



## RECORD OF PROCEEDING

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

**July 21, 2008**

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The meeting was called to order at 7:07 p.m.

Mayor Nations led everyone in the Pledge of Allegiance and followed with a moment of silent prayer.

#### **PRESENTATIONS**

Mayor Nations presented a Proclamation to Ms. Sydney Kendall, daughter of Mr. and Mrs. Mike Kendall, who reside at 1920 Highland Forest Ct., in Ward 2, in recognition of her courage, determination and positive attitude after her injury in a boating accident.

Mayor Nations next presented Proclamations to the following homeowners who volunteered to showcase their homes for the 2008 Garden Tour: Mike & Norma Thiel, Janet & Bob LeGrand, Kay & Phil Folsom, and Cathy & Mike Bateman (Jeff & Debbie Travers were not in attendance). Councilmember Flachsbart extended thanks and appreciation to these homeowners for hosting this event.

Mayor Nations next introduced Ms. Mary Ann Fink, who is a regional representative of the "America in Bloom" program. Ms. Fink recognized Jim Foley, Kay Folsom, Darren Dunkle, Darcy Capstick, Ken Denson, Mr. and Mrs. Doug Mulliken, Dr. and Mrs. Bill Hoehn, Ms. Kathy Goldner and Mr. Walt Cerski, for their hard work and many efforts and presented Mayor Nations with a "Letter of Distinction" in Urban Forestry for the City of Chesterfield for the City's environmental stewardship of trees.

## **ROLL CALL**

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

## **APPROVAL OF MINUTES**

The minutes of the June 16, 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**

Donald Nemecek, who resides at 2004 Lynn Bay Court, requested clarification about the Missouri Law regarding licensing “mopeds”. City Attorney Rob Heggie stated that the State of Missouri requires that a motor vehicle must be licensed to use a City or a State highway but pointed out that the State does not license motor vehicles, with engine sizes less than 50cc. Mr. Heggie stated that the City’s ordinances follow the State ordinances and require that motorized vehicles on City streets be licensed. Mr. Heggie stated that the City is reviewing this issue and that this would probably need to be resolved at the State legislative level.

Stacey Morse, Executive Director of Chesterfield Arts, supported Bill No. 2647 (Eliminates “Chesterfield Arts Commission”; replaced by “Chesterfield Arts”). Mayor Nations expressed appreciation for the partnership the City has with Chesterfield Arts.

Alice Fugate, Chairperson of the Landmarks Preservation Commission, stated the Commission supported the nomination of Dennis Hayden as the recipient of the “Ancient History Award” and stated she was available to answer any questions. Councilmember Flachsbart expressed his appreciation for the great work of the Landmarks Preservation Commission.

## **APPOINTMENTS**

Mayor Nations nominated Dr. Stanley Proctor, for appointment as a member of the Planning Commission, to fill the vacancy created by the appointment of Gene Schenberg (Ward I) to City Council. Councilmember Flachsbart made a motion, seconded by Councilmember Schenberg, to approve this appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Dr. Proctor's term will expire June 1, 2009.

## **INTRODUCTORY REMARKS**

Mayor Nations announced that the next meeting of City Council has been scheduled for Monday, August 4, at 7 p.m.

Mayor Nations next commended City Staff and everyone else involved for their many efforts to insure the success of the City's most recent 4<sup>th</sup> of July celebration.

## **COUNCIL COMMITTEE REPORTS**

### **Parks & Recreation Committee**

Councilmember Barry Flachsbart, Chairperson of the Parks & Recreation Committee, made a motion, seconded by Councilmember Geiger, to approve the recommendation to approve/adopt the updated Master Plan for Central Park. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart next made a motion, seconded by Councilmember Geiger, to approve the recommendation to hire a consultant re: Chesterfield Parkway Medians re-design and to approve transfer of \$20,000 from Parks Sales Tax Fund Reserves, to cover this entire expense. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart next made a motion, seconded by Councilmember Geiger, to approve a recommendation to approve the Five-Year Forecast for Parks Sales Tax Fund. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart next made a motion, seconded by Councilmember Casey, to approve the recommendation to implement a program designed to control the Canadian geese population. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart announced that the next meeting of this Committee has been scheduled for Thursday, July 31, at 5:30 p.m.

## **Finance and Administration Committee**

Councilmember Lee Erickson, Chairperson of the Finance and Administration Committee, reported that Bill No. 2647 (Eliminates “Chesterfield Arts Commission”; replaced by “Chesterfield Arts”) and Bill No. 2648 (Regulation of Cable Television/video service providers) will be considered for adoption under the “Legislation” portion of the Agenda.

Councilmember Erickson next made a motion, seconded by Councilmember Schenberg, to approve/accept the FY2007 Audit, as conducted by the Chesterfield auditing firm of Hochschild-Bloom. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Erickson next made a motion, seconded by Councilmember Flachsbart, to approve the recommendation to award a contract to Captiva for Phase II of the City’s website design, totaling \$67,000 and to authorize use of \$53,000 from the “Contingency Account” to supplement the \$14,000 already contained within the FY2008 Budget, for this purpose. 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, August 11, at 5:30 p.m.

## **Planning/ Public Works Committee**

Councilmember Dan Hurt, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2645 (P.Z. 13-2008 – River Crossings (Bentley Holdings, LLC) will be considered for adoption under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Hurt next made a motion, seconded by Councilmember Flachsbart, to approve TSP 01-2008 ("Telecommunications Facility Siting Permit" (TSP) for Cricket Communications (Parkway Central High School, 471 North Woods Mill Road). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt next reported that Bill No. 2650 (Changes the name of a portion of Chesterfield Airport Road to South Outer Forty Road), Bill No. 2652 (Restricts parking on Nooning Tree Drive) and Bill No. 2651 (Restricts parking on Conway Road) will be read for the first time under the “Legislation” portion of the Agenda.

Councilmember Bruce Geiger, vice-Chairperson of the Planning/Public Works Committee, made a motion, seconded by Councilmember Hurt, to approve the nomination of Dennis Hayden for the "Chesterfield Ancient History Award." A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger next made a motion, seconded by Councilmember Erickson, to approve the request for parking reduction for Drew Station, 1662-1698 Clarkson Road. Councilmember Nation requested clarification on the Exhibit B "Parking Projections" contained on the June 18, 2008 letter from Senior Planner Mara Perry. Mayor Nations requested Mr. William Peick of Summit Development Group to address these issues. Mr. Peick stated that the City's Planning Department would not allow any uses that required additional parking than what the capacity was and confirmed that there would be ample parking with the requested reduction. Mayor Nations expressed his appreciation to Mr. Peick and Mr. John Ross for their cooperation on the development of Drew Station. Discussion ensued regarding parking at the mixed use development at Drew Station. A voice vote was taken, to approve the request for parking reduction for Drew Station, with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt next reported that Bill No. 2655 (Approves Fire Hydrant – Chesterfield Airport Road) is scheduled for both first and second reading approval, under the "Legislation" portion of the Agenda.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for Thursday, July 24, at 5:30 p.m.

### **Public Health & Safety Committee**

Councilmember Bob Nation, Chairperson of the Public Health & Safety Committee, reported that Bill No. 2653 (Authorizes collection of a fee to support the "Inmate Security Fund") and Bill No. 2654 (Establishes rules re: the placement of advertising signs on vehicles in residential areas) will be read for the first time under the "Legislation" portion of the Agenda.

Councilmember Nation announced that the next meeting of this Committee has been scheduled for Monday, September 15, at 7:30 a.m.

### **REPORT OF THE CITY ADMINISTRATOR**

City Administrator Mike Herring reported that a liquor license request has been received from Lester's Sports Bar & Grill, located at 14810 Clayton Road, to sell all kinds of liquor by the drink and Sunday sales. Mr. Herring also reported that the City has received liquor license requests from Mac's Convenience Stores, located at 14804 Clayton Road, and at 15530 Olive Blvd., due to a change in owners, to sell liquor in original packages and Sunday sales. Mr. Herring stated that these applications have been reviewed and recommended for approval by the Departments of Planning/Public Works and Police. Councilmember Casey made a motion, seconded by Councilmember Schenberg, to approve issuance of the liquor licenses to Lester's Sports Bar & Grill and both Mac's Convenience Stores. 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 by the City of Chesterfield, on behalf of the St. Louis Metro Branch APWA Salt Cooperative, for the purchase of salt, used by all member cities, as a part of their snow removal efforts. Based upon a review of the information provided by Brian McGownd, Public Works Director/City Engineer, Mr. Herring joined with him in recommending award of a contract to Morton Salt, at a rate of \$39.41/ton, for deliveries that occur prior to 12/31/08, and a rate of \$43.85/ton, for deliveries that occur in the Spring of 2009. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to award a contract to Morton Salt. 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, by the City of Chesterfield, on behalf of the St. Louis Metro Branch APWA Salt Cooperative, for the unloading and delivery of salt, used by all member cities, as a part of their snow removal efforts. Based upon a review of the information provided by Brian McGownd, Public Works Director/City Engineer, Mr. Herring joined with him in recommending award of a contract to Beelman Logistics, LLC, at a cost of \$8.98/ton delivered to the salt storage dome. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to award a contract to Beelman Logistics, LLC. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart commended City Staff on their work to manage the cooperative salt purchasing program, to the benefit of all member cities.

Mr. Herring explained that it may be necessary to seek approval, by City Council, at a future City Council meeting, for a budget amendment, due to the increased costs for salt, as noted above. Staff would evaluate that need, after the purchases have been made. Every effort will be made to use existing budgeted dollars, to cover this increase.

## **NEW BUSINESS**

City Attorney Rob Heggie reported that Bill No. 2649 (Re-Adopts the Procedure Established in Ordinance No. 605 of the City of Chesterfield, as the Procedure for Disclosure of Conflicts for Certain Municipal Officials) will be read for the first time under the “Legislation” portion of the Agenda.

Councilmember Erickson asked City Attorney Heggie to clarify the State laws and City’s ordinances regarding licensing of motor vehicles. City Attorney Heggie stated that there is a State statute that states no person shall ride a motorized bicycle on a sidewalk. Further, there is a City ordinance that precludes the use of motorized vehicles, on City streets, without a State license. Mr. Heggie stated that other cities in the metropolitan area are discussing and reviewing the licensing and safety issues of “moped” usage. Discussion ensued regarding safety and licensing of “mopeds”.

## LEGISLATION

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

Councilmember Erickson made a motion, seconded by Councilmember Flachsbart, for a second 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 second time. A roll call vote was taken for the passage and approval of Bill No. 2647 with the following results: Ayes – Fults, Casey, Schenberg, Flachsbart, Nation, Erickson and Geiger. Nays – Hurt. Whereupon Mayor Nations declared Bill No. 2647 approved, passed it and it became **ORDINANCE NO. 2466**.

**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 (**SECOND READING; FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Erickson made a motion, seconded by Councilmember Casey, for a second 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 second time. A roll call vote was taken for the passage and approval of Bill No. 2648 with the following results: Ayes – Geiger, Flachsbart, Nation, Casey, Fults, Schenberg, Erickson and Hurt. Nays – None. Whereupon Mayor Nations declared Bill No. 2648 approved, passed it and it became **ORDINANCE NO. 2467**.

**BILL NO. 2649** RE-ADOPTS THE PROCEDURE ESTABLISHED IN ORDINANCE NO. 605 OF THE CITY OF CHESTERFIELD AS THE PROCEDURE FOR DISCLOSURE OF CONFLICTS FOR CERTAIN MUNICIPAL OFFICIALS (**FIRST READING; CITY ATTORNEY/CITY ADMINISTRATOR RECOMMEND APPROVAL**)

Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, for the first reading of Bill No. 2649. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2649 was read for the first time.

**BILL NO. 2650** CHANGES THE NAME OF A PORTION OF CHESTERFIELD AIRPORT ROAD, BETWEEN CHESTERFIELD PARKWAY WEST AND CLARKSON ROAD, TO SOUTH OUTER FORTY ROAD (**FIRST READING; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2650. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2650 was read for the first time.

**BILL NO. 2651** AMENDS ORDINANCE NUMBER 35, SCHEDULE IX OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THERETO TO RESTRICT PARKING ON CONWAY ROAD, WEST OF CHESTERFIELD PARKWAY EAST (**FIRST READING; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2651. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2651 was read for the first time.

**BILL NO. 2652** AMENDS ORDINANCE NUMBER 35, SCHEDULE IX OF THE ORDINANCES OF THE CITY OF CHESTERFIELD, BY ADDING PROVISIONS THERETO TO RESTRICT PARKING ON NOONING TREE DRIVE (**FIRST READING; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2652. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2652 was read for the first time.

**BILL NO. 2653** IMPOSES AND ALLOWS FOR THE COLLECTION OF AN ADDITIONAL COURT COST ON ALL MATTERS FILED IN THE MUNICIPAL DIVISION OF THE CITY OF CHESTERFIELD COURT FOR REMITTANCE TO THE INMATE SECURITY FUND (**FIRST READING; PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Nation made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2653. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2653 was read for the first time.

**BILL NO. 2654** PERTAINS TO ADVERTISING SIGNS ON VEHICLES IN RESIDENTIAL AREAS AND ESTABLISHES RULES FOR THE REGULATION AND PLACEMENT OF ADVERTISING SIGNS ON VEHICLES IN RESIDENTIAL AREAS WITHIN THE CITY OF CHESTERFIELD, MISSOURI (**FIRST READING; PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Nation made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2654. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2654 was read for the first time.

Councilmember Fults asked for clarification on the language contained in Bill No. 2654 and discussion ensued. City Attorney Heggie stated that the Councilmembers could discuss preparing amendments to this bill. Discussion ensued regarding the intent of this bill and Mr. Heggie stated he would attempt to clarify the intention of the Committee in proposing this bill.

**BILL NO. 2655** APPROVES THE INSTALLATION OF A FIRE HYDRANT ON CHESTERFIELD AIRPORT ROAD, LOCATED WITHIN THE CITY OF CHESTERFIELD (**FIRST AND SECOND READINGS; PLANNING/PUBLIC WORKS COMMITTEE**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2655. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2655 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2655. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2655 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2655 with the following results: Ayes – Nation, Schenberg, Erickson, Hurt, Fults, Casey, Flachsbart and Geiger. Nays – None. Whereupon Mayor Nations declared Bill No. 2655 approved, passed it and it became **ORDINANCE NO. 2468**.

### **LEGISLATION – PLANNING COMMISSION**

**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)) (**SECOND READING -**

**PLANNING COMMISSION RECOMMENDS  
APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second 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 second time. A roll call vote was taken for the passage and approval of Bill No. 2645 with the following results: Ayes – Schenberg, Nation, Hurt, Geiger, Flachsbart, Casey and Fults. Nays – Erickson. Whereupon Mayor Nations declared Bill No. 2645 approved, passed it and it became **ORDINANCE NO. 2469**.

Mayor Nations recognized a Boy Scout from Troop 496 in attendance at tonight’s meeting.

**ADJOURNMENT**

Mayor Nations entertained a motion to reconvene into Executive Session. Councilmember Nation made a motion, seconded by Councilmember Flachsbart, to go into Executive Session, as provided by RSMo 610.021(1), for the purpose of discussing litigation. A roll call vote was taken with the following results: Ayes – Casey, Flachsbart, Fults, Geiger, Erickson, Schenberg, Hurt and Nation. Nays – None. The motion was declared passed.

Mayor Nations recognized Representative Jane Cunningham and Mike Reid, representing Senator John Loudon’s office, who were also in attendance at tonight’s meeting.

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

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Mayor John Nations

**ATTEST:**

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Judith A. Naggiar, City Clerk