (P.Z. 02-2010 SPIRIT TRADE CENTER LOT 30 {JMD INVESTMENTS, LLC}) **(FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Segal made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 2787. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2787 was read for the first time.

**BILL NO. 2788** REPEALS SECTION 1003.177 ARCHITECTURAL REVIEW COMMITTEE OF THE CITY OF CHESTERFIELD ZONING ORDINANCE AND CREATING A NEW SECTION 1003.177 ARCHITECTURAL REVIEW RELATING TO THE ESTABLISHMENT OF RULES, REGULATIONS AND DESIGN STANDARDS FOR ARCHITECTURAL REVIEW AND THE ARCHITECTURAL REVIEW BOARD. **(FIRST READING, PLANNING COMMISSION RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE ATTACHED "GREEN" SHEET)**

Councilmember Segal made a motion, seconded by Councilmember Fults, for the first reading of Bill No. 2788. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2788 was read for the first time.

Councilmember Segal made a motion, seconded by Councilmember Casey, to amend Bill No. 2788 pursuant to the attached “green” sheet. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO. 2789** PROVIDES FOR THE APPROVAL OF A BOUNDARY ADJUSTMENT PLAT FOR BROOKING PARK VILLAGE, LOT 1 AND LOT 2, FOR A 25.06 ACRE TRACT OF LAND ZONED “R-1” RESIDENCE DISTRICT, “R-3” RESIDENCE DISTRICT AND “FPR-1” RESIDENCE DISTRICT WITH A CONDITIONAL USE PERMIT LOCATED WEST OF WOODS MILL ROAD AT THE INTERSECTION OF WOODS MILL ROAD AND BROOKING PARK DRIVE. **(FIRST AND SECOND READINGS; DEPT. OF PLANNING/PUBLIC WORKS RECOMMENDS APPROVAL)**

Councilmember Segal made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2789. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2789 was read for the first time.

Councilmember Segal made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2789. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2789 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2789 with the following results: Ayes – Segal, Erickson, Fults, Geiger, Nation, Casey, Flachsbart and Logan. Nays – None. Whereupon Mayor Nations declared Bill No. 2789 approved, passed it and it became **ORDINANCE NO. 2605**.

**BILL NO. 2790** PROVIDES FOR THE APPROVAL OF A BOUNDARY ADJUSTMENT PLAT FOR SPIRIT OF ST. LOUIS AIRPORT, LOT 11-B, LOT 11-C AND LOT 11-D, FOR A 4.369 ACRE TRACT OF LAND ZONED “M-3” PLANNED INDUSTRIAL DISTRICT LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF EDISON AVENUE AND NORTH BELL AVENUE. **(FIRST AND SECOND READINGS; DEPT. OF PLANNING/PUBLIC WORKS RECOMMENDS APPROVAL)**

Councilmember Segal made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2790. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2790 was read for the first time.

Councilmember Segal made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2790. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2790 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2790 with the following results: Ayes – Segal, Nation, Erickson, Fults, Geiger, Logan, Flachsbart and Casey. Nays – None. Whereupon Mayor Nations declared Bill No. 2790 approved, passed it and it became **ORDINANCE NO. 2606**.

### **EXECUTIVE SESSION**

Councilmember Geiger made a motion, seconded by Councilmember Logan, to adjourn and go into an Executive Session (closed meeting), pursuant to 610.021(1)(2). A roll call vote was taken with the following results: Ayes – Geiger, Casey, Fults, Logan, Flachsbart, Nation, Erickson and Segal. Nays – None. Whereupon Mayor Nations declared the motion passed.

### **ADJOURNMENT**

Mayor Nations adjourned the meeting at 7:53 p.m.

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Mayor John Nations

ATTEST:

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Vickie Hass, Deputy City Clerk