



## RECORD OF PROCEEDING

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

**May 15, 2006**

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

Mayor John 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**

Mayor John Nations  
Councilmember Barry Flachsbart  
Councilmember Barry Streeter  
Councilmember Bruce Geiger  
Councilmember Dan Hurt  
Councilmember Mike Casey  
Councilmember Mary K. Brown  
Councilmember Connie Fults

**ABSENT**

Councilmember Jane Durrell

**APPROVAL OF MINUTES**

The minutes of the May 1, 2006, City Council meeting were submitted for approval. Councilmember Casey 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.

**INTRODUCTORY REMARKS**

Mayor Nations announced that the annual Chesterfield Kiwanis Club Prayer Breakfast has been scheduled for Friday, May 19, at 7 a.m. This year's event will be held at the Marriott Hotel.

Mayor Nations next announced that City Hall will be closed on Monday, May 29, in observance of Memorial Day.

Mayor Nations next announced that a Veterans' Information Fair has been scheduled for Saturday, June 3, from 9 a.m. to 1 p.m., at Parkway West High School.

Mayor Nations recognized the following individuals who all have birthdays in May: Councilmember Flachsbart, City Administrator Mike Herring, Councilmember Durrell and Councilmember Streeter.

Mayor Nations next announced that the next meeting of City Council has been scheduled for Monday, June 5.

### **COMMUNICATIONS AND PETITIONS**

Pat Hamill, who resides at 25 Lagorce, supported Bill No. 2446 (Renting of an Occupied Single Family Dwelling).

Royce Engle, who resides at 135 Ridgecrest, opposed Bill No. 2446 (Renting of an Occupied Single Family Dwelling).

Eric Stevens, who resides at 15444 Eagle Pass, opposed Bill No. 2446 (Renting of an Occupied Single Family Dwelling).

J. Marshall Saye, who resides at 121 Chesterfield Bluffs Drive, opposed Bill No. 2446 (Renting of an Occupied Single Family Dwelling).

Bill Bird, who resides at 144 Ridgecrest Drive, opposed Bill No. 2446 (Renting of an Occupied Single Family Dwelling).

Tom Roof, 8251 Maryland Avenue, architect for the developer, was in attendance to answer any questions regarding Bill No. 2454 (P.Z. 33-2005, THF Chesterfield Development/North Interstate Development – CVPBAIII, LLC).

Mike Doster, 17107 Chesterfield Airport Road, supported Bill No. 2454 (P.Z. 33-2005, THF Chesterfield Development/North Interstate Development – CVPBAIII, LLC).

James Melka, 14176 Trailtop Drive, supported Bill No. 2445 (Municipal offense for public display of obscene material, etc.)

Jane Cunningham, State Legislator, reported on legislation of interest to the Chesterfield area.

## **APPOINTMENTS**

Mayor Nations stated his intention to nominate Randy Logan as a member of the Police Personnel Board. Councilmember Casey made a motion, seconded by Councilmember Hurt, to appoint Mr. Logan as a member of the Police Personnel Board. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Logan's three-year term will be effective immediately.

## **COUNCIL COMMITTEE REPORTS**

### **Public Health and Safety Committee**

Councilmember Barry Flachsbart, Chairperson of the Public Health and Safety Committee, reported that Bill No. 2445 (Obscenity Ordinance), Bill No. 2446 (Prohibits renting of any portion of an occupied single-family dwelling), Bill No. 2447 (Amends the City Code to reflect changes to State law regarding minors and intoxicating liquor) and Bill No. 2448 (Prohibits the placement of "PODS" (Portable On Demand Storage) or similar items within public rights-of-way) will be considered for adoption under the "Legislation" portion of the agenda.

### **Finance and Administration Committee**

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee, reported that the next meeting of this Committee has been scheduled for May 24 at 5:30 p.m.

### **Public Works/Parks Committee**

Councilmember Dan Hurt, Chairperson of the Public Works/parks Committee, reported that Bill No. 2452 (Accepts public streets – Chesterfield Business Park) will be read for the first time under the "Legislation" portion of the agenda.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for May 23 at 7:30 a.m.

### **Planning and Zoning Committee**

Councilmember Mary Brown, Chairperson of the Planning and Zoning Committee, made a motion to "Hold" Bill No. 2431 (P.Z. 19-2005, City of Chesterfield (Various sections of Zoning Ordinance)). Councilmember Fults seconded the motion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Brown next reported that Bill No. 2453 (P.Z. 14-2005, Rhodes Development (Plaza Tire), Bill No. 2454 (P.Z. 33-2005, THF Chesterfield Development (North Interstate Development – CVPBAIII,LLC), Bill No. 2455 (P.Z. 19-2005, City of Chesterfield (various sections of Zoning Ordinance), Bill No. 2456 (P.Z. 02-2006, Manors at Schoettler Valley (Taylor Morley- Rezoning), Bill No. 2457 (P.Z. 03-2006, Manors at Schoettler Valley (Taylor Morley) (PEU) will be read for the first time and Bill No. 2458 (Approves Record Plat for Terra Vista) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Brown made a motion, seconded by Councilmember Streeter, to approve the Site Development Concept Plan for St. Luke’s Hospital. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Brown announced that the next meeting of this Committee has been scheduled for May 18 at 5:30 p.m.

### **REPORT OF THE CITY ADMINISTATOR**

City Administrator Mike Herring reported that La Especial Restaurant, located at 17712 Chesterfield Airport Road, has applied for a liquor license, to serve beer only. The license request has been reviewed and recommended for approval by both the Departments of Planning and Police. Councilmember Casey made a motion, seconded by Councilmember Streeter, to approve the liquor license request for La Especial Restaurant. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that approval of Resolution 329 will authorize him to execute a grant application for Highway Traffic Safety Law Enforcement Grant Funds, in the amount of \$30,600.00, which is used to fund the “Traffic Safety Officer Program.” This grant application will be for funding during the period of 10/01/06 -09/30/07. Councilmember Casey made a motion, seconded by Councilmember Fults, to authorize him to execute a grant application for Highway Traffic Safety Law Enforcement Grant Funds, in the amount of \$30,600.00, which is used to fund the “Traffic Safety Officer Program.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that City Council previously authorized a contract between the City of Chesterfield and Kimley-Horn and Associates, in the amount of \$175,000. That contract was for “professional services” related to “Tier One” improvements proposed for the City’s Aquatic Facility. Those improvements will be funded with bond proceeds, resulting from the passage of Proposition “P”, approved by the voters in November, 2004. However, Mr. Herring recommended an extension/expansion of the contract with Kimley-Horn, for an additional amount of \$37,500. That will make the cumulative contract authorization a total of \$212,500. Councilmember Hurt, made a motion, seconded by Councilmember Casey, to approve an extension/expansion of the contract with Kimley-Horn, for an additional amount of \$37,500. That will make the cumulative

contract authorization a total of \$212,500. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that firms were recently interviewed for the provision of a full range of services to plan the entire Central Park site, including the design of various “Tier One” improvements, as funded by Proposition “P”. Based upon that interview process, Staff is now recommending that a contract be awarded to HDR Engineering, Inc., in an amount not to exceed \$590,000. This entire amount is funded with bond proceeds, resulting from the passage of Proposition “P”. Councilmember Streeter made a motion, seconded by Councilmember Geiger, to award a contract to HDR Engineering, Inc., in an amount not to exceed \$590,000. 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 asphalt micro-surfacing, on selected asphalt streets within the City of Chesterfield. Based upon review of the information provided by Mr. Geisel, Mr. Herring joined with him in recommending award of a contract to Missouri Petroleum, in an amount not to exceed \$102,000. Mr. Herring noted that this entire amount is funded within the F.Y. 2006 Budget. Councilmember Hurt made a motion, seconded by Councilmember Casey, to award a contract to Missouri Petroleum, in an amount not to exceed \$102,000. 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 a variety of additional improvements at the Chesterfield Valley Athletic Complex (CVAC), including site irrigation, construction of a well house, concession building and trail head shelter, landscaping and various utilities. Having reviewed the information provided to him by Mr. Geisel, Mr. Herring joined with him in recommending award of a contract to J.E. Foster Building Company, in an amount not to exceed \$1,471,316.00. Mr. Herring noted that this entire amount is funded from bond proceeds resulting from Proposition “P”, approved by the voters in November, 2004. Councilmember Geiger made a motion, seconded by Councilmember Brown, to award a contract to J.E. Foster Building Company, in an amount not to exceed \$1,471,316.00. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **LEGISLATION**

### **BILL NO. 2445**

**CREATES A MUNICIPAL OFFENSE FOR THE PUBLIC DISPLAY OF OBSCENE MATERIAL OR AN OBSCENE PERFORMANCE AND THE PUBLIC DISPLAY OR DISTRIBUTION OF MATERIAL HARMFUL TO MINORS (SECOND READING - PUBLIC HEALTH & SAFETY COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2445. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to amend Bill No. 2445 by adding “**at least** over the

age of 17 years.....” in the 4<sup>th</sup> “Whereas” clause on Page 1. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to amend Page 2 third line from the bottom, to insert the following: “- No display in these rooms, however, may be displayed in a manner that would make the material easily visible from a public street, sidewalk or thoroughfare.....” A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2445, as amended, was then read for the second time. A roll call vote was taken for passage and approval of Bill No. 2445, with the following results: Ayes – Flachsbart, Fults, Brown, Geiger, Casey, Streeter and Hurt. Nays - None. Whereupon, Mayor Nations declared Bill No. 2445 approved, passed it and it became **ORDINANCE NO. 2267.**

**BILL NO. 2446** ADDS SECTION 21-76 TO ARTICLE VI OF THE CHESTERFIELD CITY CODE RELATING TO THE RENTING OF AN OCCUPIED SINGLE-FAMILY DWELLING (**SECOND READING - PUBLIC HEALTH & SAFETY COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2446. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to amend Section 2176 C, to add “rent shall not include a stipend or payment of living expenses for a student under the age of 19 who is then participating as a recognized foreign exchange student program”. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Streeter made a motion, seconded by Councilmember Casey, to send this legislation back to the Public Health and Safety Committee for further discussion. A roll call vote was taken with the following results: Ayes – Hurt, Streeter, Casey. Nays – Geiger, Flachsbart, Brown, Fults. Mayor Nations declared the motion defeated. Bill No. 2446, as amended, was then read for the second time. A roll call vote was taken for passage and approval of Bill No. 2446, with the following results: Ayes – Hurt, Streeter, Flachsbart, Brown, Casey, Fults and Geiger. Nays - None. Whereupon, Mayor Nations declared Bill No. 2446 approved, passed it and it became **ORDINANCE NO. 2268.**

**BILL NO. 2447** PROVIDES FOR THE REVISION OF SECTION 4-12 OF THE CHESTERFIELD “CODE OF ORDINANCES,” PERTAINING TO MINORS AND INTOXICATING LIQUOR (**SECOND READING - PUBLIC HEALTH & SAFETY COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2447. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2447 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2447, with the following results: Ayes – Flachsbart, Casey, Brown, Hurt, Fults, Geiger and Streeter. Nays - None.

Whereupon, Mayor Nations declared Bill No. 2447 approved, passed it and it became **ORDINANCE NO. 2269.**

**BILL NO. 2448** ADDS SECTION 26-2 TO CHAPTER 26, ARTICLE I OF THE CHESTERFIELD CITY CODE RELATING TO THE REGULATION OF PORTABLE STORAGE UNITS **(SECOND READING - PUBLIC HEALTH & SAFETY COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2448. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to amend Section 26-2 – Regulation of Portable Storage Units, Item 6 by adding “no more than ten consecutive days.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2448, as amended, was then read for the second time. A roll call vote was taken for passage and approval of Bill No. 2448, with the following results: Ayes – Hurt, Geiger, Casey, Flachsbart, Streeter, Fults and Brown. Nays - None. Whereupon, Mayor Nations declared Bill No. 2448 approved, passed it and it became **ORDINANCE NO. 2270.**

**BILL NO. 2452** PERTAINS TO THE ACCEPTANCE OF PUBLIC STREETS WITHIN CHESTERFIELD BUSINESS PARK SUBDIVISION WITHIN THE CITY OF CHESTERFIELD **(FIRST READING; PUBLIC WORKS/PARKS COMMITTEE)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2452. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2452 was read for the first time.

### **LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2453** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “C-8” PLANNED COMMERCIAL DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT ON A 1.5 ACRE PARCEL LOCATED ON THE SOUTH SIDE OF CHESTERFIELD AIRPORT ROAD, WEST OF VALLEY DRIVE CENTER (P.Z. 14-2005, RHODES DEVELOPMENT/PLAZA TIRE) **(FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS**

**DETAILED IN THE ENCLOSED GREEN SHEET)**

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2453. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Brown made a motion, seconded by Councilmember Hurt, to amend Bill No. 2453, Item 1 on the “green sheet”. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Brown made a motion, seconded by Councilmember Hurt, to approve Item 2 on the “green sheet” Discussion ensued. A roll call vote was taken with the following results: Ayes – Flachsbart, Streeter, Casey and Hurt. Nays – Geiger, Brown and Fults. Mayor Nations declared the motion passed. Councilmember Brown made a motion, seconded by Councilmember Fults, to approve Item 3 on the “green sheet”. A roll call vote was taken with the following results: Ayes – Flachsbart, Streeter, Hurt and Fults. Nays – Geiger, Casey and Brown. Mayor Nations declared the motion passed. Councilmember Brown made a motion, seconded by Councilmember Fults, to approve Item 4 on the “green sheet”. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2453, as amended, was read for the first time.

**BILL NO. 2454**

AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 6.6 ACRE PARCEL LOCATED ON THE NORTH SIDE OF STATE HIGHWAY 40/INTERSTATE 64 AND EAST OF BOONE’S CROSSING (P.Z. 33-2005, THF CHESTERFIELD DEVELOPMENT/NORTH INTERSTATE DEVELOPMENT – CVPBAIII,LLC) (**FIRST READING- PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2454. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2454 was read for the first time.

**BILL NO. 2455**

REPEALS CITY OF CHESTERFIELD ZONING ORDINANCE SECTION 1003.107 TO ALLOW FOR A NEW CRITERIA FOR ESTATE DISTRICTS (P.Z. 19, 2005, CITY OF CHESTERFIELD, VARIOUS SECTIONS OF THE ZONING ORDINANCE) (**FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING & ZONING COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF**

**MENDED AS DETAILED IN THE ENCLOSED  
GREEN SHEET)**

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2455. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Brown made a motion, seconded by Councilmember Streeter, to amend Bill No. 2455 per Item 1 and Item 2 on the “green sheet” and at the end of sections (a) and (b) on Page 4 D, 1, making it clear that the conditions contained within Items (a), (b) and (c) must all be met. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Brown made a motion, seconded by Councilmember Casey, to make the same requirements in Section 3, D. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2455, as amended, was read for the first time.

**BILL NO. 2456** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “NU” NON-URBAN DISTRICT TO AN “R-2” 15,000 SQUARE FOOT RESIDENTIAL DISTRICT, FOR 8.85 ACRES OF LAND LOCATED EAST OF SCHOETTLER VALLEY ON SQUIRES WAY (P.Z. 02-2006, MANORS AT SCHOETTLER) **(FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2456. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2456 was read for the first time.

**BILL NO. 2457** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY ESTABLISHING A PLANNED ENVIRONMENT UNIT (PEU) SPECIAL PROCEDURE IN THE “R-2” 15,000 SQUARE FOOT RESIDENTIAL DISTRICT FOR 8.85 ACRES OF LAND LOCATED EAST OF SCHOETTLER VALLEY ON SQUIRES WAY (P.Z. 03-2006, MANORS AT SCHOETTLER VALLEY) **(FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING & ZONING COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE ENCLOSED GREEN SHEET)**

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2457. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Brown made a motion, seconded by Councilmember Streeter, to approve the “green sheet” amendment, to amend Attachment A Item I, Page 5, Section K, sub-Item 7 to read “No island shall be permitted in the proposed cul-de-sac.” A roll call vote was taken with the following results: Ayes – Brown. Nays – Geiger, Casey, Hurt, Flachsbart, Streeter and Fults. Mayor Nations declared the motion defeated. A motion was made by Councilmember Brown, seconded by Councilmember Casey to amend Attachment A, Section 2, sub-section 3 with language that appears on the “green sheet”. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. City Attorney Heggie was instructed to get additional information on the maintenance of the proposed retaining walls. Bill No. 2457, as amended, was read for the first time.

**BILL NO. 2458**                      **PROVIDES FOR THE APPROVAL OF A RECORD PLAT FOR TERRA VISTA, A 23.2 ACRE TRACT OF LAND ZONED “FPR2” RESIDENCE DISTRICT, WITH A PEU, LOCATED NORTH OF OLIVE BOULEVARD AND WEST OF CREVE COEUR MILL ROAD (FIRST AND SECOND READINGS; PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2458. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2458 was read for the first time.

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2458. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2458 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2458, with the following results: Ayes – Streeter, Brown, Fults, Hurt, Flachsbart, Geiger and Casey. Nays - None. Whereupon, Mayor Nations declared Bill No. 2458 approved, passed it and it became **ORDINANCE NO. 2271.**

**ADJOURNMENT**

Mayor Nations adjourned the meeting at 8:15 p.m.

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Mayor John Nations

**ATTEST:**

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Martha L. DeMay, City Clerk