



## RECORD OF PROCEEDING

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

**DECEMBER 7, 2009**

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

President Pro Tem Mike Casey, in the absence of Mayor Nations, announced that he would be serving as Acting Mayor.

Boy Scout Troop #631 from St. Mark's Presbyterian led everyone in the Pledge of Allegiance and President Pro Tem Casey followed with a moment of silent prayer. President Pro Tem Casey recognized and thanked: Alexey Archer, Andrew Impastato, Anthony Dyck, Mark Harper, Alex Ke, Michael LeDuc, Bradley Obermeyer, Matthew Pearson, Matt Sauer, Jordan Wojtak and James Woody for their participation in this opening ceremony. Also in attendance were Troop Leaders Diane Schreiber and Paul Ke. President Pro Tem Casey presented a Proclamation to Boy Scout Troop #631, commemorating their participation.

A roll call was taken with the following results:

PRESENT

Councilmember Barry Flachsbart  
Councilmember Matt Segal  
Councilmember Lee Erickson  
Councilmember Mike Casey  
Councilmember Randy Logan  
Councilmember Bob Nation  
Councilmember Connie Fults

ABSENT

Mayor John Nations  
Councilmember Bruce Geiger

## **APPROVAL OF MINUTES**

The minutes of the November 16, 2009, City Council meeting were submitted for approval. Councilmember Erickson made a motion, seconded by Councilmember Logan, 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**

Mr. Richard Dulle, who resides at 14215 Cobble Hill Ct. and is a trustee of Green Trails West subdivision, discussed problems he has encountered regarding the erection of subdivision identification monument signs. Mr. Dulle stated that the City's Department of Public Works notified the trustees in August, 2009, that these signs were erected on City property and had to be relocated. Mr. Dulle said the Department of Public Works said that the subdivision could request a Special Use Permit from the City to request that these signs remain in the City's right-of-way. Mr. Dulle requested that the City issue the subdivision a Special Use Permit for several years to retain their subdivision entrance signs in the right-of-way, modify the current sign ordinance, or create a new sign ordinance that pertains to subdivisions. Councilmember Flachsbart suggested that this issue should be discussed at an upcoming Planning & Public Works Committee meeting. Councilmember Nation asked Mr. Dulle if the City's Sign Permit stipulated the specific location for the erection of these subdivision entrance monument signs. Mr. Dulle responded that he thought the City right-of-way was at the street line and was not aware that the right-of-way was the area between the sidewalk and the street.

Mr. Daniel N. Ginsparg, who resides at 373 S. Greentrails Dr. and is a trustee, stated that he looked at the City's drawings for sign placement and thought the subdivision entrance signs were erected in the proper place. Mr. Ginsparg stated they did not receive any information from the City stating that it was a safety issue to have these signs erected in the right-of-way. Councilmember Flachsbart requested that City Administrator Herring ask Director of Planning/Public Works Mike Geisel to bring applicable drawings to the January 7, 2010, meeting of the Planning & Public Works Committee. City Attorney Rob Heggie stated that the City's code and policy do not allow signs to be erected in the right-of-way because of safety reasons and to avoid visual clutter. Mr. Heggie stated that it is very difficult legally under the U.S. Constitution under the First Amendment clause for the City to differentiate between certain kinds of signs that the City favors or does not favor, and the City code and policy has always been very clear that signs are not allowed in the City's rights-of-way. President Pro Tem Casey directed City Administrator Mike Herring to add this issue to the Agenda of the January 7, 2010 Planning & Public Works Committee meeting.

## **INTRODUCTORY REMARKS**

President Pro Tem Casey announced that candidate filing begins for the April 6, 2010 Municipal Election at 8:00 a.m. on Tuesday, December 15, 2009.

President Pro Tem Casey announced that the next meeting of City Council has been scheduled for Monday, January 4, at 7 p.m.

President Pro Tem Casey wished a Happy “Hanukkah” and “Merry Christmas” to everyone in attendance.

### **APPOINTMENTS**

There were no appointments.

### **ANNOUNCEMENTS**

President Pro Tem Casey recognized Mr. Robin Harris, who is the newly elected Director of the Monarch Fire Protection District, in attendance at tonight’s meeting.

City Administrator Herring announced that Mayor Nations had texted him a message that he is on his way to the City Council meeting and that the Mayor has asked the Council’s indulgence to pass over the report of the Finance & Administration Committee until his arrival.

Councilmember Flachsbart made a motion, seconded by Councilmember Logan, to suspend the rules to proceed to Item IX. B., the report from the Planning & Public Works Committee. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

### **COUNCIL COMMITTEE REPORTS**

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

Councilmember Connie Fults, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2758 [City Code Amendment (Membership - Planning Commission)] will be considered for adoption under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Fults reported that the Planning/Public Works Committee approved an amendment regarding the Sanitary Sewer Lateral policy. Councilmember Fults stated that this amendment allowed residents to use the City’s approved contractor instead of requiring the resident to secure three bids.

Councilmember Fults reported that Bill No. 2761 (Amends Section 1003.210 of Zoning Ordinance regarding fees) and Bill No. 2763 (Approves boundary adjustment plat for The Reserve at Chesterfield Village, Lots 37 thru 42, Lot 56 and Lot 57) are scheduled for both first and second reading approval, under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for Thursday, December 10, at 5:30 p.m.

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

City Administrator Mike Herring reported that PM BBQ, 103 Chesterfield Towne Centre, has requested a new liquor license 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 Planning/Public Works and Police. Councilmember Erickson made a motion, seconded by Councilmember Logan, to approve issuance of a new liquor license to PM BBQ. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Walgreens, 14950 Clayton Road, 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 Planning/Public Works and Police. Councilmember Nation made a motion, seconded by Councilmember Fults, to approve issuance of a new liquor license to Walgreens. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Walgreens, 917 Chesterfield Parkway East, 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 Planning/Public Works and Police. Councilmember Erickson made a motion, seconded by Councilmember Logan, to approve issuance of a new liquor license to Walgreens. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Walgreens, 97 Long Road, 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 Planning/Public Works and Police. Councilmember Fults made a motion, seconded by Councilmember Nation, to approve issuance of a new liquor license to Walgreens. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Staff recently sought bids for construction of an amphitheater, a concessions/restroom building, various "stream walks", a gazebo bridge and lake fountain at Central Park. Mr. Herring stated that, as previously approved by City Council, bonds were issued to cover the entire cost of this project. Based upon a review of the information provided by Public Works Director/City Engineer Brian McGownd, Mr. Herring joined with him in recommending award of a contract to Frederich Construction, Inc., in an amount not to exceed \$7,228,261. Councilmember Flachsbart made a motion, seconded by Councilmember Erickson, to award a contract to

Frederich Construction, Inc., in an amount not to exceed \$7,228,261. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

### **NEW BUSINESS**

There was no new business.

### **LEGISLATION**

There was no legislation.

### **LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2758** AMENDS ORDINANCE NUMBER 1441 AND THE CITY CODE SECTION 23-18 OF THE CITY OF CHESTERFIELD RELATIVE TO THE NUMBER OF MEMBERS AND THE QUALIFICATIONS THEREOF FOR THE PLANNING COMMISSION OF THE CITY OF CHESTERFIELD (**SECOND READING – PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE PROPOSED “GREEN SHEET”**)

Councilmember Fults made a motion, seconded by Councilmember Erickson, for the second reading of Bill No. 2758. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2758 was read for the second time. Councilmember Fults made a motion, seconded by Councilmember Flachsbart to accept the amendments on the attached “green sheets” to include language suggested by City Attorney Heggie. City Attorney Heggie said to strike out the language listed under AMENDMENT 2, page 1, Item 3. b. on the “green sheet” and replace it with the following language: “resign as Chair or leader of any other City committee, commission, board, or task force, however a person may retain membership on a City committee, commission, board or task force if desired.” [Mayor Nations arrived at the City Council meeting at this time.] Councilmember Fults stated that she would like to raise her objection and said serving on the Planning Commission should be a “full-time” commitment. Councilmember Fults stated that she does not feel that the City benefits from having people on several committees and task forces. Councilmember Fults said she appreciated Councilmember Flachsbart’s language and amendment but disagrees and is concerned about possible conflicts of interest from an individual being on the Planning Commission and another committee. Councilmember Fults stated she intends to vote “no” on the amendments. Councilmember Casey stated that he supports the wording and pointed out that the Mayor/City Council control the appointment process and can limit any potential conflicts. Councilmember Casey stated that he agrees with Councilmember Fults that the Planning Commission position is a full time commitment. Councilmember Segal asked if the City has ever had the situation arise of a Planning Commissioner serving on another commission, committee, board or task force. Councilmember Fults

responded that she was not aware of this situation ever occurring. Councilmember Fults stated that the primary reason to amend this ordinance was to add the word “committee.” City Administrator Herring stated that the City put this policy into place in 1988 because there was a desire of the Mayor and Council to have as many people involved as possible and not to limit anybody’s ability to serve. Councilmember Erickson stated that most of the citizen committees are seeking additional members and it does not seem reasonable that an individual serving on a statutory committee must resign from any other citizen committee. A roll call vote was taken for the passage and approval of the motion to amend Bill No. 2758 pursuant to the attached “green sheets” with the following results: Ayes – Segal, Casey, Flachsbart, Nation, Erickson and Logan. Nays – Fults. Whereupon Mayor Nations declared the motion to amend Bill No. 2758 passed. A roll call vote was taken for the passage and approval of Bill No. 2758, as amended, with the following results: Ayes – Logan, Nation, Casey, Segal, Erickson and Flachsbart. Nays – Fults. Whereupon Mayor Nations declared Bill No. 2758 approved, passed it and it became **ORDINANCE NO. 2582.**

[Mayor Nations provided an explanation of how business is conducted at a City Council meeting to the Scouts from Troops 631 and 601 in attendance. Mayor Nations thanked the parents of Scouts and the Scout leaders for their volunteer efforts for the Scouts and the community.]

**BILL NO. 2761** REPEALS SECTION 1003.210 OF THE CITY OF CHESTERFIELD ZONING ORDINANCE PERTAINING TO FEES FOR VARIOUS PROCEDURES AND REPLACING IT WITH A NEW SECTION 1003.210 TO UPDATE EXISTING FEES AND FOR THE CREATION OF NEW FEES RELATIVE TO PLAN REVIEW AND PUBLIC HEARING PETITIONS WITHIN THE CITY OF CHESTERFIELD, MISSOURI. (**FIRST READING - PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 2761. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2761 was read for the first time.

**BILL NO. 2762** PROVIDES FOR THE APPROVAL OF A LOT SPLIT FOR A 5.23 ACRE TRACT OF LAND ZONED E-ONE ACRE BEING IN THE SOUTH PART OF THE SOUTHWEST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF THE SECTION 16, IN TOWNSHIP 45 NORTH, RANGE 4 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, LOCATED AT 1717 WILSON ROAD. (WILSON BLUFFS) (**FIRST AND SECOND READINGS - PLANNING AND PUBLIC WORKS DEPARTMENT RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 2762. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2762 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, for the second reading of Bill No. 2762. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2762 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2762 with the following results: Ayes – Segal, Fults, Erickson, Logan, Nation, Flachsbart and Casey. Nays – None. Whereupon Mayor Nations declared Bill No. 2762 approved, passed it and it became **ORDINANCE NO. 2583.**

**BILL NO. 2763** PROVIDES FOR THE APPROVAL OF A BOUNDARY ADJUSTMENT PLAT FOR THE RESERVE AT CHESTERFIELD VILLAGE, LOTS 37 THROUGH 42, LOT 56 AND LOT 57, FOR TRACTS OF LAND ZONED “R5” AND “R8 RESIDENCE DISTRICTS WITHIN A “PEU” PLANNED ENVIRONMENT 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 AND PUBLIC WORKS DEPARTMENT RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 2763. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2763 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, for the second reading of Bill No. 2763. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2763 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2763 with the following results: Ayes – Flachsbart, Erickson, Fults, Logan, Nation and Casey. Nays – None. Abstentions – Segal. Whereupon Mayor Nations declared Bill No. 2763 approved, passed it and it became **ORDINANCE NO. 2584.**

### **ADDITIONAL INTRODUCTORY REMARKS**

Mayor Nations first repeated President Pro Tem Casey’s earlier announcement that candidate filing for the office of Councilmember in each of the four wards for the April 6, 2010 Municipal Election begins at 8:00 a.m. on Tuesday, December 15, 2009. Mayor Nations next stated that the following incumbent Councilmembers would run for re-election: Councilmember Flachsbart-Ward I, Councilmember Geiger-Ward II, Councilmember Casey-Ward III and Councilmember Fults-Ward IV.

Mayor Nations announced that the next meeting of City Council has been scheduled for Monday, January 4, 2010 at 7 p.m.

Mayor Nations wished everyone in attendance a very happy holiday season.

**Finance and Administration Committee**

Councilmember Matt Segal, Vice-Chair of the F&A Committee, in the absence of Councilmember Geiger, Chairperson of the Finance and Administration Committee, made a motion, seconded by Councilmember Flachsbart, to approve Resolution No. 364 (Adopts/approves the proposed FY2010 Budget). Councilmember Nation commended Staff for their work on the budget; however, he stated that he intends to vote “No” on this resolution because of the Doorack property lease arrangement. A voice vote was taken with an affirmative result (Councilmember Nation voted “No”) and the motion was declared passed.

**ADDITIONAL REMARKS**

Mayor Nations stated that the City of Chesterfield has had a very good year, even though there have been challenges. Mayor Nations stated that the City has adjusted to the times, and the budget is performing well, and the City has been able to significantly add to the parks system with property acquisitions. Mayor Nations commended each City Councilmember, City Administrator Herring and City Staff for their work this year which has made the community better. Mayor Nations stated he is very proud of the City’s record and is optimistic for the future.

**ADJOURNMENT**

Mayor Nations adjourned the meeting at 7:47 p.m.

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Mayor John Nations

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President Pro Tem Mike Casey  
Presiding Officer

**ATTEST:**

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Judith A. Naggiar, City Clerk

