



RECORD OF PROCEEDING

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

FEBRUARY 23, 2011

The meeting was called to order at 7:06 p.m.

Acting-Mayor Flachsbart 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

Acting-Mayor Barry Flachsbart
Councilmember Matt Segal
Councilmember Bruce Geiger
Councilmember Lee Erickson
Councilmember Mike Casey
Councilmember Randy Logan
Councilmember Bob Nation
Councilmember Connie Fults

APPROVAL OF MINUTES

The minutes of the February 7, 2011 City Council meeting were submitted for approval. Councilmember Erickson 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

Acting-Mayor Flachsbart announced that the next meeting of City Council has been scheduled for Monday, March 7, at 7 p.m.

Acting-Mayor Flachsbart reminded everyone that the City's election would take place on Tuesday, April 5, and urged everyone to vote.

Acting-Mayor Flachsbart next announced that the Missouri Arts Council has named the City of Chesterfield a "Creative Community", in recognition of the City's promotion of public art and its encouragement of "The Arts", in general. Acting-Mayor Flachsbart displayed this award to those in attendance. First Lady Georgeann Nixon and Nola Roth, Chair of the Missouri Arts Council, presented this award to Acting-Mayor Flachsbart on February 16 at the State Capitol. Acting-Mayor Flachsbart expressed his appreciation to Ms. Stacey Morse, Executive Director of Chesterfield Arts, who nominated the City for this award. Acting-Mayor Flachsbart asked City Administrator Herring to prominently display this award in the lobby of City Hall. Acting-Mayor Flachsbart said that twelve signs designating this award will be displayed throughout the City.

COMMUNICATIONS AND PETITIONS

Mr. Scott Clayman, 14083 Agusta Drive, expressed his concerns about the Parkway School District's materials recovery and recycling facility continuing operation, behind Parkway Central High School, 369 North Woods Mill Road. Mr. Clayman provided pictures of this facility to Acting-Mayor Flachsbart, City Councilmembers, City Administrator Herring and City Attorney Heggie. City Administrator Mike Herring assured Mr. Clayman that the City is taking this matter very seriously. He said that he had met with Interim Superintendent Don Senti and two people with oversight responsibilities, for this location, on February 22. They reviewed the site, discussed the current situation and Mr. Herring suggested a number of corrective actions that should be taken. He asked Mr. Clayman to call or email him personally if he had any issues that need to be addressed. Mr. Clayman thanked Mr. Herring for his commitment to rectifying the problems and requested that the City pass legislation to ensure continuity protection. Acting-Mayor Flachsbart said that the Parkway School District has a financial incentive to correctly recycle materials and assured Mr. Clayman that Mr. Herring is committed to resolving these problems. Councilmember Segal thanked Mr. Clayman for keeping the City apprised of the conditions at this facility.

Mr. Chris Slagle, 14017 Cross Trails Drive, expressed his appreciation to Mr. Herring for his efforts with the Parkway School District about rectifying the problems at the materials recovery and recycling facility. Mr. Slagle said that enforcement is critical and recommended forming a committee comprised of Parkway School District members, City Council and the neighboring residents to establish guidelines to enhance the quality of the neighborhood.

Ms. Margaret Bour, 14057 Agusta Drive, thanked Acting-Mayor Flachsbart and City Administrator Herring for their efforts to resolve the issues at the materials recovery and recycling facility. She suggested that the City adopt ordinances to be used as guidelines regarding the operations that can take place at the materials recovery and recycling facility.

Mr. Pat Garlich, 104 Armour Road, N. Kansas City, MO, stated he was available to answer questions on Bill No. 2826 [P.Z. 10-2010, Schoettler Village PEU (MLAKE 5, LLC)].

APPOINTMENTS

Acting-Mayor Flachsbart nominated Mrs. Wendy Geckeler for re-appointment to the Planning Commission. 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. Mrs. Geckeler's four-year term will expire June 19, 2014.

COUNCIL COMMITTEE REPORTS

Planning/Public Works Committee

Councilmember Matt Segal, Chairperson of the Planning/Public Works Committee, reported that this Committee approved the request from St. Louis Wild Ones to bring the 2011 Native Landscape Challenge to Chesterfield. Councilmember Segal explained that residents who would like a front-yard makeover using native plants could apply to Wild Ones directly or through the City's website for this process. The Challenge is valued at \$1,500, which includes the plants and installation.

Councilmember Segal next reported that members of the Historical Commission asked this Committee to help them with the promotion of their new book which chronicles the history of Chesterfield. This Committee approved the following marketing strategies: (1) Use of the City logo, (2) Sale of the book at the front desk at City Hall; and (3) Sale of the book at the Grand Opening of the new Amphitheater scheduled for May 21st.

He next reported that Bill No. 2825 [P.Z. 07-2010, 16624 Old Chesterfield Road (Gene Manini)], Bill No. 2826 [P.Z. 10-2010, Schoettler Village PEU (MLAKE 5, LLC)], and Bill No. 2827 [P.Z. 14-2010, Chesterfield Oaks (Capital Land)] will be read for the first time under the "Legislation – Planning Commission" portion of the Agenda. He stated that he will make a motion to suspend the rules to enable a second reading of Bill No. 2827, to help this business open in March.

He next reported that Bill No. 2828 (Approves a Boundary Adjustment Plat for Chesterfield Valley Athletic Complex) is scheduled for both first and second reading approval, under the "Legislation – Planning Commission" portion of the Agenda.

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

Public Health & Safety Committee

Councilmember Bob Nation, Chairperson of the Public Health & Safety Committee, reported that Bill No. 2824 (Adopts St. Louis County “Smoking Ban”) will be considered for adoption under the “Legislation” portion of the Agenda.

Councilmember Nation announced that the next meeting of this Committee has been tentatively scheduled for Monday, March 21, at 5:00 p.m.

REPORT FROM THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that twenty-one professional firms submitted proposals for “engineering design” of Appalachian Trail Reconstruction (Olive Boulevard to Beaver Creek Drive). 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 CDG Engineers Architects Planners, Inc, in an amount not-to-exceed \$165,000. He said that grant funds will cover \$80,500 of this total amount and the balance of \$84,500 will be funded by the Capital Improvement Sales Tax Fund. Construction on this project is not scheduled to begin until 2012. Grant funds already obtained, totaling \$1,029,000, will cover 70% of the total cost. Councilmember Erickson made a motion, seconded by Councilmember Logan, to award a contract to CDG Engineers Architects Planners, Inc, in an amount not-to-exceed \$165,000. Councilmember Erickson commended Staff for doing a great job at reaching out to the community on this project. 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 Capital Street Reconstruction Projects – Area A. 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 L. Krupp Construction, in an amount not-to-exceed \$1,000,000, with the entire amount funded by the Capital Improvements Sales Tax Fund. Councilmember Segal made a motion, seconded by Councilmember Geiger, to award a contract to L. Krupp Construction, in an amount not-to-exceed \$1,000,000. 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 Capital Street Reconstruction Projects – Area B. 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 Amcon Municipal Concrete, LLC, in an amount not-to-exceed \$1,000,000, with the entire amount funded by the Capital Improvements Sales Tax Fund. Councilmember Segal made a motion, seconded by Councilmember Fults, to award a contract to Amcon Municipal Concrete, LLC, in an amount not-to-exceed \$1,000,000. 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 City's 4th of July Fireworks Display. Staff only received one proposal, but it was submitted by J&M Displays, with whom the City has successfully contracted for this work, on three different occasions. 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 award of a contract to J&M Displays, in an amount not-to-exceed \$50,000, for this year's 4th of July fireworks display. Mr. Herring noted that the proposal also included options to extend this contract, for several additional years, assuming the City remains pleased with the product delivered by this company. Councilmember Logan made a motion, seconded by Councilmember Casey, to award a contract to J&M Displays, in an amount not-to-exceed \$50,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that City Council originally awarded a contract to WSM Inc. Concrete Division, for the installation of handicapped-accessible sidewalk ramps at various locations through the City. WSM is unable to provide the required Performance Bond, per the contract. As a result, Staff is now recommending award of this contract to the second low bidder, Amcon Municipal Concrete, LLC. This work is fully-funded by Community Development Block Grant (CDBG) Funds, which the City receives each year, from St. Louis County. 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 the second lowest bidder, Amcon Municipal Concrete, LLC in an amount not-to-exceed \$41,900, which is the total amount of CDBG funds available to be spent via this contract. Councilmember Fults made a motion, seconded by Councilmember Geiger, to award a contract to Amcon Municipal Concrete, LLC in an amount not-to-exceed \$41,900. 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. 2824 ADOPTS AND ENACTS THE INDOOR CLEAN AIR CODE, AS ENACTED BY ST. LOUIS COUNTY (**SECOND READING; PUBLIC HEALTH AND SAFETY RECOMMENDS APPROVAL**)

Councilmember Nation made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2824. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2824 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2824 with the

following results: Ayes – Erickson, Casey, Logan, Fults, Flachsbart, Segal, Nation and Geiger. Nays – None. Whereupon Acting-Mayor Flachsbart declared Bill No. 2824 approved, passed it and it became **ORDINANCE NO. 2642**.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2825 REPEALS ST. LOUIS COUNTY ORDINANCE 7561 AND REPLACING IT WITH A NEW ORDINANCE THAT AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “M2” INDUSTRIAL DISTRICT TO “UC” URBAN CORE DISTRICT AND APPROVING A LANDMARK AND PRESERVATION AREA (LPA) OVERLAY FOR A .226 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF OLD CHESTERFIELD ROAD AT ITS INTERSECTION WITH SANTA MARIA DRIVE (P.Z. 07-2010 16624 OLD CHESTERFIELD ROAD (GENE MAININI)) (**FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Segal made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2825. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2825 was read for the first time.

BILL NO. 2826 REPEALS ST. LOUIS COUNTY ORDINANCE 6059 BY CHANGING THE DENSITY REQUIREMENTS IN A PLANNED ENVIRONMENTAL UNIT IN A “R1A” RESIDENCE DISTRICT, “R2” RESIDENCE DISTRICT, “R3” RESIDENCE DISTRICT, “R6” RESIDENCE DISTRICT AND “R6A” RESIDENCE DISTRICT OF 158.2 ACRES IN SIZE LOCATED ALONG SCHOETTLER VALLEY DRIVE AT THE NORTH FROM US HIGHWAY 40/INTERSTATE 64 SOUTHWARD TO SQUIRES WAY DRIVE INCLUDING THE SUBDIVISIONS OF SCHOETTLER VALLEY APARTMENTS, WEST RIDGE ESTATES, SCHOETTLER VALLEY ESTATES, HIGHCROFT RIDGE SCHOOL, AND BRIDLE CREEK AND ALL THOSE LOTS WITHIN {MLAKE 5, LLC}) (**FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Segal made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2826. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2826 was read for the first time.

BILL NO. 2827 REPEALS CITY OF CHESTERFIELD ORDINANCE 2161 BY CHANGING THE PERMITTED LAND USES OF A “PC” PLANNED COMMERCIAL DISTRICT FOR A 6.494 ACRE TRACT OF LAND LOCATED ON THE EAST SIDE OF

CLARKSON ROAD AND SOUTH OF THE INTERSECTION OF
CLARKSON ROAD AND CHESTERFIELD PARKWAY (P.Z. 14-
2010 CHESTERFIELD OAKS {CAPITOL LAND}) (**FIRST
READING; PLANNING COMMISSION RECOMMENDS
APPROVAL**)

Councilmember Segal stated that throughout the Planning and Zoning process, no one spoke out against the petitioner on any matter. Councilmember Segal made a motion, seconded by Councilmember Geiger, for the first reading of Bill No. 2827. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2827 was read for the first time.

Councilmember Segal made a motion, seconded by Councilmember Casey, to suspend the rules to enable consideration of Bill No. 2827. A voice vote was taken with an affirmative result (7-1 - Councilmember Erickson voted “no”) and the motion was declared passed.

Councilmember Segal made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2827. A voice vote was taken with an affirmative result (7-1 - Councilmember Erickson voted “no”) and the motion was declared passed. Bill No. 2827 was read for the second time. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2827 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2827 with the following results: Ayes – Geiger, Erickson, Logan, Casey, Flachsbart, Fults, Segal and Nation. Nays – None. Whereupon Acting-Mayor Flachsbart declared Bill No. 2827 approved, passed it and it became **ORDINANCE NO. 2643**.

BILL NO. 2828 PROVIDES FOR THE APPROVAL OF A BOUNDARY ADJUSTMENT PLAT FOR CHESTERFIELD VALLEY ATHLETIC COMPLEX DEVELOPMENT FOR A 165.056 ACRE TRACT OF LAND ZONED “PS” PARK AND SCENIC DISTRICT, “PI” PLANNED INDUSTRIAL DISTRICT, “C8” PLANNED COMMERCIAL DISTRICT, AND “M3” PLANNED INDUSTRIAL DISTRICT LOCATED AT 17927 NORTH OUTER 40 ROAD, 17925 NORTH OUTER 40 ROAD, 17891 NORTH OUTER 40 ROAD, 17867 NORTH OUTER 40 ROAD, AND 17851 NORTH OUTER 40 ROAD (16V110088, 16V210067, 16V220044, 17V630060 & 17V630026) (**FIRST AND SECOND READING, DEPT. OF PLANNING, PUBLIC WORKS AND PARKS RECOMMENDS APPROVAL**)

Councilmember Segal made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2828. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2828 was read for the first time.

[Acting-Mayor Flachsbart provided an explanation of how business is conducted at a City Council meeting to the Boy Scout in attendance.]

Councilmember Segal made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2828. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2828 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2828 with the following results: Ayes – Logan, Nation, Casey, Flachsbart, Erickson, Geiger, Fults and Segal. Nays – None. Whereupon Acting-Mayor Flachsbart declared Bill No. 2828 approved, passed it and it became **ORDINANCE NO. 2644**.

ADJOURNMENT

There being no further business to discuss, Acting-Mayor Flachsbart adjourned the meeting at 7:57 p.m.

Acting-Mayor Barry Flachsbart

ATTEST:

Judith A. Naggiar, City Clerk