



## RECORD OF PROCEEDING

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

**OCTOBER 17, 2011**

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

Boy Scout Troop #631 from St. Mark Presbyterian Church led everyone in the Pledge of Allegiance. Mayor Geiger followed with a moment of silent prayer. Mayor Geiger recognized and thanked: Ryan McElvein, Austin Hillebrandt, Tommy Sommers, Christopher Swiecicki, Matt Montgomery, Tyler Fike, Andrew Sellers, Jason Sauer, Mason Todd, Garrett Vehlewald, Danny Miller and Pierce Hastings for their participation in this opening ceremony. Also in attendance were Troop Leaders Glenn Archer, Mike Griffin, Paul Ke and Kim Beckman. Mayor Geiger presented a Proclamation to Boy Scout Troop #631, commemorating their participation.

A roll call was taken with the following results:

PRESENT

ABSENT

Mayor Bruce Geiger  
Councilmember Barry Flachsbart  
Councilmember Matt Segal  
Councilmember Derek Grier  
Councilmember G. Elliot Grissom  
Councilmember Mike Casey  
Councilmember Randy Logan  
Councilmember Bob Nation  
Councilmember Connie Fults

## **APPROVAL OF MINUTES**

The minutes of the October 3, 2011 City Council meeting were submitted for approval. Councilmember Grissom made a motion, seconded by Councilmember Nation, 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 Geiger announced that the YMCA presented the “Bruce Frankenfield Volunteer of the Year” Award on October 13th to Libbey Tucker, Assistant City Administrator for Community Services and Economic Development. Mayor Geiger read aloud from the award: “In appreciation for supporting the mission of the YMCA. You have excelled as a fund-raiser, ambassador and policy advisor. Your dedication goes above and beyond the high standards set for a YMCA Board Member.” Mayor Geiger said everyone is very proud of Mrs. Tucker and her contributions to the community.

Mayor Geiger reported that the Citizens Committee for the Environment held their “Repairing the Riparian” event on October 15<sup>th</sup>. Mayor Geiger stated that this project was made possible by a grant from the Conservation Federation of Missouri and that 89 volunteers planted 97 native plants and trees along the Riparian Trail. Mayor Geiger thanked the Committee members; the volunteers; and Ameren/Pure Power, Dierbergs Market Place, The Home Depot, PNC Bank-Chesterfield and St. Louis Community College-Wildwood for partnering with the City on this event.

Mayor Geiger announced that Ms. Jennifer Rubin has organized another “Rockin' 4 Relief” fund-raiser for BackStoppers, a charity which benefits the families of fallen Police Officers and Firefighters. Mayor Geiger said that he will be participating in this event, which will be held at the Dierbergs located at Clarkson/Baxter, on Saturday, October 22, from 9:00 am–7:00 pm. He encouraged everyone to participate.

Mayor Geiger wished a “Happy Birthday” to Councilmember Connie Fults on October 19 and City Clerk Judy Naggiar on October 26.

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

## **COMMUNICATIONS AND PETITIONS**

Ms. Jeannie Aumiller, 16091 Swingley Ridge Road, stated she was available to answer questions on Bill No. 2858 [P.Z. 03-2011, Arbors at Wild Horse Creek Road (17560 Wild Horse Creek, LLC)] and Bill No. 2859 [P.Z. 04-2011, Arbors at Wild Horse Creek Road (17560 Wild Horse Creek, LLC)].

## **APPOINTMENTS**

Mayor Geiger nominated Mr. Howard Curtis, a resident of Ward 4, to serve as a member of the Police Personnel Board. Mayor Geiger said he has known Mr. Curtis for many years and that he has an impressive background, great integrity, and a wealth of experience. Councilmember Nation made a motion, seconded by Councilmember Fults, to approve this appointment. Councilmember Barry Flachsbart, Chairperson of the Public Health & Safety Committee, reported that this Committee interviewed Mr. Howard Curtis and approved the recommendation to appoint Mr. Curtis to the Police Personnel Board. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Curtis' three-year term will expire October 17, 2014.

## **COUNCIL COMMITTEE REPORTS**

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

Councilmember Barry Flachsbart, Chairperson of the Public Health & Safety Committee, reported that Bill No. 2862 (Regulates the Placement of Roll-off Trash Containers) will be read for the first time under the "Legislation" portion of the Agenda.

Councilmember Flachsbart announced that the next meeting of this Committee will be scheduled for a to-be-determined date in December at 5:00 p.m.

### **Planning/Public Works Committee**

Councilmember Connie Fults, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2861 [P.Z. 08-2011, Kramer Commerce Center (Kramer Assets Group, LLC and Kramer Properties, LLC)] will be read for the first time under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Fults made a motion, seconded by Councilmember Grier, to approve **T.S.P. 30-2011 AT&T** (16641 Old Chesterfield Road). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults next made a motion, seconded by Councilmember Grier, to approve **T.S.P. 31-2011 AT&T** (1 McBride and Son Center Drive). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults next made a motion, seconded by Councilmember Grier, to approve **T.S.P. 34-2011 AT&T** (16141 Swingley Ridge Road). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults next made a motion, seconded by Councilmember Flachsbart, to award a contract to Intuition and Logic for professional services associated with a "Letter of Map Revision" regarding the Eagle Crest Subdivision, in an amount not-to-exceed \$27,000. This total amount will be funded by existing escrow dollars held by the City. A

voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults next reported that Bill No. 2858 [P.Z. 03-2011, Arbors at Wild Horse Creek Road (17560 Wild Horse Creek, LLC)] and Bill No. 2859 [P.Z. 04-2011, Arbors at Wild Horse Creek Road (17560 Wild Horse Creek, LLC)] will be considered for SECOND READING approval and adoption under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Fults next reported that and Bill No. 2860 (Amendments to Ordinance 35, Adopting a new Schedule V –“Through Highways, Roads or Streets”) will be considered for SECOND READING approval and adoption under the “Legislation” portion of the Agenda.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for Thursday, October 20, at 5:15 p.m. Councilmember Fults noted that the meeting start time has been changed from 5:30 p.m. to 5:15 p.m.

Councilmember Fults wished a “Happy Birthday” to Mayor Geiger on October 22<sup>nd</sup>.

### **REPORT FROM THE CITY ADMINISTRATOR**

City Administrator Mike Herring reported that Smashbuger, 1671 Clarkson Road, has requested a new liquor license, to sell beer and Sunday sales. Mr. Herring reported that this application has been reviewed and recommended for approval by the Departments of Police and Planning/Public Works. Councilmember Grissom made a motion, seconded by Councilmember Logan, to approve issuance of a new liquor license to Smashburger. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Aldi Inc. #49, 300 THF Boulevard, has requested a new liquor license, to sell liquor in original packages and Sunday sales. Mr. Herring reported that this application has been reviewed and recommended for approval by the Departments of Police and Planning/Public Works. Councilmember Segal made a motion, seconded by Councilmember Grier, to approve issuance of a new liquor license to Aldi Inc. #49. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Momoyama Japanese Sushi Restaurant, 1637 Clarkson Road, has requested a new liquor license, due to a change in owners, to sell beer and wine by the drink and Sunday sales. Mr. Herring reported that this application has been reviewed and recommended for approval by the Departments of Police and Planning/Public Works. Councilmember Segal made a motion, seconded by Councilmember Grier, to approve issuance of a new liquor license to Momoyama Japanese Sushi Restaurant. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that the City recently sought bids for the 2011 crack-sealing project. Based upon a review of the information provided by Principal Engineer Susan Mueller, Mr. Herring joined with her in recommending award of a contract to McConnell and Associates, in an amount-not-to-exceed \$80,000, which is the amount contained within the FY2011 Budget, for this purpose. Councilmember Logan made a motion, seconded by Councilmember Flachsbart, to award a contract to McConnell and Associates, in an amount-not-to-exceed \$80,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Director of Planning, Public Works and Parks Mike Geisel and his Staff are requesting approval of **Resolution No. 383**, which will authorize the City Administrator to seek \$150,000, from the Municipal Parks Grant Commission, for renovation of the “Splash Playground”, at the Family Aquatic Center. Councilmember Grissom made a motion, seconded by Councilmember Segal, to approve Resolution No. 383. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Staff is recommending approval of a Change Order regarding the contract with Kuesel Excavating Company for the Lydia Hill Drive extension. The total cost of this change order is \$64,000, which is an increase of approximately 4%. Based upon a review of the information provided by Director of Planning, Public Works and Parks Mike Geisel, Mr. Herring joined with him in recommending approval of this Change Order. This amount is funded by Parks Bond proceeds. Councilmember Flachsbart made a motion, seconded by Councilmember Grissom, to approve the Change Order regarding the contract with Kuesel Excavating Company. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **NEW BUSINESS**

There was no new business.

## **LEGISLATION**

**BILL NO. 2860** AMENDS ORDINANCE 35 OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY REPEALING ALL AMENDMENTS TO SCHEDULE V THROUGH HIGHWAYS, ROADS, OR STREETS AND ADOPTING SCHEDULE V AS ATTACHED HERETO (**SECOND READING – PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2860. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2860 was read for the second time. A roll

call vote was taken for the passage and approval of Bill No. 2860 with the following results: Ayes – Logan, Grier, Flachsbart, Fults, Segal, Grissom, Nation and Casey. Nays – None. Whereupon Mayor Geiger declared Bill No. 2860 approved, passed it and it became **ORDINANCE NO. 2676**.

**BILL NO. 2862** AMENDS CITY OF CHESTERFIELD ORDINANCE NO. 2498 – NUISANCE (**FIRST READING – PUBLIC HEALTH AND SAFETY RECOMMENDS APPROVAL**)

Councilmember Flachsbart made a motion, seconded by Councilmember Logan, for the first reading of Bill No. 2862. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2862 was read for the first time.

### **LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2858** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO A “E-1 AC” ESTATE DISTRICT (ONE ACRE) FOR A 23.422 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF WILD HORSE CREEK ROAD WEST OF ITS INTERSECTION WITH LONG ROAD AND EAST OF ITS INTERSECTION WITH WILD HORSE PARKWAY DRIVE (17560 WILD HORSE CREEK, LLC) (**SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2858. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2858 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2858 with the following results: Ayes – Casey, Segal, Flachsbart, Fults, Grier, Grissom, Logan and Nation. Nays – None. Whereupon Mayor Geiger declared Bill No. 2858 approved, passed it and it became **ORDINANCE NO. 2677**.

**BILL NO. 2859** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “E-1 AC” ESTATE DISTRICT (ONE ACRE) TO A “PUD” PLANNED UNIT DEVELOPMENT FOR A 23.422 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF WILD HORSE CREEK ROAD WEST OF ITS INTERSECTION WITH LONG ROAD AND EAST OF ITS INTERSECTION OF WILD HORSE PARKWAY DRIVE (17560 WILD HORSE CREEK, LLC) (**SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL**) (**BLUE SHEET AMENDMENT**)

Councilmember Fults made a motion, seconded by Councilmember Nation, for the second reading of Bill No. 2859. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2859 was read for the second time.

Councilmember Fults made a motion, seconded by Councilmember Logan, to amend Bill No. 2859, pursuant to the attached “blue” sheet. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

A roll call vote was taken for the passage and approval of Bill No. 2859, as amended, with the following results: Ayes – Casey, Grier, Logan, Flachsbart, Segal, Fults, Nation and Grissom. Nays – None. Whereupon Mayor Geiger declared Bill No. 2859, as amended, approved, passed it and it became **ORDINANCE NO. 2678**.

**BILL NO. 2861** REPEALS CITY OF CHESTERFIELD ORDINANCE 2376 AND REPLACING IT WITH A NEW ORDINANCE TO ALLOW FOR CHANGES TO A NEW “PI” PLANNED INDUSTRIAL DISTRICT FOR A 16.7 ACRE TRACT OF LAND LOCATED NORTH OF THE INTERSECTION OF SPIRIT DRIVE NORTH AND CHESTERFIELD AIRPORT ROAD AND SOUTH OF INTERSTATE 64/U.S. HIGHWAY 61-40 (P.Z. 08-2011 KRAMER COMMERCE CENTER {KRAMER ASSETS GROUP, LLC & KRAMER PROPERTIES, LLC}) (**FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND PUBLIC WORKS 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. 2861. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2861 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Segal, to amend Bill No. 2861, pursuant to the attached “green” sheet. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**ADJOURNMENT**

There being no further business to discuss, Mayor Geiger adjourned the meeting at 7:24 p.m.

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Mayor Bruce Geiger

**ATTEST:**

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Judith A. Naggiar, City Clerk