



## RECORD OF PROCEEDING

---

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

August 20, 2007

---

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

Mayor John 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

#### APPROVAL OF MINUTES

The minutes of the August 6, 2007 City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Durrell, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

#### INTRODUCTORY REMARKS

Mayor Nations announced that City Hall would be closed on Monday, September 3, in observance of Labor Day.

Mayor Nations reminded those in attendance that, due to the Labor Day Holiday, the next meeting of City Council has been scheduled for Wednesday, September 5 at 7 p.m.

#### PUBLIC HEARING - PROPERTY TAX RATE

Mayor John Nations called the Public Hearing to order. Mayor Nations stated that the purpose of the meeting was to allow for public discussion with regard to the establishment of the property tax rate for 2007. He then recognized City Administrator Mike Herring, for a presentation of Staff's recommendation.

Mr. Herring reported that State Statutes require that a public hearing be held each year, prior to the establishment of the property tax rate. Mr. Herring recommended that the City's current property tax rate, of \$.06 per \$100 of assessed valuation, be retained for 2007. Mr. Herring explained that the City's tax rate is slightly less than 1% of each resident's total property tax rate, whether he/she lives in the Parkway or the Rockwood School District. The property tax generated by this rate is used exclusively for debt service on a 1995 Parks Bond Issue and cannot be used to supplement the General Fund.

Mr. Herring next reported that the total assessed valuation upon which the tax rate is assessed is \$1,765,651,762 and is the highest assessed valuation of any City in St. Louis County.

Mr. Herring next reported that an ordinance, scheduled for consideration by City Council, under the "Legislation" portion of the Agenda, needed to receive both FIRST and SECOND READING approval, due to a requirement that cities submit their tax rates, to the County, no later than 8/31/07.

Councilmember Bob Nation asked if the deficit figure of \$128,751 is only a deficit if compared to the maximum fund reserve. Mr. Herring stated that it is a shortfall when comparing that number to the debt service payment that is projected for the following year. Mr. Herring stated that the State Auditor's Office confirmed that the maximum property tax rate which can be imposed by the City is \$.0620/\$100.

Councilmember Lee Erickson asked if the State Auditor's Office actually set up a parameter for reserves on a specific property tax. Mr. Herring stated that both the State Auditor's office and the City's Financial Advisor recommend that the amount of reserves should equal to one year's debt service payment. Mr. Herring stated that this is not a requirement but is a good accounting principle.

Mayor Nations called for questions and comments. There were no speakers.

#### PUBLIC HEARING - PETRO MART/14898 CLAYTON ROAD

Mayor John Nations called the Public Hearing to order. Mayor Nations stated that the purpose of the meeting was to allow for public discussion with regard to Bill No. 2572 - Petro Mart/14898 Clayton Road.

Director of Planning and Public Works Mike Geisel stated that he would present P.Z. 40-2007, also known as Petro Mart. Mr. Geisel stated that Bill No. 572, scheduled for consideration by City Council, under the “Legislation – Planning Commission” portion of tonight’s Agenda, would amend Ordinance No. 2314, specifically as it relates to parking setbacks and open space. The site proposed for this development is located on the southeast corner of Baxter and Clayton Roads. The site was properly posted and published with all regulatory requirements and letters were mailed to property owners within a 225 foot radius of the site, as well as all trustees within one mile of the site. Mr. Geisel presented aerial views of the prior site and the site as it exists today after demolition. Mr. Geisel stated that City Council last acted on this proposed development, on November 6, 2006, by approving the site development plan. Mr. Geisel stated that the changes the petitioner has proposed involve two items: the structure setbacks along the eastern property line would go to zero (0) feet and previously was set at one (1) foot and the minimum open space requirement would increase from 22% at present to a minimum of 24% for this site. Mr. Geisel stated that the ordinance contains a few items that need to be adjusted on the site development plan, prior to them being executed by the City and sent to St. Louis County for recording.

Councilmember Lee Erickson asked Mr. Geisel to explain “open space” versus “green space.” Mr. Geisel stated that “green space” was originally used by the City and the Planning Commission and it referred to plantings and vegetated areas. The City and the Planning Commission moved to “open space”, which relates more to those areas which are not necessary for vehicular parking or circulation and would allow for artwork, pedestrian ways, malls and more creative site development tools.

Councilmember Dan Hurt asked Mr. Geisel if the two changes, zero (0) feet and 24% open space, are the only two changes and that all the landscaping, the sidewalk, and everything else, discussed in the previous site development plan, previously approved by City Council, would still be in place. Mr. Geisel stated what Councilmember Hurt referred to as “green space” is actually “open space” and that all of the remaining existing criteria are intact.

Councilmember Hurt next stated that representatives of both parties were in attendance at tonight’s City Council meeting and asked if there were any more conflicts between the parties. Mr. Geisel deferred to City Attorney Robert Heggie. City Attorney Heggie responded that the parties cooperated in a very amiable manner to resolve this complicated issue and should be commended for this.

Mayor Nations called for questions and comments.

Stephen L. Kling, Jr., of Jenkins and Kling PC., spoke on behalf of Baxter Bend Investors LLC. Mr. Kling supports passage of Bill No. 2572 (Petro Mart/14898 Clayton Road) and Bill 2566. Mayor Nations stated that he and the City Council appreciated the work that was done to resolve these issues.

## COMMUNICATIONS AND PETITIONS

Marjie Saiter, who resides at 1328 Carriage Crossing Lane, expressed concerns about P.Z. 02-2007 – The Estates at Upper Kehrs Mill (Miceli Construction) and the potential effect it could have on homeowners in Country Place subdivision.

Gregory Quinn, representing landowners Gregory and Mary Jo Calame, supported P.Z. 02-2007 – The Estates at Upper Kehrs Mill (Miceli Construction). Mr. Quinn gave a copy of the “Indenture of Trust and Restrictions of Upper Kehrs Mill” document to the Mayor, Councilmembers, City Attorney and City Administrator.

Russell Been, representing the Missouri/Kansas Wireless Association, expressed concerns regarding Bill No. 2569 (P.Z. 33-2007, City of Chesterfield, Telecommunications Ordinance). Mr. Been requested that City Council refer this proposal to the Planning and Zoning Committee, to meet with representatives of the Missouri/Kansas Wireless Association to review their concerns.

Craig Biesterfeld, attorney for Blackwell Sanders, on behalf of Missouri/Kansas Wireless Association, expressed concerns regarding Bill No. 2569 (P.Z. 33-2007, City of Chesterfield, Telecommunications Ordinance). Mayor Nations stated that the City has given a lot of consideration to wireless issues and that the City had not heard from any representative from the Missouri/Kansas Wireless Association prior to this time. Councilmember Fults stated that this issue went through three Planning Commission meetings and the last Planning and Zoning Committee meeting and no issues were presented at that meeting. Mayor Nations requested that Mr. Biesterfeld develop a list of issues prior to the September 5 City Council meeting.

Mike Doster, attorney for Sachs Properties, supported Bill No. 2571 (P.Z. 36-2007, City of Chesterfield (Planned Commercial and Residential Mixed-Use District (PC&R)). Mr. Doster stated that the Sachs Properties team reviewed the minimum acreage and is requesting that the minimum acreage be changed to "70" acres, instead of "80" acres. Mayor Nations asked City Attorney Heggie whether performance standards can be reviewed and altered by the Planning Commission and/or City Council when reviewing a site plan if the site plan complies with the enabling ordinance authorizing the particular development. A general discussion of administrative and legislative actions of the Council ensued. Mr. Heggie stated that the City may, in the enabling legislation for a particular development under the PC&R District, reserve the power to treat the site plan review as either a legislative or administrative function and to review and revise the performance standards in relation to the site plan or section plan presented. City Attorney Heggie stated that the City Council and the Planning Commission would need to carefully spell out exactly the rights that are being left to the particular developer and which rights would be subject to future review at the site plan stage. Mr. Heggie stated that the City should reserve those powers out in the language of the Attachment "A." Mr. Heggie also stated that it would be within the power of the Staff to prepare the form for the Petition for a PC&R District to contain an acknowledgement on the part of the Petitioner that the Planning Commission and City Council may treat the review as either

and administrative or legislative act. Mr. Doster stated that performance standards should be set in the Attachment "A" and should also include a relief provision if certain criteria are proven or met. City Attorney Heggie stated that the power of review will be enhanced and strengthened.

### PRESENTATION - STAGES - ST. LOUIS

Mr. Ron Gibbs, STAGES St. Louis Managing Director, and Ms. Sarah Scott, STAGES St. Louis Development & Marketing Manager, made a presentation, detailing the many programs that STAGES St. Louis is providing in Chesterfield. They also provided an update regarding their plans to build a "Center for the Performing Arts", on Chesterfield Parkway, which will eventually enable them to move their entire operation to Chesterfield.

### APPOINTMENTS

Mayor Nations nominated Katherine Hipp, 14687 Los Padres Court (Ward II), to serve as an Alternate member of the Board of Adjustment, to fill a current vacancy, for a five-year term, ending June 1, 2012. Ms. Hipp was interviewed by the members of the Planning and Zoning Committee, with a recommendation for approval. Ward II Councilmembers, Bruce Geiger and Lee Erickson, have also endorsed Ms. Hipp's nomination. Councilmember Geiger made a motion, seconded by Councilmember Erickson, to approve the appointment of Ms. Hipp. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mayor Nations next nominated Lauren Strutman for re-appointment as a member of the Public Works Board of Variance. Ward IV Councilmembers, Connie Fults and Bob Nation, have endorsed her nomination. Councilmember Fults made a motion, seconded by Councilmember Nation, to approve this re-appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Ms. Strutman's five-year term will expire August 21, 2012.

Mayor Nations next nominated Hilliard Williams and Daniel Fitzgibbon for re-appointment as members of the Public Works Citizens Advisory Group. Ward IV Councilmembers, Connie Fults and Bob Nation, have endorsed these nominations. Councilmember Nation made a motion, seconded by Councilmember Fults, to approve both of these re-appointments. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Williams and Mr. Fitzgibbon's five-year terms will expire August 20, 2012.

### COUNCIL COMMITTEE REPORTS

#### Finance and Administration Committee

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee, reported that Bill No. 2565 – Establishes Property Tax Rate for the Year

2007 (Debt Service) will be considered for adoption under the “Legislation” portion of the agenda.

### Planning and Zoning Committee

Councilmember Connie Fults, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2572 (Petro Mart/14898 Clayton Road.) and Bill No. 2566 (Authorizes the City Administrator to sign a “settlement agreement” re: the proposed Petro Mart development) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Fults next reported that Bill No. 2567 (P.Z. 21-2007, River Crossing, Lamborghini of St. Louis), Bill No. 2568 (P.Z. 26-2007, Wildhorse Ridge (c/o Thomas Fleming), Bill No. 2569 (P.Z. 33-2007, City of Chesterfield (Telecommunications Ordinance), Bill No. 2570 (Recycling Ordinance for New Developments), and Bill No. 2571 (P.Z. 36-2007, City of Chesterfield (Planned Commercial and Residential Mixed-Use District (PC&R) will be read for the first time under the “Legislation – Planning Commission” portion of the agenda.

Subsequent to the most recent Planning Commission meeting, at which this issue was discussed, Councilmember Bruce Geiger called for the power of review regarding the Chesterfield Medical Institute, LLC (Herman Stemme Office Park Lot 2c2).

Councilmember Geiger made a motion, seconded by Councilmember Flachsbart, to approve the site development plan, et. al., with the condition that if the existing trees along Chesterfield Parkway East are removed, damaged or die, then said trees will be replaced with landscaping as approved by the City of Chesterfield. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults directed Mr. Herring to add Bill No. 2569 (P.Z. 33-2007, City of Chesterfield (Telecommunications Ordinance) to the Agenda for the Planning and Zoning Committee meeting, scheduled for August 23. Councilmember Fults stated that the Planning and Zoning Committee is looking for very specific items from the telecommunications representatives to discuss and bring forward. Mayor Nations asked the telecommunications representative to provide specific alternatives to the language contained within this proposed legislation and give this to City Administrator Herring. City Attorney Heggie requested he be given copies of any correspondence prior to the August 23 Planning and Zoning Committee meeting.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for August 23, at 5:30 p.m.

### REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that bids were recently sought for the purchase of deicing salt. After having reviewed the information submitted by Public Works Director/City Engineer Brian McGownd, Mr. Herring joined with him in recommending

award of a contract to Morton Salt, at a rate of \$26.43/ton, for deliveries through February, 2008 and \$27.93/ton, for any deliveries that occur after that date. Mr. Herring reported that the City's consolidated cost, for the purchase, unloading and delivery of deicing salt will be \$34.39/ton and \$35.89/ton, depending upon when the purchases are actually made. Mr. Herring reported that with Council's previous authorization to increase the budget allocation for salt, due to the City's higher than normal usage during this past winter, adequate funds are available to cover the City's needs, between now and the end of the current fiscal year. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to approve the award of a contract to Morton Salt, at a rate of \$26.43/ton, for deliveries through February, 2008 and \$27.93/ton, for any deliveries that occur after that date. A voice vote was taken with an affirmative result and the motion was declared passed.

Mr. Herring next reported that a liquor license request has been submitted by Convenient Food Mart, located at 14804 Clayton Road, at its intersection with Wildwood Parkway, to sell all kinds of liquor in the original packages and Sunday sales. This application has been reviewed and recommended for approval by both our Police Dept. and the Dept. of Planning and Public Works. Councilmember Casey made a motion, seconded by Councilmember Fults, to approve issuance of a liquor license to Convenient Food Mart. Councilmember Erickson requested that a distinction be made between a destination oriented business versus a convenience store. Mayor Nations recommended that this be on the agenda of the next meeting of the Public Health and Safety Committee. Councilmember Flachsbart asked Staff to determine how many existing liquor licenses are in that category. A voice vote was taken with an affirmative result and the motion was declared passed (Councilmember Erickson voted No.)

## NEW BUSINESS

Mayor John Nations reported that City Council tabled Bill No. 2559 - P.Z. 02-2007 - The Estates at Upper Kehrs Mill, at the August 6, 2007 City Council meeting. While no action regarding this proposed legislation was scheduled for tonight's meeting, City Council will now discuss information provided by City Attorney Rob Heggie and Director of Planning and Public Works Mike Geisel.

City Attorney Robert Heggie reported that he had submitted to the Mayor/City Councilmembers a detailed memo, which included responses to the questions asked by the City Councilmembers, at the August 6, 2007 City Council meeting. Mr. Heggie stated that he has been in contact with the attorney representing the landowners, with regard to the subdivision indentures and there are items that might need to be resolved, in terms of those particular indentures and what the effect of those will be on this particular project.

Councilmember Fults asked Mr. Heggie if the indentures are in force at this time, unless the petitioner can bring forth one or two more signatures to modify these indentures, and if the Council has the discretion at the next Council meeting to go ahead with the rezoning, despite the indentures? Mr. Heggie stated that the indentures are in place and

Council could decide to proceed with the rezoning, even if the indentures are not changed. Mr. Heggie stated that there should be evidence in front of Council at the September 5 meeting that would indicate that the change requested by the petitioners would be something that the subdivision trustees could approve.

Councilmember Fults asked Mr. Heggie to verify that this petition is only for the nine (9) acres, and not ten (10) acres, because only nine (9) acres are under control of the petitioner at the time of filing. Mr. Heggie stated that nine (9) acres is correct and City Council generally only rezones property that is either owned by a petitioner or under contract by a petitioner. Mr. Heggie stated that the legal description will need to be amended for the September 5 Council meeting, in order to correct the legal description, to clearly identify the property that is being owned. Mayor Nations asked Mr. Heggie to clarify the current zoning on the property. Councilmember Fults stated that the current zoning is "NU." Councilmember Flachsbart asked if one of the lots could be divided without getting agreement of the subdivision trustees. Mr. Heggie stated that the indentures were drafted with the vision that there would be further subdivision of the lots within the subdivision. Mr. Heggie stated that he did not know how the indentures could be amended without having at least three of the current lot owners support that action. However, his investigation has not found any precedent that would indicate that this could be done by one individual lot owner. Councilmember Geiger stated, in his opinion, the indentures allow one house per lot and it would take three-fourths (3/4) of the lot owners to change the indentures. Mr. Heggie agreed, but also noted there is also the possibility that one of the lot owners could start a declaratory judgment action in court, to resolve that particular issue, to see if they have the legal ability to do that themselves. Mr. Heggie stated that the public hearing notice imposed on the City by State statute and the City's own ordinances are intended to give broad notice to as many people as possible. Mr. Heggie stated that the City gave more notice than what was required. Councilmember Casey stated that Mr. Quinn talked about re-platting the subdivision to allow for the potential additional lots. Councilmember Casey asked how re-platting would affect the existing plot, as outlined in the indentures. Mr. Heggie stated that the subdivision cannot be re-platted until the trustees sign-off on the re-platting, which would involve re-filing with the St. Louis County Recorder of Deeds. Discussion ensued.

Councilmember Fults made a motion, seconded by Councilmember Hurt, to take Bill No. 2559 - P.Z. 02-2007 - The Estates at Upper Kehrs Mill off the table and put it on the Agenda for SECOND READING consideration, at the September 5, 2007 City Council meeting. A roll call vote was taken for passage and approval of the motion, with the following results: Ayes – Casey, Geiger, Fults, Nation, Durrell, Flachsbart, Hurt and Erickson. Nays – None. Mayor Nations declared the motion passed.

## LEGISLATION

BILL NO. 2565      FIXES THE RATE OF TAXATION FOR THE YEAR 2007 AND  
LEVIES A TAX ON ALL REAL AND PERSONAL PROPERTY  
MADE TAXABLE BY THE LAW WITHIN THE CORPORATE

LIMITS OF THE CITY OF CHESTERFIELD, MISSOURI, FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE GENERAL OBLIGATION BOND ISSUE FOR PARKS; EFFECTIVE WHEN (FIRST AND SECOND READINGS; FINANCE AND ADMINISTRATION COMMITTEE)

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2565. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2565 was read for the first time.

Councilmember Geiger made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2565. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2565 was read for the second time.

Councilmember Nation made a motion, seconded by Councilmember Flachsbart, to amend Bill No. 2565 to amend the rate in Section 1 from \$.06/\$100 assessed valuation for 2007 to \$.057/\$100 assessed valuation for 2007. Discussion ensued. A roll call vote was taken for passage of the motion to amend with the following results: Ayes – Nation and Flachsbart. Nays – Geiger, Fults, Hurt, Erickson, Durrell and Casey. Mayor Nations declared the motion failed.

A roll call vote was taken for passage and approval of Bill No. 2565 with the following results: Ayes: Fults, Durrell, Erickson, Casey, Geiger, and Hurt. Nays: Flachsbart and Nation. Whereupon, Mayor Nations declared Bill No. 2565 approved, passed it and it became ORDINANCE NO. 2382.

LEGISLATION - PLANNING COMMISSION

BILL NO. 2572 REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 2314 TO ALLOW FOR AN AMENDMENT TO THE STRUCTURE SETBACK AND OPENSACE REQUIREMENT FOR A 0.92-ACRE TRACT OF LAND ZONED “PC” PLANNED COMMERCIAL DISTRICT LOCATED ON THE SOUTH SIDE OF CLAYTON ROAD, AT ITS INTERSECTION WITH BAXTER ROAD. (PETRO MART/14898 CLAYTON ROAD) (FIRST AND SECOND READINGS; PLANNING AND ZONING COMMITTEE)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2572. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2572 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2572. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2572 was read for the second time.

A roll call vote was taken for passage and approval of Bill No. 2572 with the following results: Ayes – Casey, Hurt, Nation, Durrell, Flachsbart, Erickson, Fults and Geiger. Nays - None. Whereupon, Mayor Nations declared Bill No. 2572 approved, passed it and it became ORDINANCE NO. 2383.

**BILL NO. 2566      APPROVES SETTLEMENT OF THE LITIGATION BETWEEN BAXTER BEND INVESTORS, L.L.C., LAND WEST #1, L.L.C. AND THE CITY OF CHESTERFIELD (FIRST AND SECOND READINGS; PLANNING AND ZONING COMMITTEE)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2566. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2566 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2566. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2566 was read for the second time.

A roll call vote was taken for passage and approval of Bill No. 2566 with the following results: Ayes – Nation, Hurt, Fults, Durrell, Casey, Flachsbart, Erickson and Geiger. Nays - None. Whereupon, Mayor Nations declared Bill No. 2566 approved, passed it and it became ORDINANCE NO. 2384.

**BILL NO. 2567      REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 1871 TO ALLOW FOR A CHANGE TO THE PARKING AND STRUCTURE SETBACKS, AN INCREASE IN THE NUMBER OF BUILDINGS AND LOTS FOR A 15.8 ACRE TRACT OF LAND IN A “PC” PLANNED COMMERCIAL DISTRICT LOCATED NORTH OF CHESTERFIELD AIRPORT ROAD, ACROSS FROM PUBLIC WORKS DRIVE {P.Z. 21-2007 RIVER CROSSINGS DEVELOPMENT (LAMBORGHINI OF ST. LOUIS)} (FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2567. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2567 was read for the first time.

**BILL NO. 2568      AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO AN “LLR” LARGE LOT RESIDENTIAL DISTRICT FOR 36.08 ACRES LOCATED SOUTH OF BENTLEY PLACE SUBDIVISION, EAST OF COUNTRY PLACE SUBDIVISION AND WEST OF CHESTERFIELD ESTATES [P.Z. 26-2007 WILDHORSE RIDGE**

(C/O THOMAS FLEMING)] (FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2568. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2568 was read for the first time.

**BILL NO. 2569** RELATES TO THE ESTABLISHMENT OF RULES AND REGULATIONS FOR THE SITING, CONSTRUCTION AND MODIFICATION OF WIRELESS TELECOMMUNICATIONS FACILITIES. (FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL) (“BLUE SHEET” AMENDMENT)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2569. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2569 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, to amend Bill No. 2569 pursuant to the “Blue Sheet.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults again noted that this proposed legislation has been forwarded to the P&Z Committee, for additional discussion, at the 8/23 meeting of this Committee.

**BILL NO. 2570** REQUIRES THE PLACEMENT OF A RECYCLING AREA IN ALL NEW PLANNED COMMERCIAL AND MULTI-FAMILY RESIDENTIAL DEVELOPMENTS (FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2570. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2570 was read for the first time.

**BILL NO. 2571** ESTABLISHES A NEW ZONING DISTRICT, “PLANNED COMMERCIAL AND RESIDENTIAL, (PC&R) SAID NEW SECTION PROVIDES GENERAL AND SPECIFIC DEVELOPMENT CRITERIA FOR MIXED USE DEVELOPMENT IN A SPECIFIC SECTION OF THE CITY’S URBAN CORE. (FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL) (P&Z COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE ATTACHED "GREEN SHEET")

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2571. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2571 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Hurt, to amend Bill No. 2571, as detailed in the proposed “Green Sheet”, regarding “Amendment 1”, Section 3, Page 2, and “Amendment 3”, Section 3., Performance Standards, Page 1, to change the language from “remove the following” to “revise as follows.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults made a motion, seconded by Councilmember Hurt, to approve “Amendment 2” on the “Green Sheet”. Councilmember Hurt made a motion, seconded by Councilmember Fults, to amend the motion to change “80” to “70” and change language from “remove the following” to “revise as follows.” A voice vote on the motion to amend “Amendment 2” was taken with a unanimous affirmative result and the motion was declared passed.

### ADJOURNMENT

Mayor Nations recognized Mike Reid from Senator John Loudon’s office and thanked him for being in attendance.

City Attorney Rob Heggie introduced Harold O’Rourke, a new lawyer from his office.

There being no further business to conduct, Mayor Nations adjourned the meeting at 9:08 p.m.

---

Mayor John Nations

ATTEST:

---

Judith A. Naggiar, City Clerk