



## RECORD OF PROCEEDING

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

**JULY 21, 2014**

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

Mayor Bob Nation 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 Bob Nation  
Councilmember Barry Flachsbart  
Councilmember Nancy Greenwood  
Councilmember G. Elliot Grissom  
Councilmember Mike Casey  
Councilmember Dan Hurt  
Councilmember Bruce DeGroot  
Councilmember Connie Fults

ABSENT

Councilmember Derek Grier

APPROVAL OF MINUTES

The minutes of the June 16, 2014 City Council meeting were submitted for approval. Councilmember Grissom made a motion, seconded by Councilmember Flachsbart, 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 Nation announced that the next meeting of City Council has been scheduled for Monday, August 4, at 7 p.m.

## **COMMUNICATIONS AND PETITIONS**

Mr. Phillip Conover, co-owner of Arch City Vapors, Four Seasons Shopping Center, spoke in support of Bill No. 2985 (Regulates the Sale, Use and Possession of Electronic Cigarettes/Vaporizing Products by Minors).

Mr. Walt Young, 634 Lemonwood Drive, Ballwin, introduced himself as a candidate for the 7<sup>th</sup> District County Council.

Mr. Dean Wolfe, 7711 Bonhomme Avenue, Clayton, stated he was available to answer questions related to Bill No. 2987 (Chesterfield Blue Valley [Simon Woodmont Development, LLC/Chesterfield Blue Valley, LLC]).

## **APPOINTMENTS**

There were no appointments.

## **COUNCIL COMMITTEE REPORTS**

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

Councilmember Nancy Greenwood, Chairperson of the Public Health & Safety Committee, reported that Bill No. 2985 (Regulates the Sale, Use and Possession of Electronic Cigarettes/Vaporizing Products by Minors) will be considered for adoption under the “Legislation” portion of the agenda.

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

Councilmember Dan Hurt, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2984 (Updates Ord. 2704 Pertaining to Nuisances) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Hurt reported that Bill No. 2986 (Approves Lot Split of Lot 1B – Natoli Subdivision) is scheduled for both first and second reading approval, under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Hurt reported that Bill No. 2987 (Chesterfield Blue Valley [Simon Woodmont Development, LLC/Chesterfield Blue Valley, LLC]) will be read for the first time under the “Legislation – Planning Commission” portion of the agenda.

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

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

City Administrator Mike Herring reported that Fine Art LTD, 18350 Chesterfield Airport Road, has requested a new liquor license, to sell beer and wine by the drink and Sunday sales. Mr. Herring reported that, per City policy, this application has been reviewed and is now recommended for approval by both the Planning/Public Services Division and Police Department. Councilmember Grissom made a motion, seconded by Councilmember Fults, to approve issuance of a new liquor license to Fine Art LTD. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring reported that Sushi House, 17265 Chesterfield Airport Road (formerly Yagu Asian Fusion Cuisine), has requested a new liquor license, to sell all kinds of liquor by the drink and Sunday sales. Mr. Herring reported that, per City policy, this application has been reviewed and is now recommended for approval by both the Planning/Public Services Division and Police Department. Councilmember Casey made a motion, seconded by Councilmember Grissom, to approve issuance of a new liquor license to Sushi House. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring reported that the City coordinates the process by which salt is purchased/delivered to all members of the St. Louis Metro Branch APWA Salt Cooperative, which includes 46 cities and 2 school districts. Based upon a review of the information provided by Public Works Director/City Engineer Jim Eckrich, Mr. Herring joined with him in recommending that City Council accept the low bids submitted by North American Salt Company (salt - \$62.63/ton) and Beelman Logistics, LLC (unloading/delivery - \$8.62/ton). Councilmember Flachsbart made a motion, seconded by Councilmember Greenwood, to award a contract to North American Salt Company/Beelman Logistics, LLC, at a total price of \$71.25/ton. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring reported that Staff is recommending approval of a contract to SBC Contracting for the 2014 Sidewalk Replacement Project. Based upon review of information provided by Public Works Director/City Engineer Jim Eckrich, Mr. Herring joined with him in recommending award of a contract to SBC Contracting, in an amount not to exceed \$200,000. Councilmember Greenwood made a motion, seconded by Councilmember Flachsbart, to award a contract to SBC Contracting in an amount not to exceed \$200,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

### **OLD BUSINESS**

There was no old business.

## **NEW BUSINESS**

Councilmember Fults read a statement regarding Chesterfield Arts' current financial situation, the positive impact that Chesterfield Arts has had on the community and her concern for the apparent lack of support, among the City's elected officials, to assist Chesterfield Arts, as it tries to regain its financial footing. She then directed City Administrator Herring to add the following to the August 4 City Council meeting AGENDA, under NEW BUSINESS: A motion to approve purchase of the two horses, owned by Chesterfield Arts, which are located in front of City Hall, at a total purchase price of \$250,000, with funding to come from General Fund – Fund Reserves. She noted that the horses are currently valued at approximately \$950,000. Much discussion ensued. It was noted that this recommendation had already been discussed by the F&A Committee and that this Committee had voted 3-1 to recommend approval. Subsequently, however, Chesterfield Arts had withdrawn its request that City Council purchase these horses, due to the apparent lack of support among the elected officials. Councilmember DeGroot expressed his support for Councilmember Fults' proposed motion, but noted that he would be unable to attend the August 4 City Council meeting. Discussion then ensued, in an attempt to find a City Council meeting when all members of City Council would be present. It was the consensus of City Council that this matter should be resolved as soon as possible and the August 4 date was selected. Acting City Attorney Harry O'Rourke confirmed that this process was appropriate, since notice was being given, in advance, of the intent by City Council to discuss this issue and to consider Councilmember Fults' motion.

## **LEGISLATION**

**BILL NO. 2984      REPEALS CITY OF CHESTERFIELD ORDINANCE 2704 TO UPDATE THE REQUIREMENTS RELATED TO NUISANCES AND STORMWATER MANAGEMENT FACILITIES (SECOND READING; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2984. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2984 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2984 with the following results: Ayes – Hurt, Greenwood, DeGroot, Grissom, Casey, Flachsbart and Fults. Nays – None. Whereupon Mayor Nation declared Bill No. 2984 approved, passed it and it became **ORDINANCE NO. 2802.**

**BILL NO. 2985      REGULATES THE SALE, USE AND POSSESSION OF ELECTRONIC CIGARETTES/VAPORIZING PRODUCTS BY MINORS (SECOND READING; PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Greenwood made a motion, seconded by Councilmember Flachsbart, for the second reading of Bill No. 2985. A voice vote was taken with an affirmative result (Councilmember DeGroot voted “No”) and the motion was declared passed. Bill No. 2985 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2985 with the following results: Ayes – Flachsbart, Hurt, Greenwood, Fults, Grissom and Casey. Nays – DeGroot. Whereupon Mayor Nation declared Bill No. 2985 approved, passed it and it became **ORDINANCE NO. 2803**.

### **LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2986 PROVIDES FOR THE APPROVAL OF A LOT SPLIT OF LOT 1B OF NATOLI SUBDIVISION FOR A 1.957 ACRE TRACT OF LAND ZONED “M3” PLANNED INDUSTRIAL DISTRICT LOCATED ON THE EAST SIDE OF SOUTH GODDARD AVENUE, APPROXIMATELY 400 FEET SOUTH OF CHESTERFIELD AIRPORT ROAD. (17V240373) (FIRST AND SECOND READINGS; DEPT. OF PUBLIC SERVICES RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2986. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2986 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2986. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2986 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2986 with the following results: Ayes – Casey, Fults, Flachsbart, DeGroot, Greenwood, Hurt and Grissom. Nays – None. Whereupon Mayor Nation declared Bill No. 2986 approved, passed it and it became **ORDINANCE NO. 2804**.

**BILL NO. 2987 REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 2612 TO MODIFY DEVELOPMENT CRITERIA FOR A 137.606 ACRE TRACT OF LAND ZONED “PC” PLANNED COMMERCIAL DISTRICT LOCATED ON THE NORTH SIDE OF OLIVE STREET ROAD, WEST OF ITS INTERSECTION WITH CHESTERFIELD AIRPORT ROAD. (P.Z. 04-2014 CHESTERFIELD BLUE VALLEY - 17W630058, 16W220010, 16W210044, 17W530190) (FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2987. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2987 was read for the first time.

**ADJOURNMENT**

There being no further business to discuss, Mayor Nation adjourned the meeting at 7:44 p.m.

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Mayor Bob Nation

**ATTEST:**

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Vickie J. Hass, City Clerk