



## RECORD OF PROCEEDING

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

**MARCH 21, 2011**

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The meeting was called to order at 7 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

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

ABSENT

Councilmember Randy Logan

APPROVAL OF MINUTES

The minutes of the February 23, 2011 City Council meeting were submitted for approval. Councilmember Erickson 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**

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

Acting-Mayor Flachsbart announced that the next meeting of City Council has been scheduled for Wednesday, April 20, at 7 p.m.

## **COMMUNICATIONS AND PETITIONS**

Acting-Mayor Flachsbart presented the 2010 "Citizen of the Year" award to Mrs. Joan Schmelig, President of the Chesterfield Chamber of Commerce. He read aloud from the award that he presented to Mrs. Schmelig, noting that, on behalf of the entire City Council, City Staff and the citizens of Chesterfield he was presenting this award "with sincere appreciation for (Mrs. Schmelig's) civic contribution and countless hours of volunteer service to enhance the quality of life in our community." Mrs. Schmelig extended her thanks to Acting-Mayor Flachsbart and other City officials, everyone involved with making this award possible, everyone who honored her by attending tonight's meeting and all of her family, friends and supporters who have made possible the success that she has enjoyed.

Former-Councilmember Dan Hurt, 2035 Emerald Crest Court, expressed his appreciation to Mrs. Schmelig for everything that she has done.

Mr. Paul Dillender, 312 Cheval Square Drive, expressed his appreciation to Mrs. Schmelig for her tireless efforts at the Chesterfield Chamber of Commerce.

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)].

State Representative Tim Jones, 89<sup>th</sup> District, presented a Resolution from the Missouri House of Representatives to Mrs. Schmelig, in recognition of her energy and involvement, her work at the Chesterfield Chamber of Commerce and her dedication to her family. Representative Jones also presented a gift from Mr. Mike Doster, of Doster Ullom law firm, to Mrs. Schmelig.

Councilmember Bob Nation expressed his appreciation to Mrs. Schmelig for her leadership at the Chesterfield Chamber of Commerce.

City Administrator Mike Herring expressed his appreciation to Mrs. Schmelig for her partnership with the City and for all that she has done for the community.

## **APPOINTMENTS**

Acting-Mayor Flachsbart nominated Mrs. Doris Frazier for re-appointment to the Human Rights Commission. Councilmember Nation made a motion, seconded by Councilmember Fults, to approve this re-appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mrs. Frazier's three-year term will expire May 15, 2014.

## **HONORARY CHAIRPERSON**

Acting-Mayor Flachsbart announced that Councilmember Lee Erickson, Ward 2, is not seeking re-election, after having served four years, as a member of City Council. By way of honoring/thanking him for his service, he then designated him as the "Honorary Chairperson" for tonight's City Council meeting.

Councilmember Erickson expressed his appreciation to Acting-Mayor Flachsbart, City Councilmembers, and Staff for all they have done for him and taught him. Councilmember Erickson stated for the record that he extends his appreciation to all of his constituents. He said that they are the ones who gave their trust to him over the last four years and he hopes that he has performed on that trust.

## **COUNCIL COMMITTEE REPORTS**

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

Councilmember Matt Segal, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2825 [P.Z. 07-2010, 16624 Old Chesterfield Road (Gene Mainini)] and Bill No. 2826 [P.Z. 10-2010, Schoettler Village PEU (Mlake 5, LLC)] will be considered for adoption under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Segal next reported that Bill No. 2829 (Provides approval for the Installation of a Fire Hydrant on Baxter Road) is scheduled for both first and second reading approval, under the "Legislation" portion of the Agenda.

Councilmember Segal next reported that Bill No. 2830 (Provides for the Approval of a Record Plat for Chesterfield Commons Seven) and Bill No. 2831 (Provides for the Vacation of Right-of-Way of Olive Street Road and Old Eatherton Road) are 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 24, at 5:30 p.m.

## **Parks and Recreation Committee**

Councilmember Lee Erickson, Chairperson of the Parks and Recreation Committee, announced that the next meeting of this Committee has been scheduled for Thursday, March 31, at 5:30 p.m.

## **Finance and Administration Committee**

In the absence of Councilmember Randy Logan, Councilmember Lee Erickson, Vice-Chairperson of the Finance and Administration Committee, announced that the next meeting of this Committee has been scheduled for Monday, March 28, at 5:30 p.m.

## **REPORT FROM THE CITY ADMINISTRATOR**

City Administrator Mike Herring reported that at this time of the year, as part of the process of “closing the books” on FY2010, Director of Finance & Administration Kelly Vaughn has prepared a list of “budget transfers/amendments.” These changes are “house-keeping” in nature. Councilmember Casey made a motion, seconded by Councilmember Segal, to approve the budget transfers/amendments. 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 construction of Eberwein Park, including a pavilion, restroom facility, parking lot, trails, landscaping and a 2-acre dog park. 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, for this project, to Kuesel Excavating Company, at a total cost-not-to-exceed \$690,000. Funding for this project has already been approved by City Council and this total bid award is within the total amount authorized by City Council. Councilmember Geiger made a motion, seconded by Councilmember Segal, to award a contract to Kuesel Excavating Company, at a total cost-not-to-exceed \$690,000. 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 proposals to replace/upgrade the Police Department’s current “in-car” camera system. Based upon a review of the information provided by Chief Ray Johnson and with the support/endorsement of the City’s IT Division, Mr. Herring joined with them in recommending acceptance of the proposal submitted by Kustom Signals, at a total cost not-to-exceed \$82,730. Councilmember Casey made a motion, seconded by Councilmember Fults, to accept the proposal submitted by Kustom Signals, at a total cost not-to-exceed \$82,730. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Staff has negotiated a contract with Tech Electronics, to supply and install a sound system for the City’s Amphitheater, in an amount not-to-exceed \$32,500. He stated that this amount is fully-funded by Phase Two Parks Bonds. 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 Tech Electronics, in an amount not-to-exceed \$32,500. Councilmember Casey made a motion, seconded by Councilmember Segal, to award a contract to Tech Electronics, in an amount not-to-exceed \$32,500. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that the City sought bids for the purchase of a brush chipper, to replace an existing 10-year old model. 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 Vermeer Midwest, Inc., at a total cost, including trade-in, of \$41,750. Councilmember Casey made a motion, seconded by Councilmember Fults, to award a contract to Vermeer Midwest, Inc., at a total cost, including trade-in, of \$41,750. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that the City sought bids for the purchase of a one-ton truck, with flat bed, snow plow and salt spreader. 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 West Brothers, in an amount-not-to-exceed \$50,189.00. Councilmember Casey made a motion, seconded by Councilmember Fults, to award a contract to West Brothers, in an amount-not-to-exceed \$50,189.00. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that the City of Chesterfield (Amphitheater), 631 Veterans Place Drive, 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 Casey made a motion, seconded by Councilmember Segal, to approve issuance of a new liquor license to the City of Chesterfield (Amphitheater). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that the City of Chesterfield (F Quad), 17925 N. Outer 40, has requested a new liquor license to sell beer 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 Casey made a motion, seconded by Councilmember Nation, to approve issuance of a new liquor license to the City of Chesterfield (F Quad). A voice vote was taken with an affirmative result (6-1 – Councilmember Fults voted “No”) and the motion was declared passed.

## **NEW BUSINESS**

There was no new business.

## **LEGISLATION**

**BILL NO. 2829** APPROVES THE INSTALLATION OF A FIRE HYDRANT ON BAXTER ROAD LOCATED WITHIN THE CITY OF CHESTERFIELD (**FIRST AND SECOND READINGS; PLANNING & PUBLIC WORKS COMMITTEE**)

Councilmember Segal made a motion, seconded by Councilmember Geiger, for the first reading of Bill No. 2829. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2829 was read for the first time.

Councilmember Segal made a motion, seconded by Councilmember Geiger, for the second reading of Bill No. 2829. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2829 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2829 with the following results: Ayes – Erickson, Segal, Geiger, Nation, Fults, Flachsbart and Casey. Nays – None. Whereupon Honorary Chairperson Erickson declared Bill No. 2829 approved, passed it and it became **ORDINANCE NO. 2645**.

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

Councilmember Segal made a motion, seconded by Councilmember Casey, for the second 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 second time. A roll call vote was taken for the passage and approval of Bill No. 2825 with the following results: Ayes – Fults, Casey, Flachsbart, Erickson, Segal, Nation and Geiger. Nays – None. Whereupon Honorary Chairperson Erickson declared Bill No. 2825 approved, passed it and it became **ORDINANCE NO. 2646**.

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

Councilmember Segal made a motion, seconded by Councilmember Casey, for the second 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 second time. A roll call vote was taken for the passage and approval of Bill No. 2826 with the following results: Ayes – Fults, Geiger, Casey, Flachsbart, Segal, Nation and Erickson. Nays – None. Whereupon Honorary Chairperson Erickson declared Bill No. 2826 approved, passed it and it became **ORDINANCE NO. 2647.**

**BILL NO. 2830** PROVIDES FOR THE APPROVAL OF A RECORD PLAT FOR CHESTERFIELD COMMONS SEVEN FOR A 6.727 ACRE TRACT OF LAND ZONED “PC” PLANNED COMMERCIAL DISTRICT LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF CHESTERFIELD AIRPORT ROAD AND ARNAGE ROAD (17U510028 & 17U230265) **(FIRST AND SECOND READING; PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Segal made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2830. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2830 was read for the first time.

Councilmember Segal made a motion, seconded by Councilmember Geiger, for the second reading of Bill No. 2830. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2830 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2830 with the following results: Ayes – Erickson, Segal, Nation, Fults, Casey, Flachsbart and Geiger. Nays – None. Whereupon Honorary Chairperson Erickson declared Bill No. 2830 approved, passed it and it became **ORDINANCE NO. 2648.**

**BILL NO. 2831** VACATES THE RIGHT-OF-WAY OF OLIVE STREET ROAD AND OLD EATHERTON ROAD AS DEPICTED ON THE EXHIBIT “A” PART OF LOTS 4, 5, 6 AND 7 OF E. KROENUNG ESTATE PLAT BOOK 11, PAGE 11 PART OF AMELIA BOISSELIER ESTATE LOCATED IN U.S. SURVEY 1937 TOWNSHIP 45 NORTH, RANGE 3 EAST, CITY OF

**CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI (FIRST  
AND SECOND READINGS; DEPARTMENT OF PLANNING,  
PUBLIC WORKS AND PARKS RECOMMENDS  
APPROVAL)**

Councilmember Segal made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2831. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2831 was read for the first time.

Councilmember Segal made a motion, seconded by Councilmember Geiger, for the second reading of Bill No. 2831. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2831 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2831 with the following results: Ayes – Casey, Segal, Geiger, Fults, Flachsbart, Erickson and Nation. Nays – None. Whereupon Honorary Chairperson Erickson declared Bill No. 2831 approved, passed it and it became **ORDINANCE NO. 2649**.

**ADDITIONAL REMARKS**

City Administrator Mike Herring announced that the City’s Parks and Recreation Department has been granted full “Agency Accreditation” by the Commission for Accreditation of Park and Recreation Agencies (CAPRA). Mr. Herring stated that there are less than one hundred accredited parks and recreation agencies in the United States and the City’s Parks and Recreation Department is only one of three accredited agencies in Missouri. Mr. Herring expressed his appreciation to Director of Planning, Public Works and Parks Mike Geisel and his entire Staff for their efforts on this accreditation process.

**ADJOURNMENT**

Councilmember Segal made a motion, seconded by Councilmember Nation, to go back into closed session, pursuant to RSMo 610.021 (1). A roll call vote was taken with the following results: Ayes – Flachsbart, Casey, Erickson, Nation, Fults, Segal and Nation. Nays – None. Whereupon Honorary Chairperson Erickson declared the motion passed.

There being no further business to discuss, Honorary Chairperson Erickson adjourned the meeting at 7:39 p.m.

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Acting-Mayor Barry Flachsbart

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Honorary Chairperson Lee Erickson  
Presiding Officer

ATTEST:

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Judith A. Naggiar, City Clerk