



## RECORD OF PROCEEDING

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

**October 1, 2007**

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The meeting was called to order at 7:00 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

Mayor John Nations  
Councilmember Barry Flachsbart  
Councilmember Jane Durrell  
Councilmember Lee Erickson  
Councilmember Dan Hurt  
Councilmember Mike Casey  
Councilmember Bob Nation  
Councilmember Connie Fults

#### ABSENT

Councilmember Bruce Geiger

#### APPROVAL OF MINUTES

The minutes of the September 17, 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 the next meeting of City Council has been scheduled for Monday, October 15, at 7 p.m.

Mayor Nations next complimented THF Realty, the Kiwanis Club and all the other people responsible for conducting a successful “Rally in the Valley” event in Chesterfield Valley, during the past weekend.

## **INTRODUCTORY REMARKS**

Mayor Nations recognized Stacey Morse, Executive Director for Chesterfield Arts and first congratulated Stacey and her husband, Stuart, for receiving COCA’s (Center of Creative Arts) first annual “Creativity in Business Award”, for their collaborative efforts with the Boeing Corporation on the “Trail of Discovery” project. in North St. Louis. Mayor Nations stated that this award was given for “creating artistic large scale projects that unite business teams and at the same time make an impact on our community.”

Stacey Morse, Executive Director for Chesterfield Arts, made a presentation to update City Council regarding various activities currently underway and/or planned for the near future, involving the arts, in Chesterfield. Mayor Nations thanked Mrs. Morse for doing a tremendous job in strengthening the partnership between the City and Chesterfield Arts and enhancing the community.

Mayor Nations next recognized Chief Ray Johnson, who announced the recipients of the 2007 "National Night Out" awards. Chief Johnson stated that the 24<sup>th</sup> Annual “National Night Out” was held August 7, 2007. He then presented a plaque for “Best Participation” to the representatives of Greenberry Baxter Estates Subdivision: Steve and Diana Schumacher and their daughters, Lauren and Rachel. Chief Johnson next presented a plaque for “Best Program” to the representatives of Clarkson Woods Subdivision: Mike and Dana Tippit and their daughter Samy and their son Kevin. Mayor Nations congratulated the winners and thanked all of the neighborhoods who participated in “National Night Out”.

Mayor Nations recognized Darcy Capstick, Co-Chairperson for the Citizens Committee for the Environment, and Cindy Bambini of Ameren UE. Mrs. Capstick made a presentation regarding the designation of October as “Energy Awareness Month”. Mrs. Capstick recognized Cindy Bambini, with AmerenUE. Ms. Bambini announced that October 1, 2007, was “Pure Power” launch day at AmerenUE! She explained that this program allows all AmerenUE customers to offset or participate in choosing “green power” over traditional fossil fuel-generated power, from AmerenUE. Mayor Nations thanked Ms. Bambini and AmerenUE for their responsiveness to the City’s needs during the past year’s power outages and specifically thanked AmerenUE employees Dave Muntean and Bruce Schilling. Mayor Nations also recognized/thanked Mrs. Capstick for her work and concern for the environment. Mayor Nations announced that he has appointed Harvey Rosenberg, to serve as a “special assistant to the Mayor” for renewable

energy sources in the City. Mayor Nations then presented a Proclamation to Darcy Capstick and Cindy Bambini, declaring October as “Energy Awareness Month”, in the City of Chesterfield.

### **COMMUNICATIONS AND PETITIONS**

Charles Amato, who resides at 405 Griffith Lane, supports Bill No. 2576 (P.Z. 39-2007, Amato House) and stated he was available to answer questions.

Paul Ground, counsel for the petitioner, supports Bill No. 2574 (P.Z. 29-2006, Wildhorse Bluffs) and stated he was available to answer questions.

Craig Biesterfeld, attorney for Blackwell Sanders, on behalf of Missouri/Kansas Wireless Association, opposed Bill No. 2569 (P.Z. 33-2007, City of Chesterfield Telecommunications Ordinance). Mr. Biesterfeld stated that Mr. Heggie made numerous changes to this Bill that were requested, but Mr. Biesterfeld felt that fundamental problems still existed. Councilmember Fults asked Mr. Biesterfeld if he felt City Council, the Planning and Zoning Committee and the City Attorney made themselves available to hear all of his concerns. Mr. Biesterfeld acknowledged that the City had been responsive and had given him and others the chance to voice their concerns and to amend this proposed legislation; however, he again noted that this proposed legislation still is unacceptable. City Attorney Heggie stated that he met with representatives from the cell tower industry and had received a draft ordinance from Mr. Biesterfeld. Mr. Heggie stated that the draft ordinance is fundamentally different from the ordinance being presented tonight and that the Planning and Zoning Committee was not interested in that draft ordinance. Mr. Heggie further stated that everyone, on the City side of this process, has attempted to balance the needs of the City against the needs of the wireless industry and that he feels the final product complies with the Federal Telecommunications Act and with State law. Mayor Nations thanked Mr. Biesterfeld for his comments and for working with everyone involved, to this point in the process.

Mike Doster, attorney for the petitioner, supported Bill No. 2575 (P.Z. 31-2007, Terra Corporate Park) and stated he was available to answer questions.

### **APPOINTMENTS**

Mayor Nations nominated Emory Jackson, 14352 Markham Lane, and Mark Raisher, 1506 Woodroyal West, for re-appointment as members of the Finance and Administration Citizens Advisory Committee. Councilmember Flachsbart made a motion, seconded by Councilmember Durrell, to approve these re-appointments. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Jackson’s and Mr. Raisher’s three-year terms will expire October 1, 2010.

## **COUNCIL COMMITTEE REPORTS**

### **Planning and Zoning Committee**

Councilmember Connie Fults, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2569 (P.Z. 33-2007, City of Chesterfield, Telecommunications Ordinance) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda. Councilmember Fults next reported that Bill No. 2574 (P.Z. 29-2006, Wildhorse Bluffs, Wildhorse Partners, LLC), Bill No. 2575 (P.Z. 31-2007, Terra Corporate Park), Bill No. 2576 (P.Z. 39-2007, Amato House (405 Griffith Lane) and Bill No. 2577 (P.Z. 34-2007, Blue Ocean (Johnny Y Properties, LLC) will be read for the first time under the “Legislation – Planning Commission” of the Agenda. Councilmember Fults next reported that Bill No. 2578 (Approves a record plat for The Reserves at Chesterfield Village) will have first and second readings, under the “Legislation – Planning Commission” of the Agenda.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for Thursday, October 4 at 5:30 p.m.

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

City Administrator Mike Herring reported that Staff completed negotiations for professional services, for the design of Phase II of the City’s Levee Trail project. Phase II of this project will extend from the Chesterfield Valley Athletic Complex, westward to the Daniel Boone Bridge and from the U.S. Ice Sports Complex, east and south to Long Road, which, in total, is approx. 4.6 miles. Based upon a review of the information provided to him by Brian McGownd, Public Works Director/City Engineer, Mr. Herring joined with him in recommending award of a contract to Kuhlmann Design Group, in an amount not to exceed \$290,000. 100% of this cost will be covered by grant funds obtained from the Great Rivers Greenway District, as well as the Valley Transportation Development District. Councilmember Flachsbart made a motion, seconded by Councilmember Erickson, to award a contract to Kuhlmann Design Group, in an amount not to exceed \$290,000, for all design work associated with Phase II of this project. 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 Peppertini’s Piano Bar & Grill, to be located at 79 Forum Shopping Center, to sell all kinds of liquor by the drink and Sunday sales and that a liquor license request has been submitted by Viviano’s Festa Italiano, Inc., to be located at 150 Four Seasons Shopping Center, to sell all kinds of liquor by the drink. These applications have been reviewed and recommended for approval by both the Police Department and the Department of Planning and Public Works. Councilmember Casey made a motion, seconded by Councilmember Durrell, to approve issuance of liquor licenses to Peppertini’s Piano Bar & Grill and Viviano’s Festa Italiano, Inc. A voice vote was taken with an affirmative result and the motion was declared passed.

Mr. Herring next reported that passage of Resolution No. 343 would authorize the City Administrator to submit an application, requesting funding from the St. Louis County Municipal Parks Grant Commission. Mr. Herring stated that Acting-Director of Parks and Recreation Darren Dunkle had confirmed that the City's application would seek funding for a pavilion, at the CVAC, to serve the "soccer fields" area, at the west end of the City's complex. Councilmember Flachsbart made a motion, seconded by Councilmember Fults, to approve Resolution No. 343. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **LEGISLATION - PLANNING COMMISSION**

**BILL NO. 2569** RELATES TO THE ESTABLISHMENT OF RULES AND REGULATIONS FOR THE SITING, CONSTRUCTION AND MODIFICATION OF WIRELESS TELECOMMUNICATIONS FACILITIES (**SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL; P&Z COMMITTEE RECOMMENDS APPROVAL, AS AMENDED**)

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

Councilmember Flachsbart made a motion, seconded by Councilmember Fults, to amend Bill No. 2569, Section 3, Paragraph No. 18, Material Modification, to remove the word "An" and replace with "Any" to read "Any important, essential or significant change to an existing wireless telecommunications facility." and strike out "of ten percent (10%) or more in the height of a wireless telecommunications facility...." Councilmember Erickson asked members of the Planning and Zoning Committee about the origin of the "ten percent" calculation. City Attorney Heggie responded that the "ten percent" was actually ten feet when it left the Planning and Zoning Committee and that it was modified based upon discussions with the wireless industry. A voice vote was taken with an affirmative result and the motion to amend was declared passed (Councilmember Casey voted "No").

A roll call vote was then taken for passage and approval of Bill No. 2569, as amended, with the following results: Ayes - Flachsbart, Durrell, Hurt, Erickson, Nation, Fults and Casey. Nays - None. Whereupon, Mayor Nations declared Bill No. 2569 approved, passed it and it became **ORDINANCE NO. 2391**

**BILL NO. 2574** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A

**“NU” NON-URBAN DISTRICT TO AN “E-ONE ACRE” ESTATE DISTRICT WITH A “WH” WILD HORSE CREEK ROAD OVERLAY FOR A 4.9 ACRE TRACT OF LAND LOCATED NORTH OF WILD HORSE CREEK ROAD AND WEST OF LONG ROAD (P.Z. 29-2006 WILDHORSE BLUFFS {WILDHORSE PARTNERS, LLC}) (FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2574. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2574 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to amend Bill No. 2574, Section 1, H, Access/Access Management , to add a fifth paragraph to require “cross access” easement as needed or as directed to the property to the east. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO. 2575 REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 2245 TO ALLOW FOR AN AMENDMENT TO THE ALLOWABLE BUILDING SQUARE FOOTAGE REQUIREMENTS FOR A 24.997 ACRE TRACT OF LAND ZONED “PI” PLANNED INDUSTRIAL DISTRICT, LOCATED NORTH OF THE INTERSECTION OF SPIRIT DRIVE NORTH AND CHESTERFIELD AIRPORT ROAD, SOUTH OF I-64 US-40/61, AT THE INTERSECTION OF LONG ROAD CROSSING DRIVE AND TRADE CENTER BOULEVARD (P.Z. 31-2007 TERRA CORPORATE PARK) (FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2575. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2575 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Fults, to amend Bill No. 2575 to add the following statement: “The City Council shall review and provide final approval of the site development plan for the proposed development subsequent to Planning Commission review.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO. 2576 AMENDS ZONING ORDINANCE THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A**

“NU” NON-URBAN DISTRICT TO “E-ONE ACRE” ESTATE DISTRICT FOR A 2.638 ACRE TRACT OF LAND LOCATED ¼ MILE SOUTHWEST OF THE INTERSECTION OF WILD HORSE CREEK ROAD AND WILSON ROAD (P.Z. 39-2007 AMATO HOUSE – 405 GRIFFITH LANE) (**FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2576. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2576 was read for the first time.

**BILL NO. 2577** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “M3” PLANNED INDUSTRIAL DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 2.7-ACRE TRACT OF LAND LOCATED SOUTH OF US HIGHWAY 40&61, EAST OF CHESTERFIELD COMMONS DRIVE AT 17T230123, 17T230112 (P.Z. 34-2007 BLUE OCEAN {JOHNNY Y. PROPERTIES}) (**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. 2577. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2577 was read for the first time

Councilmember Fults made a motion, seconded by Councilmember Casey, to accept the amendment contained within the “green sheet.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO. 2578** PROVIDES FOR THE APPROVAL OF A RECORD PLAT FOR THE RESERVE AT CHESTERFIELD VILLAGE PLAT 1, FOR A 28.1 ACRE TRACT OF LAND ZONED “R-8” RESIDENTIAL 500 SQ. FT. DISTRICT, “R-5” RESIDENTIAL 6,000 SQ FT. DISTRICT, AND “FPR-5” FLOOD PLAIN RESIDENTIAL DISTRICT WITHIN A “PEU” PLANNED ENVIRONMENTAL UNIT, LOCATED ON THE EAST SIDE OF BAXTER RD. NORTH OF AUGUST HILL DR. AND SOUTH OF WILD HORSE CREEK RD. (**FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2578. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2578 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2578. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2578 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2578 with the following results: Ayes – Hurt, Erickson, Durrell, Fults, Nation, Casey and Flachsbart. Nays - None. Whereupon, Mayor Nations declared Bill No. 2578 approved, passed it and it became **ORDINANCE NO. 2392**

**NEW BUSINESS**

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

**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