



RECORD OF PROCEEDING

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

May 19, 2008

The meeting was called to order at 7:08 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 Jane Durrell
Councilmember Bruce Geiger
Councilmember Lee Erickson
Councilmember Dan Hurt
Councilmember Mike Casey
Councilmember Bob Nation
Councilmember Connie Fults

None

APPROVAL OF MINUTES

The minutes of the May 5, 2008, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Nation, to approve the City Council minutes. A voice vote was taken with an affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Councilmember Durrell announced that she will be resigning from office as Councilmember of Ward 1, effective the next City Council meeting on June 2. Councilmember Durrell stated that the requirements of her family will now prevent her from doing the job the constituents and city have the right to expect. Councilmember Durrell thanked everyone who has supported and encouraged her for the last nine and a half years. Mayor Nations thanked Councilmember Durrell for the great job she has done as Councilmember, and the tremendous contribution she's made to the citizens of Chesterfield.

Mayor Nations next announced that the next meeting of City Council has been scheduled for June 2, at 7 p.m.

COMMUNICATIONS AND PETITIONS

Mel Kosanchick, petitioner, stated he was available to answer questions on Bill No. 2638 (P.Z. 05-2008, Double Tree Inn). Mayor Nations asked Mr. Kosanchick if he understood that a second tower would not be permitted, and Mr. Kosanchick replied that he did understand. City Attorney Rob Heggie asked Mr. Kosanchick if he was conceivably thinking about having antennas not towers on the property. Mr. Kosanchick stated that they do not desire any towers, and just merely a roof mounted communication devices on the existing buildings.

Randy Johnston, Architect, stated he is available to answer questions on Bill No. 2633 (P.Z. 47-2007, Conway Point Office Building). Mr. Geiger stated that between this meeting and the next Council meeting, Staff will take a look at the preliminary site plan Mr. Johnston has submitted. Discussion ensued.

John Dalton, Attorney for Petitioner, on Bill No. 2633 (P.Z. 47-2007, Conway Point Office Building) stated he is available to answer any technical questions.

Jeremy Brummond, Attorney for Petitioner, on Bill No. 2633 (P.Z. 47-2007, Conway Point Office Building). Mr. Brummond stated that there is a strip along Conway Road and Chesterfield Parkway which will not be owned by the client, but they have agreed to maintain and landscape with St. Louis County. Mr. Brummond stated that if you include that strip it would bring this project up to 48% open space. Councilmember Erickson asked Mr. Brummond if the area that is currently owned by St. Louis County is going to be on the site plan in terms of what kinds of shrubs and trees. Mr. Brummond stated that it will be part of their landscape plan and site plan.

Mayor Nations next recognized Mr. Mike Reid, representative for Senator John Loudon, who was in attendance at the meeting.

COUNCIL COMMITTEE REPORTS

Planning/ Public Works Committee

Councilmember Hurt, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2633 (P.Z. 47-2007, Conway Point Office Building) will be read for the first time under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Hurt next reported that Bill No. 2638 (P.Z. 05-2008 - Double Tree Inn) and Bill No. 2639 (Property Maintenance Code/Problem Properties) will be considered for adoption under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Hurt next reported that Bill No. 2641 (Approves Haynes Boundary Adjustment Plat) is scheduled for both first and second reading approval, under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for Thursday, May 22, at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

Assistant City Administrator Libbey Malberg reported that Staff has negotiated a contract for professional design services, with Vestal Corporation, for the engineering design of a salt spreader rack system, at the Public Works Maintenance Facility storage yard. Mr. Brian McGownd, Public Works Director/City Engineer recommends that this contract be for an amount not to exceed \$20,000. Ms. Malberg stated that it is a budgeted item. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to Vestal Corporation, in an amount not to exceed \$20,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Ms. Malberg next reported that bids were recently sought for the construction of Phase II of the Old Baxter Road project. Based upon a review of the information provided by Brian McGownd, Public Works Director/City Engineer, Ms. Malberg joined with him in recommending award of a contract to K.J. Unnerstall Construction, in an amount not to exceed \$540,000. Ms. Malberg confirmed that the FY2008 Capital Improvement Sales Tax Fund budget contains \$500,000 for this budget. Councilmember Geiger made a motion, seconded by Councilmember Flachsbart, to award a contract to K.J. Unnerstall Construction, in an amount not to exceed \$540,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

Mr. Geiger requested Council to direct Mr. Herring to write letters to the utility companies, as well as to the utility locate company SMWP. Mr. Geiger stated that after completion of the work by the utilities, the flags they use are not being picked up, and the marking paint does not fade away as they say it should. Mr. Geiger stated that the people mowing the common-ground have to mow around these flags. Mr. Geiger would like the utility companies to be reminded to remove the flags, and restore the area appropriately when the job is complete.

LEGISLATION

BILL NO. 2642 APPROVES A CONTRACT TO ESTABLISH A WIRELESS INTERNET ACCESS NETWORK WITHIN THE CITY OF CHESTERFIELD (**FIRST READING; CITY ATTORNEY AND CITY ADMINISTRATOR RECOMMEND APPROVAL**)

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to hold Bill No. 2642, until the June 2 City Council meeting, and to refer it to the MIS Citizens Advisory Committee for review. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

LEGISLATION – PLANNING COMMISSION

BILL NO 2633 REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 2361 AND REPLACES IT WITH AN ORDINANCE AMENDING THE LEGAL DESCRIPTION AND DEVELOPMENT CRITERIA FOR A 1.063 ACRE “PC” PLANNED COMMERCIAL DISTRICT LOCATED IN THE SOUTHWEST CORNER OF THE INTERSECTION OF CONWAY ROAD AND CHESTERFIELD PARKWAY (P.Z. 47-2007 CONWAY POINT OFFICE BUILDING {CONWAY POINT PARTNERS, LLC}) (**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 Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2633. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2633 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey to amend Bill No. 2633 pursuant to the Green Sheets. A voice vote was taken with an affirmative result and the motion was declared passed. Councilmember Durrell then made a motion, seconded by Councilmember Nation to further amend Bill No. 2633 to reinsert Financial

Institutions under permitted use. A roll call vote was taken for the passage and approval with the following results: Ayes – Durrell. Nays – Flachsbart, Hurt, Geiger, Fults, Erickson, Casey, Nation. Whereupon Mayor Nations declared the amendment failed.

BILL NO 2638 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “C8” PLANNED COMMERCIAL DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR 23.98 ACRES OF LAND LOCATED 1,200 FEET WEST OF SWINGLEY RIDGE ROAD AND CHESTERFIELD PARKWAY (P.Z. 05-2008 DOUBLE TREE INN [ECCLESTONE ORGANIZATION])
(SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Hurt made a motion, seconded by Casey, to amend Bill No. 2638 under Attachment A, to move Item 1g under Permitted Uses, to Item 2c under Ancillary Uses. A voice vote was taken with an affirmative result and the motion was declared passed. Councilmember Hurt made a motion, seconded by Councilmember Casey to further amend item 1h and remove the term "relay towers" and to add language stating that, "The only towers permitted on this site shall be those existing as of May 1, 2008." A voice vote was taken with an affirmative result and the motion was declared passed. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, for a second reading of Bill No. 2638. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2638 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2638 with the following results: Ayes - Erickson, Durrell, Hurt, Geiger, Casey, Flachsbart, Fults, Nation – Nays – none. Whereupon Mayor Nations declared Bill No. 2638 approved, passed it and it became **ORDINANCE NO. 2458**

BILL NO 2639 ADOPTS THE PROPERTY MAINTENANCE CODE OF THE COUNTY OF SAINT LOUIS, MISSOURI, FOR INSPECTIONS REQUESTED BY THE CITY OF CHESTERFIELD TO BE PERFORMED BY THE COUNTY OF SAINT LOUIS, MISSOURI
(SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2639. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2639 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2639 with the following results: Ayes – Flachsbart, Durrell, Casey, Erickson, Hurt, Nation, Geiger, Fults. Nays – none. Whereupon Mayor Nations declared Bill No. 2639 approved, passed it and it became **ORDINANCE NO. 2459**

BILL NO 2641 AN ORDINANCE APPROVING A BOUNDARY ADJUSTMENT PLAT FOR LOTS 1 AND 2 OF THE SUBDIVISION OF LUDWELL BACON'S ESTATE AND PART OF LOTS 4, 5, 6 & 7 OF JAMES LONG'S ESTATE U.S. SURVEY 2031, TOWNSHIP 45 NORTH, RANGE 4 EAST CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI. **(FIRST AND SECOND READINGS – DEPARTMENT OF PLANNING/PUBLIC WORKS RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2641. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2641 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2641. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2641 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2641 with the following results: Ayes - Fults, Erickson, Hurt, Geiger, Casey, Nation, Durrell, Flachsbart – Nays – Whereupon Mayor Nations declared Bill No. 2641 approved, passed it and it became **ORDINANCE NO. 2460**

ADJOURNMENT

Mayor Nations adjourned the meeting at 7:40 p.m.

Mayor John Nations

ATTEST:

Pam Shelton, Deputy City Clerk