



RECORD OF PROCEEDING

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

June 1, 2009

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

President Pro Tem Mike Casey announced that Mayor Nations would not be attending tonight's Council meeting, so he would be serving as Acting Mayor.

President Pro Tem Mike Casey 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

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

ABSENT

Mayor John Nations

APPROVAL OF MINUTES

The minutes of the May 4, 2009, City Council meeting were submitted for approval. Councilmember Erickson made a motion, seconded by Councilmember Logan, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

PRESENTATION

President Pro Tem Mike Casey recognized Ms. Alice Fugate, Chairperson of the Landmarks Preservation Commission, and Mr. Mark Leach, member of the Landmarks Preservation Commission. Ms. Fugate announced that the “Leonard Blake Ancient History Award” is presented annually to someone who has made a significant contribution to recognize and preserve prehistory in the community. Ms. Fugate presented the 2009 “Leonard Blake Ancient History Award” to Higher Education Consortium – Television (HEC-TV) for producing and airing four television programs featuring Chesterfield’s ancient past. Ms. Fugate provided a presentation on the Blake Mound television program. Ms. Fugate expressed her appreciation to Dennis Riggs, Aleta Harris and Christian Cudnik, representatives of HEC-TV, in attendance at tonight’s meeting. President Pro Tem Mike Casey, on behalf of Mayor Nations and the City Councilmembers, commended Ms. Fugate and Mr. Leach for an outstanding program and the work they do on the Landmarks Preservation Commission.

COMMUNICATIONS AND PETITIONS

President Pro Tem Mike Casey recognized Senator Jane Cunningham in attendance at tonight’s meeting. Senator Cunningham congratulated Councilmembers Randy Logan and Matt Segal on their recent election to City Council. Senator Cunningham introduced Susan Lueders, her Legislative Liaison, and Kit Crancer, her District Director, and provided their business cards. Senator Cunningham provided a legislative update for those in attendance and commended the City for their efforts on continuing Metro service in Chesterfield.

Stephen Wolff, President of Mary R. Wolff Real Estate Management Company and also Manager and owner of Woods Mill Park Apartments LLC, stated he was available to answer questions on Bill No. 2710 (Vacates a portion of Post Road, near Woods Mill Park Apartments).

Kelly-Ann Radetic, Vice President and General Counsel of Mary R. Wolff Real Estate Management Company and Manager of Woods Mill Park Apartments LLC, stated she was available to answer questions on Bill No. 2710 (Vacates a portion of Post Road, near Woods Mill Park Apartments).

Gene Holtzman, petitioner, stated he was available to answer questions on Bill No. 2707 [P.Z. 17-2008, Clarkson Wilson Centre (2 Clarkson Wilson Centre)]. Councilmember Fults expressed her appreciation to Mr. Holtzman and the residents for reaching a compromise on this issue, and looks forward to continued support.

Donna Unterreiner, who resides at 14748 Whitebrook Drive, expressed concern about the appearance of the closed Shell service station at Olive and Woods Mill Road and requested that the City improve the appearance of this intersection. Councilmember Erickson stated he agrees with Ms. Unterreiner that the City needs to pay attention to the entrances to the City. Councilmember Nation stated his concerns about the City spending public money on private property and requested that Staff investigate this.

INTRODUCTORY REMARKS

President Pro Tem Mike Casey announced that the next meeting of City Council has been scheduled for Monday, June 15, at 7 p.m.

COUNCIL COMMITTEE REPORTS

Public Health & Safety Committee

Councilmember Barry Flachsbart, Chairperson of the Public Health & Safety Committee, made a motion, seconded by Councilmember Geiger, to approve Resolution No. 354 (Supports a State-wide ban on smoking in public places). Councilmember Logan stated that, while he understands that employees would probably want a smoke-free environment at their place of employment, he feels strongly that a business owner should have the prerogative to choose if his/her business will allow smoking. Those who do not want to eat/drink in a restaurant that allows smoking could simply go somewhere else. Councilmember Erickson stated that two neighboring states have banned smoking in public places and feels that the State should take up this issue with a minimized risk to the business community. A roll call vote was taken for the passage and approval of Resolution No. 354 with the following results: Ayes – Casey, Flachsbart, Nation, Erickson, Geiger, Segal and Fults. Nays – Logan. Whereupon President Pro Tem Mike Casey declared **Resolution No. 354** passed.

Councilmember Flachsbart next made a motion, seconded by Councilmember Nation, to approve Resolution No. 357 (Supports a County-wide ban on smoking in public places). Councilmember Logan stated that he has the same comments on Resolution No. 357 as he had on Resolution No. 354. Councilmember Geiger stated he fully supports the smoking ban on a State and County-wide basis, but feels that the best approach is for the State to ban smoking and encouraged Senator Cunningham to pursue this. Councilmember Erickson stated that he agrees with Councilmember Geiger that the preferable solution is the State wide smoking ban. A roll call vote was taken for the passage and approval of Resolution No. 357 with the following results: Ayes – Geiger, Erickson, Segal, Fults, Flachsbart, Casey and Nation. Nays – Logan. Whereupon President Pro Tem Mike Casey declared **Resolution No. 357** passed.

Councilmember Flachsbart reported that Bill No. 2703 (Amends Section 21-68 of the City Code, regarding "Tampering") and Bill No. 2704 (Adds Section 18-153 to the City Code, regarding the wearing of protective headgear by minors) will be considered for adoption under the "Legislation" portion of the Agenda.

Councilmember Flachsbart and President Pro Tem Casey commended Chief Ray Johnson for obtaining a Police Justice Assistance Grant which will be applied toward the purchase of an Automatic License Plate Recognition System.

Councilmember Flachsbart announced that the next meeting of this Committee will be at a "to be determined" date in July.

Planning/Public Works Committee

Councilmember Connie Fults, Chairperson of the Planning/Public Works Committee, requested approval of the amended site development plan and amended landscape plan for Stroneridge Office Building. Councilmember Logan made a motion, seconded by Councilmember Flachsbart, to approve the amended site development plan and amended landscape plan for Stroneridge Office Building. A voice vote was taken with an affirmative result (7-0-1; Councilmember Fults abstained) and the motion was declared passed.

Councilmember Fults reported that Bill No. 2705 [P.Z. 17-2007 - Repeals old Sections 1003.140 - "PC" and 1003.150 - "PI" and creates new/revised sections for each, as well as new sections for Neighborhood Business ("NB"), Light Industrial ("LI") and Urban Core ("UC")] will be considered for adoption under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Fults next reported that Bill No. 2710 (Vacates a portion of Post Road, near Woods Mill Park Apartments) is scheduled for both first and second reading approval, under the "Legislation" portion of the Agenda.

Councilmember Fults next reported that Bill No. 2707 [P.Z. 17-2008, Clarkson Wilson Centre (2 Clarkson Wilson Centre)] will be read for the first time under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, to approve a budget amendment, transferring \$100,000 from General Fund Fund Reserves, to the Tree Removal Program Account, within the Public Works Dept. Budget. Councilmember Erickson stated he is in favor of this budget amendment and requested that Staff prominently display information regarding the tree removal and replacement program on the public website. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Council also approved the Committee's recommendation that Staff apply for grant funds, seeking money to fund the cost of a

city-wide street tree inventory. The total cost is expected to be \$67,500, with a local match of \$16,875 to be paid by the City.

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, to approve the proposed new policy on “Street Tree Removals.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults next made a motion, seconded by Councilmember Flachsbart, to approve Resolution No. 358 (Approves street name change from Longwood View Court and Woodland View Lane to Fick Farm Road). A roll call vote was taken for the passage and approval of Resolution No. 358 with the following results: Ayes – Flachsbart, Fults, Geiger, Logan, Nation, Erickson, Casey and Segal. Nays – None. Whereupon President Pro Tem Mike Casey declared **Resolution No. 358** passed. Councilmember Flachsbart stated that the residents who live on the seven parcels in this area are all in favor of this street name change.

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, to approve a contract amendment with Horner and Shifrin for Professional Services (Stormwater Pump Station No. 6 Thru-Levee/Gravity Outfall Structure), totaling \$67,100, with all funds coming from the TIF Special Projects Fund. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults reported that Bill No. 2708 (Approves a 10-foot wide easement – Terra Vista, Plat One – Lots 12 and 13) and Bill No. 2709 (Approves a Boundary Adjustment Plat re: Terra Vista, Lots 11 and 14) are both scheduled for 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 tentatively been scheduled for Thursday, June 4, at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that Brick House Tavern and Tap, located at #2 McBride & Son Center Drive, has requested a new liquor license to sell all kinds of liquor by the drink and Sunday sales. Councilmember Logan made a motion, seconded by Councilmember Nation, to approve issuance of the liquor license to Brick House Tavern and Tap. A voice vote was taken with an affirmative result (Councilmember Flachsbart abstained) and the motion was declared passed.

Mr. Herring next reported that Super Target Liquor, located at 40 THF Blvd., has requested a new liquor license to sell liquor in original packages and Sunday sales. Councilmember Geiger made a motion, seconded by Councilmember Logan, to approve issuance of the liquor license to Super Target Liquor. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Energy Marketing 709 LLC, located at 18423 Olive Street Road, has requested a new liquor license, due to a change in owners, to sell liquor in the original packages and Sunday sales. Councilmember Fults made a motion, seconded by Councilmember Nation, to approve issuance of the liquor license to Energy Marketing 709 LLC. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that The Press Box Bar & Grill, located at 1095 Chesterfield Parkway East, has requested a new liquor license to sell all kinds of liquor by the drink and Sunday sales. Councilmember Geiger made a motion, seconded by Councilmember Fults, to approve issuance of the liquor license to The Press Box Bar & Grill. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Surf Dogs, located at 137 Chesterfield Towne Centre, has requested a new liquor license to sell beer and Sunday sales. Councilmember Nation made a motion, seconded by Councilmember Erickson, to approve issuance of the liquor license to Surf Dogs. A voice vote was taken with an affirmative result (Councilmember Segal abstained) and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for a project to widen/improve North Outer Forty, adjacent to the CVAC (Chesterfield Valley Athletic Complex). Based upon a review of the information provided by Public Works Director/City Engineer Brian McGownd, Mr. Herring joined with him in recommending award of a contract to NB West Contracting, in an amount not to exceed \$625,000. Mr. Herring stated that the total cost of this project will be funded by the TIF Special Projects Fund. Councilmember Erickson made a motion, seconded by Councilmember Fults, to award a contract to NB West Contracting, in an amount not to exceed \$625,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

President Pro Tem Mike Casey invited everyone to attend the Chesterfield Chamber of Commerce "Concerts in the Park" at Faust Park on Tuesday, June 2, in celebration of the City's 21st birthday. President Pro Tem Mike Casey stated that the concert will begin at 7:00 p.m. and fireworks will take place at 9:00 p.m.

LEGISLATION

BILL NO. 2703

ADOPTS NEW SECTION 21-68 OF THE CODE OF ORDINANCES OF THE CITY OF CHESTERFIELD, MISSOURI, RELATING TO TAMPERING. (SECOND READING; PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL)

Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, for the second reading of Bill No. 2703. A voice vote was taken with a unanimous affirmative

result and the motion was declared passed. Bill No. 2703 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2703 with the following results: Ayes – Logan, Nation, Erickson, Flachsbart, Fults, Geiger, Casey and Segal. Nays – None. Whereupon President Pro Tem Mike Casey declared Bill No. 2703 approved, passed it and it became **ORDINANCE NO. 2524.**

BILL NO. 2704 ADDS SECTION 18-153 TO CHAPTER 18, ARTICLE VII OF THE CHESTERFIELD CITY CODE RELATING TO THE WEARING OF PROTECTIVE HEADGEAR BY MINORS WHILE BICYCLING. **(SECOND READING; PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Flachsbart made a motion, seconded by Councilmember Segal, for the second reading of Bill No. 2704. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2704 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2704 with the following results: Ayes – Erickson, Casey, Geiger, Flachsbart, Nation, Fults, Logan and Segal. Nays – None. Whereupon President Pro Tem Mike Casey declared Bill No. 2704 approved, passed it and it became **ORDINANCE NO. 2525.**

BILL NO. 2710 VACATES A PORTION OF POST ROAD NEAR THE WOODS MILL PARK APARTMENTS, ON THE NORTH SIDE OF HIGHWAY 141/WOODS MILL ROAD **(FIRST AND SECOND READINGS; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Geiger, for the first reading of Bill No. 2710. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2710 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Geiger, for the second reading of Bill No. 2710. City Attorney Rob Heggie requested a technical correction to change the word “revisionary” to “reversionary” in the first paragraph of Bill No. 2710 and Councilmember Fults and Councilmember Geiger agreed to this change. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2710 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2710 with the following results: Ayes – Casey, Flachsbart, Segal, Logan, Geiger, Nation, Erickson and Fults. Nays – None. Whereupon President Pro Tem Mike Casey declared Bill No. 2710 approved, passed it and it became **ORDINANCE NO. 2526.**

LEGISLATION – PLANNING COMMISSION

BILL NO. 2705 REPEALS SECTION 1003.140 “PC” PLANNED COMMERCIAL DISTRICT AND SECTION 1003.150 “PI” PLANNED INDUSTRIAL DISTRICT OF THE CITY OF CHESTERFIELD ZONING ORDINANCE AND CREATING A NEW SECTION 1003.140 PLANNED COMMERCIAL (PC) DISTRICT AND A NEW SECTION 1003.150 PLANNED INDUSTRIAL (PI) DISTRICT. ADDITIONALLY, THE ORDINANCE CREATES SECTION 1003.146 NEIGHBORHOOD BUSINESS (NB) DISTRICT, SECTION 1003.147 URBAN CORE (UC) DISTRICT, AND SECTION 1003.152 LIGHT INDUSTRIAL (LI) DISTRICT WITHIN THE CITY OF CHESTERFIELD (P.Z. 17-2007 CITY OF CHESTERFIELD {COMMERCIAL AND INDUSTRIAL DISTRICTS AND USES}) (**SECOND READING; PLANNING AND PUBLIC WORKS DEPARTMENT RECOMMENDS APPROVAL, AS AMENDED**)

Councilmember Fults made a motion, seconded by Councilmember Geiger, for the second reading of Bill No. 2705. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2705 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2705 with the following results: Ayes – Geiger, Segal, Casey, Nation, Flachsbart, Fults, Erickson and Logan. Nays – None. Whereupon President Pro Tem Mike Casey declared Bill No. 2705 approved, passed it and it became **ORDINANCE NO. 2527**.

BILL NO. 2707 REPEALS ST. LOUIS COUNTY ORDINANCE NUMBER 13,903 AND CITY OF CHESTERFIELD ORDINANCE NUMBER 1117 AND REPLACING IT WITH A NEW ORDINANCE THAT CONSOLIDATES THE GOVERNING CONDITIONS OF BOTH AND 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 FOR A 5.45-ACRE TRACT OF LAND LOCATED ON THE EAST SIDE OF CLARKSON ROAD AND SOUTH OF CLARKSON WOODS DRIVE [P.Z. 17-2008 CLARKSON WILSON CENTRE (2 CLARKSON WILSON CTR.)] (**FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS PROPOSED IN THE ATTACHED “GREEN SHEET”**)

Councilmember Fults made a motion, seconded by Councilmember Logan, for the first reading of Bill No. 2707. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2707 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, to adopt the “green sheet” amendments. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

BILL NO. 2708 VACATES A TEN FOOT WIDE EASEMENT ON LOT 12 AND LOT 13 OF “TERRA VISTA – PLAT ONE” AS RECORDED IN PLAT BOOK 354 PAGE 545 OF THE ST. LOUIS COUNTY RECORDS AND BEING SITUATED IN U.S. SURVEY 367 AND 923, TOWNSHIP 46 NORTH, RANGE 5 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI (**FIRST AND SECOND READINGS; PLANNING AND PUBLIC WORKS DEPARTMENT RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Segal, for the first reading of Bill No. 2708. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2708 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Geiger, for the second reading of Bill No. 2708. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2708 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2708 with the following results: Ayes – Casey, Logan, Geiger, Flachsbart, Erickson, Nation, Segal and Fults. Nays – None. Whereupon President Pro Tem Mike Casey declared Bill No. 2708 approved, passed it and it became **ORDINANCE NO. 2528**.

BILL NO. 2709 APPROVES A BOUNDARY ADJUSTMENT PLAT FOR LOTS 11-14 OF TERRA VISTA PLAT ONE IN U.S. SURVEYS 367 AND 923, TOWNSHIP 46 NORTH, RANGE 5 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI. (**FIRST AND SECOND READINGS; PLANNING AND PUBLIC WORKS DEPARTMENT RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Segal, for the first reading of Bill No. 2709. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2709 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Geiger, for the second reading of Bill No. 2709. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2709 was read for the second time.

A roll call vote was taken for the passage and approval of Bill No. 2709 with the following results: Ayes – Fults, Segal, Geiger, Nation, Logan, Casey, Flachsbart and Erickson. Nays – None. Whereupon President Pro Tem Mike Casey declared Bill No. 2709 approved, passed it and it became **ORDINANCE NO. 2529**.

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, to amend the “green sheet”, Amendment “1b” on **Bill No. 2707** (see above) by adding “A.M.” after “6:15.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

ADJOURNMENT

President Pro Tem Mike Casey adjourned the meeting at 8:01 p.m.

Mayor John Nations

President Pro Tem Mike Casey
Presiding Officer

ATTEST:

Judith A. Naggiar, City Clerk