



## RECORD OF PROCEEDING

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

**MAY 21, 2012**

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

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

ABSENT

Councilmember Bob Nation

APPROVAL OF MINUTES

The minutes of the May 7, 2012 CID Public Hearing were submitted for approval. Councilmember Grier stated that Mayor Geiger was incorrectly referred to as Councilmember Geiger on page three of the minutes. Councilmember Grier made a motion, seconded by Councilmember Grissom, to approve the CID Public Hearing minutes, as amended. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

The minutes of the May 7, 2012 City Council meeting were submitted for approval. Councilmember Grissom made a motion, seconded by Councilmember Grier, 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 City Hall will be closed on Monday, May 28 in observance of Memorial Day.

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

Mayor Geiger wished a “Happy Birthday” to Councilmember Nation on May 23 and City Administrator Herring on May 25.

Mayor Geiger announced that the Talent Bash will be held at the Amphitheater on Saturday, May 26.

Mayor Geiger announced that there will be a Concert at the Amphitheater and unveiling of chairs from the “Take a Seat in Chesterfield” initiative led by Chesterfield Arts on Saturday, June 2.

### **COMMUNICATIONS AND PETITIONS**

Mayor Geiger announced that the presentation of the Leonard Blake Ancient History Award has been postponed.

Mayor Geiger recognized Max O’Hanlon from Boy Scout Troop #848 who is working on his “Communications” merit badge.

Mayor Geiger recognized Missouri State Representative Don Gosen in attendance.

Mayor Geiger recognized Monarch Fire Protection District Fire Chief Tom Vineyard in attendance.

Mayor Geiger recognized Monarch Fire Board member Steven Swyers in attendance.

Mr. Mike Doster, representing Taubman Prestige Outlets, gave a brief report about the status of their project. The building permit process is nearing completion. Site grading in preparation for construction has commenced. Taubman is preparing for a mid-June closing, and tenant commitments will be announced in the very near future. Mr. Doster expressed appreciation for the City’s cooperation during this process.

Mr. Chet Pleban, representing Taubman Prestige Outlets, spoke about reported representations by the Simon Group that both projects are proceeding at the same rate. Mr. Pleban indicated that he is bringing this to the Council's attention for informational purposes only. He referred to a letter dated May 17, 2012 from the Levee District indicating that someone had raised the issue of condemnation as it relates to the question of constructing the storm water channel through the Rombach property. A condemnation process is time consuming if the land is not obtained voluntarily in order to construct this storm water easement.

Mr. Harvey Rosenberg, who resides at 217 South Greentrails Drive in Chesterfield, spoke in support of Bill No. 2879 [Chesterfield Blue Valley: Proposed Community Improvement District (CID)].

Mr. Steve Greenwood, who resides at 14441 Corallin Drive in Chesterfield, read a statement on behalf of former Mayor Nancy Greenwood regarding Bill No. 2879. The statement spoke in opposition to a higher tax rate being passed on to patrons of the development in order to benefit the developer.

Mr. Harvey Ferdman, who resides at 671 Clovertrail Drive in Chesterfield, spoke in opposition to Bill No. 2879 stating that he is in favor of allowing commercial retail development in the Valley, but he is opposed to the one percent use tax. Mr. Ferdman expressed concern that a high tax rate may have a negative impact on surrounding businesses in the community.

State Representative Don Gosen, who resides at 2765 Kehrs Mill Road in Chesterfield, gave a brief update on the legislative session. The sales tax on aviation fuel was reinstated to keep our airports thriving. TIF legislation reform will go another year without any changes. The pool tax will also remain unchanged for the upcoming year; although, Mr. Gosen stated that he believes there will eventually be some reform to the pool tax. Mr. Herring thanked Mr. Gosen for his work on the City's behalf and asked for an update on the automobile sales tax for vehicles purchased outside of Missouri. Mr. Gosen responded that the tax should be re-instated because the repeal of the tax would hurt automobile dealers as well as citizens.

## **APPOINTMENTS**

There were no appointments.

## **COUNCIL COMMITTEE REPORTS**

### **Finance and Administration Committee**

Councilmember Matt Segal, Chairperson of the Finance and Administration Committee, reported that Bill No. 2879 (Chesterfield Blue Valley: Proposed Community Improvement District (CID)) will be read for the second time under the "Legislation" portion of the Agenda.

## **Planning/Public Works Committee**

Councilmember Randy Logan, Chairperson of the Planning/Public Works Committee, made a motion, seconded by Councilmember Grier, to hold TSP 27-2010, AT&T (13559 Olive Blvd.); TSP 35-2011, AT&T (14759 Deerhorn Drive); TSP 36-2011, AT&T (1972 Baxter Road); TSP 37-2011, AT&T (14804 Clayton Road) and TSP 38-2011, AT&T (17259 Wild Horse Creek Road) until the July 16, 2012 City Council meeting, pursuant to request from AT&T, as confirmed by City Attorney Heggie. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Logan reported that Bill No. 2880 [P.Z. 03-2012 – Lungo Estates (1458 Kehrs Mill Road)] will be read for the second time under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Logan next made a motion, seconded by Councilmember Flachsbart, to approve Site Development Section Plan, Landscape Plan, Lighting Plan, Architectural Elevations, etc. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Flachsbart and Mayor Geiger stated that the new site plan is a significant improvement over the original. Mayor Geiger expressed his appreciation for the cooperation in revising the plan and complimented President Pro Tem Fults on her efforts.

Councilmember Logan made a motion, seconded by Councilmember Flachsbart, to transfer \$60,000 from General Fund Fund Reserves for the Schoettler Road Concept Study. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Logan made a motion, seconded by Councilmember Flachsbart, to adopt a proposed/revised Power of Review Procedure and Project Notification plan. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Logan reported that Bill No. 2882 (Approves Phase II Stormwater Co-Permittee Amendments – RE: Post-construction Best Management Practices (BMP) Maintenance) is scheduled for first reading approval, under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Logan reported that Bill No. 2883 (Approves Boundary Adjustment Plat for Chesterfield Village Parcels C-148 and C-254C) is scheduled for both first and second reading approval, under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Logan reported that Bill No. 2884 (Approves Lot Split for Chesterfield Village Parcel C-148) is scheduled for both first and second reading approval, under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Logan reported that Bill No. 2885 (Approves fire hydrants at the Arbors at Wild Horse) is scheduled for both first and second reading approval, under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Logan announced that the next meeting of this Committee has been scheduled for Thursday, May 24 at 5:30 p.m.

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

City Administrator Mike Herring reported that bids were recently opened for an “Asphalt Mill/Overlay Project” on various streets within Sea Beauty Farm subdivision, as well as a portion of Old Riverwoods Lane. Adequate funds are available in the 2012 Capital Improvement Fund. 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 Ford Asphalt, in an amount-not-to-exceed \$200,000.

Councilmember Flachsbart made a motion, seconded by Councilmember Logan, to award a contract to Ford Asphalt, in an amount-not-to-exceed \$200,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

### **NEW BUSINESS**

Mayor Geiger stated that he recently received a call from the Mayor of Clarkson Valley inquiring about working with the St. Louis County Boundary Commission to create a map for potential annexation. This request was also made to Wildwood. Wildwood’s Mayor and Council have, apparently, directed that a study be initiated to review advantages and disadvantages of participation. Mayor Geiger stated that at this point in time, Chesterfield has NO plans to annex any part of unincorporated St. Louis County. If/when the City of Clarkson Valley were to formally petition Chesterfield for incorporation, Chesterfield would be happy to consider same. It is not appropriate to discuss “annexation” of an incorporated municipality, like Clarkson Valley.

### **LEGISLATION**

**BILL NO. 2879** ESTABLISHES THE CHESTERFIELD BLUE VALLEY COMMUNITY IMPROVEMENT DISTRICT; APPROVING THE APPOINTMENT OF THE INITIAL BOARD OF DIRECTORS THERETO; AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT; AND FURTHER ACTION RELATED THERETO (**SECOND READING; FINANCE AND ADMINISTRATION COMMITTEE**)

Mayor Geiger stated that he is in complete support of the CID for the Chesterfield Blue Valley Development. This CID is limited largely to infrastructure costs that will benefit the developer and the City. The Premium Outlet Mall is a unique retail opportunity for Chesterfield and the region. It will provide a different shopping experience than the Mall or the Valley. Mayor Geiger went on to address concerns about possible negative impact

on the Mall. The City’s analysis indicates a possible overlap of just fifteen to twenty percent with Chesterfield Mall and no overlap with Valley businesses. With that in mind, there may also be a significant spill-over effect that would be beneficial to both the Mall and other surrounding businesses. The one percent use tax will be paid mostly by non-Chesterfield residents and will provide significant revenues for the state and local taxing units. It will also create approximately 500 construction jobs and 1,500 permanent part-time jobs. Mayor Geiger stated that no City funds will be used and there will be no financial risk to the City of Chesterfield or its taxpayers. He encouraged the Councilmembers to vote in favor of this bill.

Councilmember Segal made a motion, seconded by Councilmember Logan, for the second reading of Bill No. 2879. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2879 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2879, as amended at first reading, with the following results: Ayes – Logan, Casey, Grier, Segal, Fults and Grissom. Nays – Flachsbart. Councilmember Flachsbart commented that he was not opposed to the CID; only to the amount of tax being requested. Whereupon Mayor Geiger declared Bill No. 2879 approved, passed it and it became **ORDINANCE NO. 2698**.

### **LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2880** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO AN “E1” ONE-ACRE ESTATE DISTRICT FOR A 3.01 ACRE TRACT OF LAND LOCATED ON THE EAST SIDE OF KEHRS MILL ROAD SOUTH OF COUNTRY SIDE MANOR PARKWAY (P.Z. 03-2012, LUNGO ESTATES (1458 KEHRS MILL ROAD)) (**SECOND READING; PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Logan made a motion, seconded by Councilmember Grier, for the second reading of Bill No. 2880. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2880 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2880 with the following results: Ayes – Grissom, Segal, Grier, Flachsbart, Casey, Fults and Logan. Nays – None. Whereupon Mayor Geiger declared Bill No. 2880 approved, passed it and it became **ORDINANCE NO. 2699**.

**BILL NO. 2882** REPEALS CITY OF CHESTERFIELD ORDINANCES 2498 AND 2679 TO CODIFY THE REQUIREMENTS RELATED TO NUISANCES AND ENFORCEMENT AND TO CREATE A DEFINITION FOR STORMWATER MANAGEMENT FACILITY AND TO REQUIRE MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES (**FIRST READING; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Logan made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2882. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2882 was read for the first time.

**BILL NO. 2883** PROVIDES FOR THE APPROVAL OF A BOUNDARY ADJUSTMENT PLAT FOR A TRACT OF LAND BEING ZONED “C-8” PLANNED COMMERCIAL DISTRICT AND “LLR” LARGE LOT RESIDENTIAL LOCATED ON THE SOUTHEAST CORNER OF WILD HORSE CREEK ROAD AND BAXTER ROAD (**FIRST AND SECOND READINGS; PLANNING, PUBLIC WORKS AND PARKS DEPARTMENT RECOMMENDS APPROVAL**)

Councilmember Logan made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2883. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2883 was read for the first time.

Councilmember Logan made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2883. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2883 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2883 with the following results: Ayes – Fults, Logan, Grier, Segal, Grissom, Flachsbar and Casey. Nays – None. Whereupon Mayor Geiger declared Bill No. 2883 approved, passed it and it became **ORDINANCE NO. 2700**.

**BILL NO. 2884** PROVIDES FOR THE APPROVAL OF A LOT SPLIT FOR A 10.450 ACRE TRACT OF LAND ZONED “C-8” PLANNED COMMERCIAL DISTRICT LOCATED ON THE SOUTHEAST CORNER OF WILD HORSE CREEK ROAD AND BAXTER ROAD (**FIRST AND SECOND READINGS; PLANNING, PUBLIC WORKS AND PARKS DEPARTMENT RECOMMENDS APPROVAL**)

Councilmember Logan made a motion, seconded by Councilmember Grier, for the first reading of Bill No. 2884. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2884 was read for the first time.

Councilmember Logan made a motion, seconded by Councilmember Grier, for the second reading of Bill No. 2884. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2884 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2884 with the following results: Ayes – Segal, Casey, Grissom, Fults, Grier, Flachsbar and Logan. Nays – None. Whereupon Mayor Geiger declared Bill No. 2884 approved, passed it and it became **ORDINANCE NO. 2701**.

**BILL NO. 2885** APPROVES THE INSTALLATION OF THREE FIRE HYDRANTS AT THE ARBORS AT WILD HORSE CREEK LOCATED WITHIN THE CITY OF CHESTERFIELD (**FIRST AND SECOND READINGS; PLANNING/PUBLIC WORKS COMMITTEE**)

Councilmember Logan made a motion, seconded by Councilmember Grissom, for the first reading of Bill No. 2885. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2885 was read for the first time.

Councilmember Logan made a motion, seconded by Councilmember Grier, for the second reading of Bill No. 2885. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2885 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2885 with the following results: Ayes – Fults, Flachsbart, Casey, Segal, Logan, Grissom and Grier. Nays – None. Whereupon Mayor Geiger declared Bill No. 2885 approved, passed it and it became **ORDINANCE NO. 2702.**

**ADJOURNMENT**

There being no further business to discuss, Mayor Geiger adjourned the meeting at 7:48 p.m.

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Mayor Bruce Geiger

ATTEST:

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Vickie J. Hass, Deputy City Clerk