



## RECORD OF PROCEEDING

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

**June 16, 2008**

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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 Gene Schenberg  
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 June 2, 2008, City Council meeting were submitted for approval. Councilmember Casey 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.

## **COMMUNICATIONS AND PETITIONS**

Mayor Nations recognized Mr. Jim Jacobi, the 2008-2009 President of Progress 64 West. Mr. Jacobi, on behalf of Progress 64 West, presented a \$2,500 check to Mayor Nations in support of the Incubator Plus® program, which is part of the business development efforts of the Community Services and Economic Development Department. Mayor Nations thanked Mr. Jacobi and Progress 64 West for this contribution. Mayor Nations commended Assistant City Administrator Libbey Malberg for her work on the Incubator Plus® program. Mayor Nations thanked and introduced Jim Jacobi of Sachs Properties, Debbie Shaw Franke of Enterprise Bank & Trust, Tom Shaw of Tom Shaw Realty, Jim Susman of Progress 64 West, and Stuart Imber of Benton Home Builders.

Brian Calderwood, who resides at 2024 Meadowbrook Way Drive, supported Bill No. 2642 (Wireless Network for Chesterfield residents); supported Bill No. 2647 (Eliminates “Chesterfield Arts Commission” and replaces it with “Chesterfield Arts”) since appointments would still be made, and supported the recommendation regarding notary service fees.

Bill Remis, attorney for the petitioner, supported Bill No. 2643 (P.Z. 01-2008, Kraus Farm Office Center/Opus Northwest) and stated he was available to answer questions.

## **APPOINTMENTS**

Mayor Nations nominated Russell Wertz, 20 Forest Crest Drive (Ward 1), Tim Sauer, 14611 Hunters Point (Ward 3), and Steven Spencer, 1317 Carriage Crossing Lane (Ward 4) for re-appointment as members of the Public Works Citizens Advisory Group and Richard Morris, 1751 Baxter Forest Valley Court (Ward 4) for re-appointment as a member of the Board of Adjustment. Councilmember Flachsbart made a motion, seconded by Councilmember Schenberg, to approve these re-appointments. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Wertz’s, Mr. Sauer’s, and Mr. Spencer’s five-year terms will expire July 1, 2013. Mr. Morris’s five-year term will expire June 1, 2013.

## **INTRODUCTORY REMARKS**

Mayor Nations announced that the next meeting of City Council has been scheduled for Monday, July 21, at 7 p.m.

Mayor Nations next announced that City Hall will be closed on Friday, July 4, for Independence Day and invited everyone in attendance to the City’s Independence Day celebration and fireworks display.

## COUNCIL COMMITTEE REPORTS

### Finance and Administration Committee

Councilmember Lee Erickson, Chairperson of the Finance and Administration Committee, reported that two additional monthly Municipal Court sessions would be held to handle “non-traffic” violations.

Councilmember Erickson made a motion, seconded by Councilmember Geiger, to approve the recommendation regarding the 1<sup>st</sup> quarter budget adjustments. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Erickson next reported that Bill No. 2647 (Eliminates “Chesterfield Arts Commission” and replaces it with “Chesterfield Arts”) and Bill No. 2648 (Regulation of cable television/video service providers) will be read for the first time under the “Legislation” portion of the Agenda.

Councilmember Erickson made a motion, seconded by Councilmember Casey, to approve the recommendation regarding a notary service fee policy. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Erickson announced that the next meeting of this Committee has been scheduled for Monday, July 14, at 5:30 p.m.

[Mayor Nations recognized Boy Scout Troop # 677 in attendance at tonight’s meeting.]

### Planning/ Public Works Committee

Councilmember Dan Hurt, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2633 (P.Z. 47-2007, Conway Point Office Building) and Bill No. 2643 (P.Z. 01-2008, Kraus Farm Office Center/Opus Northwest) and will be considered for adoption under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to suspend the rules to address Bill No. 2644 (P.Z. 12-2008, Landmarks Preservation Commission (Kroeger Slaughterhouse/Wiegand Studio). 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})  
**(SECOND READING; PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second 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 second time. A roll call vote was taken for the passage and approval of Bill No. 2644 with the following results: Ayes – Fults, Hurt, Casey, Flachsbart, Schenberg, Nation, Geiger and Erickson. Nays – None. Whereupon Mayor Nations declared Bill No. 2644 approved, passed it and it became **ORDINANCE NO. 2461**.

Councilmember Hurt made a motion, seconded by Councilmember Casey, to approve T.S.P. 04-2008 (Cricket Communications (Doubletree Hotel)). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt next reported that Bill No. 2645 (P.Z. 13-2008, River Crossings (Bentley Holdings, LLC)) will be read for the first time under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Hurt next reported that Bill No. 2646 (Approves Lot Split – Wilson Bluffs) 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, June 19, at 5:30 p.m.

## **REPORT OF THE CITY ADMINISTRATOR**

City Administrator Mike Herring reported that bids were recently sought for construction of "Phase II" of the Monarch-Chesterfield Levee Trail, which is a 1.9 mile section, running from Long Road to Pump Station No. 6, located behind Target. 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 Pace Construction Company, in an amount not to exceed \$525,000. Councilmember Flachsbart made a motion, seconded by Councilmember Erickson, to award a contract to Pace Construction Company, in an amount not to exceed \$525,000. 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 the installation of a soccer pavilion at the Chesterfield Valley Athletic Complex (CVAC), to be located between Fields B4 and B5. Mr. Herring stated that City Council previously authorized purchase of the pavilion itself, at a total cost \$25,355, utilizing grant funds, totaling \$54,957, which Staff had obtained from the Municipal Park Grant Commission. Based upon a review of the information provided by Director of Parks and Recreation Darren Dunkle, Mr. Herring joined with him in recommending award of a contract to Woods Construction Services in an amount not to exceed \$25,000. Councilmember Flachsbart made a motion, seconded by Councilmember Schenberg, to award a contract to Woods Construction Services in an amount not to exceed \$25,000. A voice vote was taken with a unanimous

affirmative result and the motion was declared passed. In response to a question by Councilmember Flachsbart, City Administrator Mike Herring reported that this contract amount was below the budgeted Grant funds for this project.

Mr. Herring next reported that bids were recently sought for the construction of "Central Park Road", linking Lydia Hill Drive and Burkhardt Place. Based upon a review of the information provided by Director of Parks and Recreation Darren Dunkle, Mr. Herring joined with him in recommending award of a contract to J.M. Marschuetz Construction Company, in an amount not to exceed \$1,923,935. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to award a contract to J.M. Marschuetz Construction Company, in an amount not to exceed \$1,923,935. 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 the replacement of an engineering copier. 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 Rotolite of St. Louis, Inc., in the amount of \$26,395. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to Rotolite of St. Louis, Inc., in the amount of \$26,395. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that a liquor license request has been submitted by Krieger's, located at 1684 Clarkson Road, due to a change in ownership, to sell all kinds of liquor by the drink and Sunday sales. Mr. Herring stated that this application has been reviewed and recommended for your approval by the Departments of Planning/Public Works and Police. Councilmember Casey made a motion, seconded by Councilmember Schenberg, to approve issuance of a liquor license to Krieger's. A voice vote was taken with an affirmative result and the motion was declared passed.

## **NEW BUSINESS**

Councilmember Erickson noted that, at the June 18 meeting of the Parks and Recreation Committee, he was planning to request that direction be given to STAFF to prepare a detailed plan/analysis for construction of an amphitheater in Central Park. Councilmember Flachsbart, Chairperson of the Parks/Recreation Committee, asked Mr. Herring to add this item to the AGENDA for that meeting.

## **LEGISLATION**

**BILL NO. 2642** APPROVES A CONTRACT TO ESTABLISH A WIRELESS INTERNET ACCESS NETWORK WITHIN THE CITY OF CHESTERFIELD (SECOND READING; CITY ATTORNEY AND CITY ADMINISTRATOR RECOMMEND APPROVAL) (MIS CITIZENS ADVISORY COMMITTEE RECOMMENDS APPROVAL) (BLUE SHEET AMENDMENT PREPARED BY

**CITY ATTORNEY, AS DIRECTED BY CITY COUNCIL AT  
THE 6/2/08 CITY COUNCIL MEETING)**

Councilmember Casey made a motion, seconded by Councilmember Schenberg, for a second reading of Bill No. 2642. A voice vote was taken with an affirmative result (Councilmember Nation voted “No”) and the motion was declared passed. Bill No. 2642 was read for the second time.

City Administrator Herring reported that each of the five other cities in the consortium, that worked with the City of Chesterfield to develop this proposed agreement, has subsequently adopted the agreement, with the exception of the City of Ballwin, which has a second reading of their legislation scheduled for Monday, June 23, 2008.

Councilmember Nation stated that he had received five or six emails regarding articles about Network1 and requested more research and guidance on Bill No. 2642. Councilmember Flachsbart and Mayor Nations stated that the MIS Citizens Advisory Committee had reviewed these articles and took this into consideration. City Administrator Herring stated that the six-city consortium was aware of this information and met with representatives of Network1 and the consortium felt this was not relevant to this discussion.

Councilmember Hurt made a motion, seconded by Councilmember Schenberg, to amend Bill No. 2642, pursuant to the Blue Sheet, Page 2, paragraph (f), to add a second sentence as follows: “Chesterfield customers will not be liable for more than one month’s billing if N1 becomes inoperable.” Discussion ensued regarding billing.

Councilmember Fults made a motion, seconded by Councilmember Nation, to further amend the amendment to strike the word “two” and replace it with the word “one.” Discussion ensued regarding billing. A roll call vote was taken for the passage of Councilmember Fults’ motion to amend with the following results: Ayes – Fults, Geiger, Nation and Schenberg. Nays – Erickson, Flachsbart, Hurt and Casey. Mayor Nations voted “No” and declared the motion to amend failed. Discussion ensued regarding the City’s liability.

A roll call vote was taken for the passage of Councilmember Hurt’s original motion to amend with the following results: Ayes – Schenberg, Geiger, Hurt, Erickson, Flachsbart and Nation. Nays – Casey and Fults. Mayor Nations declared the motion to amend passed.

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to amend the Blue Sheet, Page 2, paragraph (a), “City has discretion to decide if Parks will be within the wireless network.” to read as follows: “City has discretion to decide if Parks will allow construction of network hardware within Parks boundaries.” Mayor Nations requested that City Attorney Heggie clarify the contract wording on Page 2, Exhibit B, regarding network hardware. A voice vote was taken with an affirmative result and the motion was declared passed.

Councilmember Schenberg made a motion, seconded by Councilmember Flachsbart, to amend Bill No. 2642, Page 4, paragraph 3 (b), to read as follows: “Antennas may not be installed on street light posts where an antenna currently exists.” Discussion ensued. A voice vote was taken with an affirmative result (Councilmembers Casey and Geiger voted “No) and the motion was declared passed.

A roll call vote was taken for the passage and approval of Bill No. 2642, as amended, with the following results: Ayes – Schenberg, Hurt, Casey, Flachsbart, Geiger and Fults. Nays – Nation and Erickson. Whereupon Mayor Nations declared Bill No. 2642, as amended, approved, passed it and it became **ORDINANCE NO. 2462.**

**BILL NO. 2647** REPEALS CITY OF CHESTERFIELD ORDINANCE 1051 AND THEREBY DISSOLVES THE CHESTERFIELD ARTS COMMISSION (**FIRST READING; FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Erickson made a motion, seconded by Councilmember Geiger, for the first reading of Bill No. 2647. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2647 was read for the first time.

**BILL NO. 2648** EXERCISES CERTAIN LIMITED AUTHORITY RELATING TO THE OPERATION OF VIDEO SERVICES PROVIDERS AND PROVIDES SUPPLEMENTARY REGULATION OF THE PLACEMENT OF FACILITIES OF VIDEO SERVICE PROVIDERS AND OTHER UTILITIES MAINTAINING FACILITIES WITH THE CITY (**FIRST READING; FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Erickson made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2648. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2648 was read for the first time.

### **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}) (**SECOND READING; PLANNING COMMISSION RECOMMENDS APPROVAL;**

**PLANNING AND PUBLIC WORKS COMMITTEE  
RECOMMENDS APPROVAL, AS AMENDED; BLUE SHEET  
AMENDMENT)**

Councilmember Hurt made a motion, seconded by Councilmember Geiger, for a second 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 second time.

Councilmember Geiger made a motion, seconded by Councilmember Erickson, to amend Bill No. 2633 , pursuant to the “Blue Sheet” to replace the wording as follows: Section 1. A. 1 Permitted Uses, page 1 to add c. “Financial Institutions with the following provisions (1) such use shall not have a separate exterior building entrance, and (2) such use shall not utilize any drive through in connection with operations, and (3) personal banking services shall be ancillary to the daily operations and services provided by any financial institution in this development; change Section B. 1. Building Requirements to read as follows: a. A minimum forty-percent (40%) open space shall be required for this development due to good planning and urban design as a result of providing a location to accommodate public art at no cost to the City along and/or adjacent to Conway Road and Chesterfield Parkway and provided that the adjacent right-of-ways are landscaped and maintained in conjunction with this development. The Site Development Plan shall indicate the conceptual location where the City shall place public art. Landscaping of adjacent right-of-ways shall be as approved on the landscape plan, approved by the City of Chesterfield. Any landscaping of adjacent right-of-way shall be approved by the Missouri Department of Transportation, St. Louis County Department of Highways and Traffic, and the Chesterfield Department of Planning and Public Works as appropriate for the jurisdiction of the specific right-of-way; amend the language of Section d. 1. Parking and Loading Requirements to read as follows: 1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code with the exception that a 5% parking reduction from the required parking section in 1003.140 of the City Code shall be permitted for the development; and amend Section D. to add item 5. as follows: Parking shall be prohibited along Conway and Chesterfield Parkway.” Discussion ensued regarding defining the frontage on Conway Road and Chesterfield Parkway. City Attorney Heggie suggested changing the wording to read as follows “Parking shall be prohibited along Conway and Chesterfield Parkway adjacent to this development.” Mayor Nations asked Mr. Dalton if this wording change met with his approval and Mr. Dalton responded that it met with his approval. Discussion ensued regarding parking prohibition and Mayor Nations directed that this item be added to the Agenda of the next Public Health and Safety Committee meeting. A voice vote was taken with a unanimous affirmative result and the motion to amend was declared passed.

A roll call vote was taken for the passage and approval of Bill No. 2633, as amended, with the following results: Ayes – Schenberg, Casey, Geiger, Flachsart, Nation, Hurt, Erickson and Fults. Nays – None. Whereupon Mayor Nations declared Bill No. 2633 approved, passed it and it became **ORDINANCE NO. 2463**.

**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) **(SECOND READING; PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, AS AMENDED)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second 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 second time.

Councilmember Geiger made a motion, seconded by Councilmember Erickson, to amend Bill. No. 2643, Attachment A, Page 8, paragraph 7 to read as follows: “At the City’s sole discretion, in lieu of constructing Conway Road pavement and drainage improvements, the City requires the establishment of a special cash escrow in a value equal to the cost of the required improvements referenced in paragraph 6 above. The value of the Special Cash Escrow will be credited towards the required TGA contribution. Based on the preliminary plan, improvements to Conway Road or the establishment of the above Special Cash Escrow must commence prior to issuance of the building permits. As noted, the delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.” A voice vote was taken with an affirmative result (Councilmember Hurt voted “No”) and the motion to amend was declared passed. A roll call vote was taken for the passage and approval of Bill No. 2643, as amended, with the following results: Ayes – Erickson, Hurt, Geiger, Nation, Schenberg, Flachsbart, Casey and Fults. Nays – None. Whereupon Mayor Nations declared Bill No. 2643, as amended, approved, passed it and it became **ORDINANCE NO. 2464**.

Mayor Nations recognized Mr. Kraus in attendance at tonight’s meeting.

**BILL NO 2645** REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 2385 TO ALLOW FOR AN AMENDMENT TO THE LANDSCAPE REQUIREMENTS FOR LOTS 6, 7 AND 8 OF RIVER CROSSINGS DEVELOPMENT, A "PC" PLANNED COMMERCIAL DISTRICT, LOCATED NORTH OF CHESTERFIELD AIRPORT ROAD AND EAST OF LONG ROAD (P.Z. 13-2008, RIVER CROSSINGS (BENTLEY HOLDINGS, LLC)) **(FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2645. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2645 was read for the first time.

**BILL NO 2646** PROVIDES FOR THE APPROVAL OF A LOT SPLIT FOR A 6.24 ACRE TRACT OF LAND, ZONED E-ONE ACRE, BEING IN THE SOUTH PART OF THE SOUTHWEST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF SECTION 16, IN TOWNSHIP 45 NORTH, RANGE 4 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, LOCATED AT 1707 WILSON ROAD (WILSON BLUFFS) (**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. 2646. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2646 was read for the first time

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2646. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2646 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2646 with the following results: Ayes – Erickson, Fults, Geiger, Schenberg, Hurt, Nation, Casey and Flachsbart. Nays – None. Whereupon Mayor Nations declared Bill No. 2646 approved, passed it and it became **ORDINANCE NO. 2465**.

**ADJOURNMENT**

Mayor Nations adjourned the meeting at 8:17 p.m.

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Mayor John Nations

**ATTEST:**

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Judith A. Naggiar, City Clerk