



## RECORD OF PROCEEDING

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

**September 5, 2007**

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The meeting was called to order at 7:05 p.m.

Boy Scout Troop 677 presented the colors and led everyone in the Pledge of Allegiance.

Mayor Nations then led everyone in 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 20, 2007 City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Geiger, 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 the next meeting of the City Council has been scheduled for Monday, September 17.

Mayor Nations then recognized Mr. Mike Reid, representative for Senator John Loudon.

## **COMMUNICATIONS AND PETITIONS**

### **A. Beautification Committee Awards**

Ms. Janet LeGrand, Chairperson of the Beautification Committee, presented the Committee's selection of award recipients for 2007. Awards were presented to the following recipients:

#### Neighborhood Entrance Awards

The Knolls Subdivision

Award presented to Paul Higgins, Trustee

Spyglass Summit Subdivision

Award presented to Sandy Kraft & Mary Kuhn

Westbury Manor Subdivision

Award presented to Tim McIntyre, Trustee

#### Small Commercial

The Shops at Clarkson Corners

Award presented to Daniel Ferrario,  
Operations Director of Plaza Frontenac

500 Chesterfield Center

Award presented to Kathy Higgins,  
Sachs Properties

Miller's Crossing Restaurant

Mr. & Mrs. Mike Miller were not present but  
were thanked for their contribution

#### Large Commercial:

Delmar Gardens Orthopedic Center

Award presented to Howard Oppenheimer,  
Delmar Gardens Enterprises

Dierberg's Corporate Plaza

Award presented to Greg Dierberg,  
Dierberg's

THF Realty for Chesterfield Commons

Award presented to Mike Neary

Members of the Beautification Committee – Kate Folsom, Wendy Geckeler, Leon Zickrick, and Janet LeGrand – were introduced and thanked for their work. Mayor Nations then congratulated all the winners and thanked them for beautifying the City.

### **B. Speakers**

Mr. Mike Doster of Doster, Mickes, representing Sachs Properties, spoke in support of Bill No. 2571 (P.Z. 36-2007, City of Chesterfield [Planned Commercial and Residential Mixed-Use District {PC&R}]).

Ms. Jackie Dunne, Saturn of West County, stated she was available for any questions pertaining to the Site Plan for Saturn.

Mr. Michael E. Bauer, Architect for Saturn of West County, showed examples of the integrally-colored brick and block materials to be used for the Saturn dealership. It was noted that no paint or stain would be used on the materials. Councilmember Flachsbart thanked Mr. Bauer for all his work on this project. Mayor Nations added his appreciation for Saturn's responsiveness with respect to the appearance of the building.

## **APPOINTMENTS**

Mayor Nations nominated the following individuals for appointment to the Public Works Citizens Advisory Group for five-year terms expiring September 5, 2012: Gustav Goetsch, Jr., (Ward I); Jack Lorenz, (Ward I); and Gary Durney, (Ward III). A motion was made by Councilmember Flachsbar, seconded by Councilmember Durrell, to approve the nominations. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults made a motion, seconded by Councilmember Nation, to suspend the rules to next consider Bill No. 2559 (P.Z. 02-2007 The Estates at upper Kehrs Mill [Miceli Construction]). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO. 2559** AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "NU" NON-URBAN DISTRICT TO AN "E" ONE-ACRE DISTRICT FOR A 10.2-ACRE TRACT OF LAND LOCATED ON THE EASTERN SIDE OF KEHRS MILL ROAD, 4,100 FEET SOUTH OF ITS INTERSECTION WITH WILD HORSE CREEK ROAD (P.Z. 02-2007 THE ESTATES AT UPPER KEHRS MILL/MICELI CONSTRUCTION) **(SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL) (P&Z COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE ATTACHED "GREEN SHEET")**

Councilmember Fults, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2559 (P.Z. 02-2007 The Estates at Upper Kehrs Mill [Miceli Construction]) is scheduled to have the SECOND READING, at tonight's meeting.

City Attorney Heggie stated that Council has requested two items relative to Bill No. 2559, which have not yet been received. There needs to be a clarification of the indenture issue with respect to the existing subdivision and whether or not the indentures need to be modified in order to subdivide the subject property so that any approved zoning could be accomplished and the development built in accordance with the potentially-amended indentures. The second outstanding issue deals with the legal description of the property – the property contains some County highway right-of-way land, which may ultimately be given back to the potential owners of the subject property. At the current time, this has not been done so it would have to be removed from the legal description.

Councilmember Fults preferred that Bill No. 2559 be tabled as opposed to being held as she does not feel it is fair to the residents to continually hold the bill, meeting after meeting. She thinks that the bill should be tabled until the two outstanding issues are resolved.

City Attorney Heggie explained that tabling the bill would require a motion to take it off the table at a future Council meeting. The bill would then be heard at the next succeeding meeting. This would give the residents ample notice of when the bill would

be presented again. He noted that the Council has not rezoned property when it has been in conflict with the existing indentures. He cautioned that if the property were rezoned, development could begin but with possible litigation regarding the indentures causing the development to halt until a legal decision is rendered. He advised having the two issues resolved before proceeding.

Councilmembers Flachsbart, Durrell and Nation felt the bill should be tabled at this time until the issues are resolved.

Councilmember Geiger noted that he will not be present at the October 1<sup>st</sup> Council meeting. Since this was a Protest Petition, he felt that all Council members should be present for the vote. Mayor Nations pointed out that six affirmative votes are needed for passage because of the Protest Petition being filed.

Councilmember Fults made a motion, seconded by Councilmember Nation, to table Bill No. 2559. A voice vote was taken with a unanimous affirmative result and the motion to table was declared passed.

## **COUNCIL COMMITTEE REPORTS**

### **Planning and Zoning Committee**

Councilmember Connie Fults, Chairperson of the Planning and Zoning Committee, made a motion, seconded by Councilmember Geiger, to approve the Site Development Section Plan for Saturn of West County to include the integrally-colored brick and block materials as presented by the Petitioner. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to amend the motion requiring the Petitioner to construct a masonry wall of the same integrally-colored brick and block materials to screen the view of the entrance bays on the north side from Highway 40. A roll call vote was taken for the amendment to the motion with the following results: Ayes – Flachsbart and Hurt. Nays – Geiger, Nation, Fults, Durrell, Erickson, and Casey. Whereupon Mayor Nations declared the motion to amend as failed, by a vote of 2 to 6. A voice vote was taken for approval of the Site Development Section Plan with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults next reported that Bill No. 2428 (Boundary Adjustment Plat – Spirit 40 Park, Lots 8 and 9) will have first and second readings, under the “Legislation – Planning Commission” of the Agenda.

Councilmember Fults next reported that Bill No. 2567 (P.Z. 21-2007, River Crossings [Lamborghini of St. Louis]); Bill No. 2568 (P.Z. 26-2007 Wildhorse Ridge [c/o Thomas Fleming]); 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 considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for Thursday, September 6 at 5:30 p.m.

## **REPORT OF THE CITY ADMINISTRATOR**

City Administrator Mike Herring reported that Staff is recommending an amendment to a previously-approved City contract with the Howard R. Green Company (HRG) for the design of a stormwater pump station, in the vicinity of the Summit Ice Sports Complex. The proposed amendment to this design contract, which will cost an additional \$55,000, is the result of input from the Monarch-Chesterfield Levee District, resulting in changes to the scope of work, originally approved by both HRG and the City. Mr. Herring recommended amending the current contract with Howard R. Green Company, by increasing the total amount, from \$225,000 to \$280,000, with all funds coming from the Valley TIF district. A motion was made by Councilmember Casey, seconded by Councilmember Geiger, to award a contract to Howard R. Green Company for \$280,000. 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/construction of handicapped access ramps to be funded 100% by Community Development Block Grant (CDBG) funds, obtained by the City through St. Louis County. Mr. Herring recommended the award of a contract to Amcon Municipal Concrete, LLC, in an amount not to exceed \$41,998. A motion was made by Councilmember Flachsbarth, seconded by Councilmember Casey, to award a contract to Amcon Municipal Concrete, LLC, in an amount not to exceed \$41,998. 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 bleacher covers at the Chesterfield Valley Athletic Complex (CVAC). City Council previously approved purchase of these bleacher covers, utilizing \$407,586 obtained by City Staff via a grant from the Municipal Park Grant Commission. The cost of those covers totaled \$271,088.42, leaving a balance of \$136,497.58 to cover the cost of installation. Mr. Herring recommended approval of a contract with Fry & Associates in an amount not to exceed \$187,375. He noted that \$136,497.58 of this amount will come from remaining grant funds and \$50,877.42 will come from bond proceeds, resulting from the passage of Proposition "P" and previously allocated for "contingencies" involving CVAC improvements. A motion was made by Councilmember Casey, seconded by Councilmember Erickson, to award a contract to Fry & Associates, in an amount not to exceed \$187,375. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **LEGISLATION – PLANNING COMMISSION**

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

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

A roll call vote was taken for passage and approval of Bill No. 2567 with the following results: Ayes – Nation, Geiger, Erickson, Casey, Durrell, Hurt, and Fults. Nays - Flachsbart. Whereupon Mayor Nations declared Bill No. 2567 approved, passed it and it became **ORDINANCE NO. 2385.**

**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)] (**SECOND READING; PLANNING COMMISSION RECOMMENDS APPROVAL**)

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

A roll call vote was taken for passage and approval of Bill No. 2568 with the following results: Ayes – Durrell, Flachsbart, Casey, Erickson, Hurt, Nation, Geiger and Fults. Nays - None. Whereupon Mayor Nations declared Bill No. 2568 approved, passed it and it became **ORDINANCE NO. 2386.**

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

Councilmember Fults made a motion, seconded by Councilmember Nation, for the second 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 second time.

Councilmember Durrell referred to a list of recommendations made by the Citizens Committee for the Environment showing what homeowners and developers can do with respect to recycling.

A roll call vote was taken for passage and approval of Bill No. 2570 with the following results: Ayes – Durrell, Hurt, Geiger, Flachsbart, Casey, Fults, Erickson, and Nation. Nays - None. Whereupon Mayor Nations declared Bill No. 2570 approved, passed it and it became **ORDINANCE NO. 2387.**

**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. **(SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL) (P&Z COMMITTEE RECOMMENDS APPROVAL, AS AMENDED)**

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

A roll call vote was taken for passage and approval of Bill No. 2571 with the following results: Ayes – Erickson, Flachsbart, Geiger, Nation, Durrell, Casey, Fults, and Hurt. Nays - None. Whereupon Mayor Nations declared Bill No. 2571 approved, passed it and it became **ORDINANCE NO. 2388**.

Mayor Nations then recognized Mr. Richard Ward, a consultant working with Sachs Properties on this issue, acknowledging his active involvement in planning the greater Chesterfield community, since 1973.

**BILL NO. 2428** APPROVES A BOUNDARY ADJUSTMENT PLAT FOR A TRACT OF LAND BEING PART OF LOTS 8 AND 9 OF SPIRIT 40 PARK SUBDIVISION IN U.S. SURVEY 122, TOWNSHIP 45 NORTH, RANGE 3 EAST, CITY OF CHESTERFIELD, SAINT LOUIS COUNTY, MISSOURI **(FIRST AND SECOND READINGS; DEPT. OF PLANNING AND PUBLIC WORKS RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2428. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2428 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2428. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2428 was read for the second time.

A roll call vote was taken for passage and approval of Bill No. 2428 with the following results: Ayes – Casey, Erickson, Hurt, Durrell, Fults, Flachsbart, Nation, and Geiger. Nays - None. Whereupon Mayor Nations declared Bill No. 2428 approved, passed it and it became **ORDINANCE NO. 2389**.

## **NEW BUSINESS**

Councilmember Erickson announced that the September Stroll is scheduled for 9:00 a.m. on September 15<sup>th</sup>. He then issued a challenge from the Ward II Councilmembers to see which Ward can generate the most attendance of residents at the upcoming Stroll.

**EXECUTIVE SESSION**

Councilmember Durrell made a motion, seconded by Councilmember Flachsbart, to go back into closed session, pursuant to 610.021(1) and (3). A roll call was taken with the following results: Ayes – Flachsbart, Geiger, Durrell, Fults, Casey, Erickson, Nation, and Hurt. Nays – None. Whereupon Mayor Nations declared the motion passed.

**ADJOURNMENT**

Mayor Nations adjourned the meeting at 7:50 p.m.

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Mayor John Nations

ATTEST:

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Judy Naggiar, City Clerk