



RECORD OF PROCEEDING

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

June 2, 2008

The meeting was called to order at 7:10 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

COMMUNICATIONS AND PETITIONS

Dan Rothwell, who resides at 15720 Callender Court and is Co-Chair of the Landmarks Preservation Commission and a member of the Historical Commission, expressed appreciation and thanks to Councilmember Durrell.

Lu Perantoni, who resides at 15333 Country Ridge Drive and is a member of the Planning Commission, expressed appreciation and thanks to Councilmember Durrell.

Allan Sheppard, who resides at 826 Judson Manor and is a Former Councilmember from Ward I, stated that he felt the City should have an election to fill the Councilmember vacancy in Ward I. Mayor Nations stated that, pursuant to the State Statute and the procedure that applies to the City, the Mayor will make a nomination and the Council will approve by a majority to fill the vacancy. Councilmember Flachsbart stated that holding an election would leave a vacancy in Ward I and having only one vote from Ward I would have a negative impact for the citizens.

Alice Fugate, who resides at 14165 Cross Trails Drive and is Chair of the Landmarks Preservation Commission, expressed appreciation and thanks to Councilmember Durrell.

State Representative Jane Cunningham, who resides at 1602 Timberlake Manor Parkway, expressed appreciation and thanks to Councilmember Durrell.

Royce Engel, who resides at 135 Ridgecrest, expressed appreciation and thanks to Councilmember Durrell.

APPROVAL OF MINUTES

The minutes of the May 19, 2008, City Council meeting were submitted for approval. Councilmember Erickson made a motion, seconded by Councilmember Nation, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

APPOINTMENTS

Mayor Nations nominated Amy Nolan, 16025 Wilson Manor Drive, for re-appointment as a member of the Planning Commission. Mayor Nations next nominated Robert Puyear, 226 River Valley Drive, for appointment as a member of the Planning Commission. Councilmember Flachsbart made a motion, seconded by Councilmember Durrell, to approve the re-appointment and appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Ms. Nolan's and Mr. Puyear's four-year terms will expire June 2, 2012. Mayor Nations recognized Mr. Puyear in attendance at tonight's meeting.

INTRODUCTORY REMARKS

Mayor Nations invited everyone to attend the Chesterfield Chamber of Commerce "Concerts in the Park" at Faust Park on Tuesday, June 3, to celebrate the City of Chesterfield's 20th birthday. Mayor Nations stated that the concert will begin at 7:00 p.m. and fireworks will take place at 9:00 p.m.

Mayor Nations recognized Councilmember Durrell. Councilmember Durrell stated that she submitted her letter of resignation from her seat as Ward I Councilmember to Mayor Nations this morning. Councilmember Durrell stated that her health is perfect but she

needs to spend more time with her husband, Chuck Durrell. Councilmember Durrell commended and expressed appreciation to the City Staff, Department Heads, elected officials, the residents and developers for their work during the years she served on Council. Councilmember Durrell next extended thanks to spouses, friends and family members of all these people who attended City events. Councilmember Durrell next stated that it has been a pleasure and privilege to work with representatives at all levels of government and former City leaders and Councilmembers. Councilmember Durrell stated that the City is fortunate to have Gene Schenberg serving in any capacity. Councilmember Durrell extended thanks to her husband and family members for their support and encouragement.

Mayor Nations reported that Councilmember Jane Durrell, Ward 1, submitted her letter of resignation to him this morning. Mayor Nations officially accepted Councilmember Durrell's letter of resignation at 7:47 p.m. on June 2, 2008.

APPOINTMENT

Mayor Nations nominated Gene Schenberg from Ward I to fill the unexpired term of Former-Councilmember Durrell on City Council. Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to approve this nomination. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Schenberg's term as Councilmember, Ward I, will expire April 7, 2009. Mayor Nations extended congratulations to Mr. Schenberg.

SWEARING-IN CEREMONY

City Clerk Judy Naggiar swore in Gene Schenberg as Councilmember, Ward I.

A roll call was taken with the following results:

PRESENT

Mayor John Nations
Councilmember Barry Flachsbart
Councilmember Gene Schenberg
Councilmember Bruce Geiger
Councilmember Lee Erickson
Councilmember Dan Hurt
Councilmember Mike Casey
Councilmember Bob Nation
Councilmember Connie Fults

ABSENT

None

APPOINTMENTS

Mayor Nations nominated Former Councilmember Jane Durrell, 177 Gunston Hall, for appointment as a member of the Landmarks Preservation Commission and the Historical Commission. Councilmember Flachsbart made a motion, seconded by Councilmember Schenberg, to approve these appointments. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mrs. Durrell's three-year term on the Landmarks Preservation Commission will expire June 2, 2011 and her two-year term on the Historical Commission will expire June 2, 2010.

FORMER-COUNCILMEMBER DURRELL RECOGNITION

Mayor Nations thanked Former-Councilmember Durrell for her contributions to the City of Chesterfield. Mayor Nations presented Councilmember Durrell with a plaque commemorating her years of service to the City. Mayor Nations next presented Councilmember Durrell with a proclamation, outlining her many contributions to the City and residents, and declared June 2, 2008, as "Jane W. Durrell Day in the City of Chesterfield." Mayor Nations extended his appreciation to Jane Durrell's family for their support and recognized the family members in attendance.

Mayor Nations recognized Senator John Loudon. Senator Loudon, who resides at 16125 Wilson Forest Court, presented Former-Councilmember Durrell with a "Senate Resolution" in honor of her many personal and professional accomplishments and years of service with the City of Chesterfield.

Councilmembers Geiger, Erickson, Nation, Fults, Casey, Hurt, Schenberg and Flachsbart expressed their appreciation to Former-Councilmember Durrell for her dedication to Ward I residents and the entire City, for having a positive attitude, being a mentor, and commended her for her outstanding work.

Mayor Nations next recognized Don Wiegand, renowned sculptor and member of the Historical Commission. Mr. Wiegand presented Former-Councilmember Durrell and her husband, Chuck Durrell, with a "lifecasting" of their clasped hands to commemorate their 50th wedding anniversary.

Mayor Nations temporarily adjourned the meeting for those in attendance to attend the reception for Former-Councilmember Jane Durrell and newly sworn in Councilmember Gene Schenberg.

The meeting was reconvened at 8:46 p.m.

COUNCIL COMMITTEE REPORTS

Planning/ Public Works Committee

Councilmember Hurt, Chairperson of the Planning/Public Works Committee, reported that Mr. Jeremy Brummond, attorney for the petitioner, has requested that Bill No. 2633 (P.Z. 47-2007, Conway Point Office Building) be held, until the next City Council

meeting. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to hold Bill No. 2633 until the June 16 City Council meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt next reported that Bill No. 2643 (P.Z. 01-2008 - Kraus Farm Office Center (Opus Northwest) and Bill No. 2644 (P.Z. 12-2008 Landmarks Preservation Commission (Kroeger Slaughterhouse/Wiegand Studio) will be read for the first time under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Hurt next made a motion, seconded by Councilmember Flachsbart, to approve the Site Development Section Plan for St. Luke's Hospital – Parcel A.. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt next made a motion, seconded by Councilmember Fults, to approve the Site Development Concept Plan for Chesterfield Blue Valley. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mayor Nations recognized Mr. Kraus in attendance at this evening's meeting.

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

REPORT OF THE CITY ADMINISTRATOR

Assistant City Administrator Libbey Malberg reported that bids were recently sought for the installation of a "box culvert", which will close a gap in the existing drainage system, along the north side of North Outer 40 Road. Ms. Malberg stated that the total cost of this project will be covered by funds set aside in the TIF "Special Projects" fund, as planned when the TIF was closed, on 12/31/07. Based upon a review of the information provided by Public Works Director/City Engineer Brian McGownd, Ms. Malberg joined with him in recommending award of a contract to J.H. Berra Construction Company, in an amount not to exceed \$410,000. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to J.H. Berra Construction Company, in an amount not to exceed \$410,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

Mayor Nations recognized City Attorney Rob Heggie who reported that he drafted language, if approved by Council, which would allow City Staff to grant a temporary permit to Cricket Communications to install cell phone antennas at two locations: Parkway Central High School and at 537 Wild Horse Creek Road. Councilmember Flachsbart made a motion, seconded by Councilmember Fults, to approve the exemption from the provisions of the Cell tower ordinance. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

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 Casey made a motion, seconded by Councilmember Schenberg, for the first reading of Bill No. 2642. Councilmember Erickson expressed concern about the potential of lost capital, document language that shifted liability away from the City and towards the limited liability corporation, and potential requests for additional poles with antennas. Discussion ensued regarding the issues discussed at the May 28 MIS Citizens Advisory Committee meeting. Mayor Nations requested that Director of Finance and Administration Lori Helle email the minutes from the May 28 MIS Citizens Advisory Committee meeting to the Councilmembers. A voice vote was taken with a unanimous affirmative result and the motion to read Bill No. 2642 for the first time was declared passed. Bill No. 2642 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to amend Bill No. 2642 pursuant to the “handout.” Discussion ensued regarding service interruptions and liability. Mayor Nations asked Mark O’Neil, representative of Network 1 Communications, to address the Councilmembers concerns and questions. Mr. O’Neil stated that service outage issues are addressed in the Service Level Agreement with the customers and that the company will bill clients on a “month to month” basis. Mr. O’Neil next provided information on the company’s insurance liability policies. Discussion ensued regarding additional amendments to Bill No. 2642. Councilmember Hurt withdrew his motion to amend Bill No. 2642 and Councilmember Flachsbart withdrew his second on this motion. Councilmember Flachsbart extended thanks to Mr. O’Neil for his work with the MIS Citizens Advisory Committee on this project.

LEGISLATION – PLANNING COMMISSION

BILL NO 2643

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 14.414-ACRE PARCEL OF LAND LOCATED AT 14730 CONWAY ROAD, NEAR THE NORTHWEST CORNER OF HIGHWAY 40/INTERSTATE 64 AND TIMBERLAKE MANOR DRIVE. (P.Z. 01-2008 KRAUS FARM OFFICE CENTER/OPUS NORTHWEST) (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 Geiger, for the first reading of Bill No. 2643. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2643 was read for the first time.

Councilmember Flachsbart noted a technical correction in the text of Bill No. 2643 and that the bill should read “...”Highway 40/Interstate **64**...”

Councilmember Hurt made a motion, seconded by Councilmember Geiger, to amend Bill No. 2643 pursuant to the “Green Sheet.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger made a motion, seconded by Councilmember Flachsbart, to amend Bill No. 2643 to modify Page 2, Section B., paragraph 2.a. to read as follows: “the maximum elevation of the buildingswould not exceed 641 feet above MSL (mean sea level).” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

BILL NO 2644 ESTABLISHES A HISTORIC DESIGNATION UPON A STRUCTURE LOCATED AT ONE WIEGAND DRIVE AND 16905 BAXTER ROAD UNDER THE PROCESS ESTABLISHED BY CITY OF CHESTERFIELD ORDINANCE NUMBER 2414. (P.Z. 12-2008 LANDMARKS PRESERVATION COMMISSION {KROEGER SLAUGHTERHOUSE/WIEGAND STUDIO})
(FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Geiger, for the first reading of Bill No. 2644. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2644 was read for the first time.

Councilmember Geiger reminded everyone in attendance that the Garden Tour will take place on June 7.

Councilmember Erickson announced that the next meeting of the Finance and Administration Committee has been scheduled for June 9, at 5:30 p.m.

ADJOURNMENT

Mayor Nations adjourned the meeting at 9:23 p.m.

Mayor John Nations

ATTEST:

Judith A. Naggiar, City Clerk