



## RECORD OF PROCEEDING

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

AUGUST 16, 2010

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

Boy Scouts from New Horizon's Order of the Arrow Chapter, Greater St. Louis Area Council, led everyone in the Pledge of Allegiance and followed with a moment of silent prayer. Mayor Nations thanked: Daniel Koschoff, Karl Frank, George Frank, Erik Veenstra, Bob Veenstra, Terry Grogan, Tom Owen and Bruce Levitt for their participation in this opening ceremony.

A roll call was taken with the following results:

PRESENT

ABSENT

Mayor John Nations  
Councilmember 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 July 19, 2010 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**

Mayor Nations wished a “Happy Birthday” to Councilmember Casey on August 17<sup>th</sup>.

Mayor Nations announced that the next meeting of City Council has been scheduled for Wednesday, September 1, at 7 p.m., due to the fact that Monday, September 6, is a City Holiday and City Hall will be closed, on that date.

## **COMMUNICATIONS AND PETITIONS**

Mayor Nations recognized Mrs. Darcy Capstick, Co-Chairperson of the Citizens Committee for the Environment (CCE). Mrs. Capstick recognized Mr. Jeff Chapple, CCE Committee Member. Mr. Chapple provided an overview of the City’s current single stream and textile recycling drive being held at Dierbergs Market Place through August 22. Mrs. Capstick recognized Mr. Ken Denson, Co-Chair of CCE, along with Jeff Chapple, Jeanne Clauson and Donna Pecherski, who are members of the Citizens Committee for the Environment, in attendance at tonight’s meeting. Ms. Capstick next recognized Mr. Terry Grogan, Scout Leader; Mr. Daniel Koschoff, Chapter Chief; and Mr. Erik Veenstra, Service Project Chair, Order of the Arrow, as she presented the 51st “Green Team” emblem to New Horizon’s Order of the Arrow Chapter, Greater St. Louis Area Council. Mayor Nations congratulated the New Horizon’s Order of the Arrow Chapter for being the recipient of the “Green Team” emblem. Mayor Nations thanked Mrs. Capstick, Mr. Denson, and the Citizens Committee for the Environment for all the great work they do in our community.

Ms. Stacey Morse, Executive Director of Chesterfield Arts, stated that 58 students from all over the region are participating in the “Levee Wall Mural Project.” Ms. Morse introduced three student leaders, Jocelyn Sheffield, Tony Chang, and Mckenzie Moll, who provided an overview of the “Levee Wall Mural Project.”

Mayor Nations recognized Former City Councilmember Mary Brown and State Representative Elect Don Gosen in attendance at tonight’s meeting.

## **APPOINTMENTS**

There were no Appointments.

## **COUNCIL COMMITTEE REPORTS**

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

Councilmember Matt Segal, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2797 (Amendment to Zoning Ordinance, Pertaining to Signage for Outdoor Public Art and Public Art Displays) and Bill No. 2798 [P.Z. 05-2010, 414 North Eatherton (Mark Antonacci)] will be considered for adoption under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Segal next reported that Bill No. 2802 (Amendment to City of Chesterfield Zoning Ordinance, Section 1003.168, regarding "Living Signs") and Bill No. 2803 [P.Z. 03-2010, Suburbia Gardens (40-Timberlake SE, LLC)] will be read for the first time under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Segal next made a motion, seconded by Councilmember Casey, to approve **T.S.P. 24-2010**, Clearwire US LLC (Drury Plaza Hotel). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Segal next reported that Bill No. 2804 (Lot Split – 200 Valley View Drive) 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, August 19, at 5:30 p.m.

### **Parks and Recreation Committee**

Councilmember Lee Erickson, Chairperson of the Parks and Recreation Committee, stated that he is very excited about the proposed Amphitheater, which is currently under construction. Councilmember Erickson announced that the Grand Opening of the Amphitheater is scheduled for May 20-21, 2011.

Councilmember Erickson made a motion, seconded by Councilmember Flachsbar, to approve the proposed rental rates and rules/regulations for the Amphitheater. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Erickson announced that the next meeting of this Committee has been scheduled for Thursday, August 26, at 5:30 p.m.

## **Finance and Administration Committee**

Councilmember Randy Logan, Chairperson of the Finance and Administration Committee, reported that Bill No. 2795 (Re-adopts the procedures for disclosure of Conflicts of Interests) is scheduled for both first and second reading approval, under the “Legislation” portion of the Agenda.

Councilmember Logan next reported that Bill No. 2801 [Recommends Approval of a Proposed Neighborhood Improvement District (NID) for Chesterfield Hill] will be read for the first time under the “Legislation” portion of the Agenda.

Councilmember Logan next made a motion, seconded by Councilmember Erickson, to approve/accept the FY2009 Audit and Comprehensive Annual Financial Report (CAFR). Councilmember Logan also commented that the City received a “Certificate of Achievement in Financial Reporting”, which demonstrates to the citizens that the City’s finances are in good hands. He also reported that the City received an unqualified opinion on the financial statements, which is the highest opinion that can be given for financial statements. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Logan next made a motion, seconded by Councilmember Geiger, to approve a \$15,000 dollar-for-dollar match, from General Fund Fund Reserves, to partially fund the request from Chesterfield Arts regarding their “Levee Wall Mural Project.” Councilmember Logan stated that he feels this project will be a wonderful opportunity for the City to partner with Chesterfield Arts to develop a beautiful piece of sustainable art. Councilmember Geiger stated that he was the liaison to Chesterfield Arts this past year and he feels that this project is an opportunity to get young people involved in the community and is certainly deserving of the City’s support. Councilmember Segal stated that he is excited to vote “yes” on this project and is appreciative of the involvement by so many students. Councilmember Nation noted that, while he originally planned to vote “no”, he would now be voting “yes”. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mayor Nations said that he feels this will be a great project for the City and commends Chesterfield Arts and the students for getting involved with such a worthwhile endeavor.

Councilmember Logan next reported that Bill No. 2800 (Sets Property Tax Rate for 2010 at \$.03/\$100) is scheduled for both first and second reading approval, under the “Legislation” portion of the Agenda.

Councilmember Logan announced that the next meeting of this Committee has been scheduled for Monday, August 23, at 5:30 p.m.

## **Public Health & Safety Committee**

Councilmember Bob Nation, Chairperson of the Public Health & Safety Committee, reported that Bill No. 2796 (Amends Ordinance No. 2576, regarding seatbelts) will be

considered for adoption under the “Legislation” portion of the Agenda.

## **REPORT FROM THE CITY ADMINISTRATOR**

City Administrator Mike Herring reported that Pi, 14970 Clayton Road, has requested a new liquor license to sell liquor in original packages and Sunday sales. Mr. Herring reported that each of the liquor license applications to be discussed this evening has been reviewed and recommended for approval by both the Department of Planning/Public Works and the Police Department. Councilmember Casey made a motion, seconded by Councilmember Logan, to approve issuance of a new liquor license to Pi. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Olive Mediterranean Grill, 703 Long Road Crossing, has requested a new liquor license to sell beer and wine. Councilmember Casey made a motion, seconded by Councilmember Fults, to approve issuance of a new liquor license to Olive Mediterranean Grill. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Fin, 1682 Clarkson Road, has requested a new liquor license to sell all kinds of liquor by the drink and Sunday sales. Councilmember Casey made a motion, seconded by Councilmember Fults, to approve issuance of a new liquor license to Fin. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were recently sought by the City for the purchase of deicing salt. This effort was undertaken on behalf of the members of the St. Louis Metro Branch APWA Salt Cooperative ("CO-OP"), which now number a total of forty (40) cities. 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 North American Salt Company, at a rate of \$42.14/ton, for deliveries through the end of the current year and also into the Spring of 2011. Councilmember Casey made a motion, seconded by Councilmember Geiger, to award a contract to North American Salt Company, at a rate of \$42.14/ton. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were recently sought by the City for the unloading/delivery of deicing salt. 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 Lange Stegman, which results in a cost/ton, for the City, of \$8.04. When added to the actual cost/ton of deicing salt, our total cost will come to \$50.18, which, as noted above, is slightly lower than last year's cost. Councilmember Casey made a motion, seconded by Councilmember Fults, to award a contract to Lange Stegman, which results in a cost/ton, for the City of Chesterfield, of \$8.04. Mayor Nations commended City Administrator Mike Herring and the Public Works Department for undertaking these projects for the benefit of the City. City Administrator Herring commended Public Works Director Mike Geisel for administering this program and for

recommending that the City construct a salt storage facility at the Public Works Facility, which ensures that the City has a plentiful supply of salt for the City's snow removal efforts. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Staff has negotiated the shared use of a parking lot, on property being developed by the owner/developer of the Edison Crossing development. The purpose of this shared use is for the establishment of a "trailhead" access point for the Levee Trail, located adjacent thereto. The City has secured a full access easement, for use of the land upon which this "trailhead" will be constructed. Based upon a review of the information provided by Public Works Director/City Engineer Brian McGownd, Mr. Herring joined with him in recommending that an existing contract with Pace Construction, the builder of this portion of the Levee Trail, be amended, by an amount not-to-exceed \$225,000, to enable Pace Construction to construct this "trailhead"/parking lot. This entire amount will be funded by grant funds awarded to the City of Chesterfield, by the Great Rivers Greenway District and funds allocated by the Chesterfield Valley Transportation Development District. Councilmember Flachsbart made a motion, seconded by Councilmember Logan, to amend the existing contract with Pace Construction by an amount not-to-exceed \$225,000, to enable Pace Construction to construct this "trailhead"/parking lot. 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 the construction of the Lydia Hill Drive extension. 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 Kuesel Excavating Company, in an amount not-to-exceed \$1,500,000. Councilmember Geiger made a motion, seconded by Councilmember Flachsbart, to award a contract to Kuesel Excavating Company, in an amount not-to-exceed \$1,500,000. 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. 2796** AMENDS ORDINANCES 51 AND 2576 OF THE CITY OF CHESTERFIELD, RELATING TO SEATBELTS BEING WORN WHILE RIDING IN A MOTOR VEHICLE (**SECOND READING; PUBLIC HEALTH AND SAFETY RECOMMENDS APPROVAL**)

Councilmember Nation made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2796. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2796 was read for the second time.

A roll call vote was taken for the passage and approval of Bill No. 2796 with the following results: Ayes – Fults, Nation, Casey, Erickson, Logan, Geiger and Segal. Nays – Flachsbart. Whereupon Mayor Nations declared Bill No. 2796 approved, passed it and it became **ORDINANCE NO. 2616.**

**BILL NO. 2795** RE-ADOPTS THE PROCEDURE ESTABLISHED IN ORDINANCE NO. 605 OF THE CITY OF CHESTERFIELD AS THE PROCEDURE FOR DISCLOSURE OF CONFLICTS FOR CERTAIN MUNICIPAL OFFICIALS (**FIRST AND SECOND READINGS; FINANCE AND ADMINISTRATION COMMITTEE**)

Councilmember Logan made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 2795. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2795 was read for the first time.

Councilmember Logan made a motion, seconded by Councilmember Flachsbart, for the second reading of Bill No. 2795. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2795 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2795 with the following results: Ayes – Erickson, Logan, Nation, Fults, Geiger, Casey, Segal and Flachsbart. Nays – None. Whereupon Mayor Nations declared Bill No. 2795 approved, passed it and it became **ORDINANCE NO. 2617.**

**BILL NO. 2800** FIXES THE RATE OF TAXATION FOR THE YEAR 2010 AND LEVIES A TAX ON ALL REAL AND PERSONAL PROPERTY MADE TAXABLE BY THE LAW WITHIN THE CORPORATE LIMITS OF THE CITY OF CHESTERFIELD, MISSOURI, FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE GENERAL OBLIGATION BOND ISSUE FOR PARKS; EFFECTIVE WHEN (**FIRST AND SECOND READINGS; FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Logan made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2800. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2800 was read for the first time.

Councilmember Logan made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2800. A voice vote was taken with an affirmative result (6-2-0 - Councilmembers Erickson and Geiger voted “no”) and the motion was declared passed. Bill No. 2800 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2800 with the following results: Ayes – Segal, Geiger, Casey, Logan, Flachsbart, Erickson, Nation and Fults. Nays – None. Whereupon Mayor Nations declared Bill No. 2800 approved, passed it and it became **ORDINANCE NO. 2618.**

**BILL NO. 2801 ESTABLISHES THE CHESTERFIELD HILL NEIGHBORHOOD IMPROVEMENT DISTRICT (FIRST READING; FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Logan stated that he would recuse himself from making the motion for the first reading of this Bill since he is a resident of Chesterfield Hill. Councilmember Erickson made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2801. Councilmember Casey complimented Mr. Steve Wuennenberg, resident of Chesterfield Hill, for his initiative in the neighborhood regarding this project. Councilmember Casey thanked Assistant City Administrator for Community Services and Economic Development Libbey Tucker for her hard work on this project and for her assistance in the neighborhood. Councilmember Logan stated that Cathy Lasater, Trustee of Chesterfield Hill Subdivision, was very instrumental in this process. A voice vote was taken with an affirmative result (7-0-1 – Councilmember Logan “abstained) and the motion was declared passed. Bill No. 2801 was read for the first time.

**LEGISLATION – PLANNING COMMISSION**

**BILL NO 2797 REPEALS CITY OF CHESTERFIELD ZONING ORDINANCE SECTION 1003.168.C.6 RELATED TO PERMANENT SIGNS AND REPLACES IT WITH A NEW SECTION TO ESTABLISH CRITERIA FOR SIGNAGE FOR OUTDOOR PUBLIC ARTWORK AND PUBLIC ART DISPLAYS (SECOND READING; DEPT. OF PLANNING/PUBLIC WORKS RECOMMENDS APPROVAL)**

Councilmember Segal made a motion, seconded by Councilmember Geiger, for the second reading of Bill No. 2797. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2797 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2797 with the following results: Ayes – Casey, Flachsbart, Fults, Nation, Geiger, Segal, Erickson and Logan. Nays – None. Whereupon Mayor Nations declared Bill No. 2797 approved, passed it and it became **ORDINANCE NO. 2619.**

**BILL NO 2798 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “NU” NON-URBAN DISTRICT TO AN “LI” LIGHT INDUSTRIAL DISTRICT FOR A 2.903 ACRE TRACT OF LAND LOCATED 1/3 OF A MILE SOUTHEAST OF THE INTERSECTION OF WINGS CORPORATE DRIVE AND NORTH EATHERTON ROAD (P.Z. 05-2010 414 N. EATHERTON {MARK ANTONACCI}) (SECOND READING; PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Segal made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2798. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2798 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2798 with the following results: Ayes – Flachsbart, Geiger, Fults, Casey, Nation, Segal, Erickson and Logan. Nays – None. Whereupon Mayor Nations declared Bill No. 2798 approved, passed it and it became **ORDINANCE NO. 2620.**

**BILL NO 2802** AMENDS THE CITY OF CHESTERFIELD ZONING ORDINANCE SECTION 1003.168.D.3 RELATED TO TEMPORARY SIGNS OR ATTENTION GETTING DEVICES BY ADDING LANGUAGE TO ADDRESS LIVING OR HUMAN SIGNS AND AMENDING CITY OF CHESTERFIELD ZONING ORDINANCE SECTION 1003.020 BY CREATING A DEFINITION FOR LIVING OR HUMAN SIGNS **(FIRST READING; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Segal made a motion, seconded by Councilmember Fults, for the first reading of Bill No. 2802. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2802 was read for the first time.

Councilmember Segal made a motion, seconded by Councilmember Logan, to amend Bill No. 2802, Attachment A, by deleting the word “activity” from “(104a) Living or Human Sign.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart made a motion to further amend Bill No. 2802, Attachment A, Subsection 3, item (7), for the first sentence to read as follows: “Living or Human Signs associated with a commercial or retail business or activity are permitted on the premises, but only within a building or enclosure, of the business for which the advertising is for.” Mayor Nations declared the motion failed, for lack of second.

**BILL NO 2803** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “FPNU” FLOOD PLAIN NON-URBAN DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR AN 8.7 ACRE TRACT OF LAND LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF S. OUTER 40 ROAD AND TIMBERLAKE MANOR PARKWAY (P.Z. 03-2010 SUBURBIA GARDENS {40-TIMBERLAKE SE, LLC}) **(FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE ATTACHED GREEN SHEET AMENDMENT)**

Councilmember Segal made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2803. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2803 was read for the first time.

Councilmember Segal made a motion, seconded by Councilmember Fults, to amend Bill No. 2803, pursuant to the attached "Green Sheet." A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO 2804** PROVIDES FOR THE APPROVAL OF A LOT SPLIT FOR 200 VALLEY VIEW DRIVE FOR A 7.95 ACRE TRACT OF LAND ZONED "NU" NON URBAN DISTRICT LOCATED ON THE SOUTHEAST SIDE OF EATHERTON ROAD, SOUTH OF THE CENTRAL MIDLAND RAILROAD (**FIRST AND SECOND READINGS; DEPARTMENT OF PLANNING /PUBLIC WORKS RECOMMENDS APPROVAL**)

Councilmember Segal made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2804. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2804 was read for the first time.

Councilmember Segal made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2804. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2804 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2804 with the following results: Ayes – Logan, Erickson, Nation, Segal, Flachsbart, Casey, Fults and Geiger. Nays – None. Whereupon Mayor Nations declared Bill No. 2804 approved, passed it and it became **ORDINANCE NO. 2621**.

**ADJOURNMENT**

Mayor Nations adjourned the meeting at 7:50 p.m.

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Mayor John Nations

**ATTEST:**

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Judith A. Naggiar, City Clerk