



## RECORD OF PROCEEDING

---

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

**SEPTEMBER 7, 2016**

---

The meeting was called to order at 7:05 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

ABSENT

Mayor Bob Nation  
Councilmember Barry Flachsbart  
Councilmember Barbara McGuinness  
Councilmember Bridget Nations  
Councilmember Guy Tilman  
Councilmember Dan Hurt  
Councilmember Randy Logan  
Councilmember Tom DeCampi  
Councilmember Bruce DeGroot

APPROVAL OF MINUTES

The minutes of the August 15, 2016 City Council meeting were submitted for approval. Councilmember McGuinness made a motion, seconded by Councilmember Flachsbart, to approve the City Council minutes to include a revision indicating that Councilmember McGuinness was not supportive of the TDD tax extension. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

The minutes of the August 22, 2016 City Council meeting were submitted for approval. Councilmember Flachsbart made a motion, seconded by Councilmember Tilman, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

The minutes of the August 12, 2016 Executive Session were submitted for approval. Councilmember McGuinness made a motion, seconded by Councilmember Nations, to approve the Executive Session minutes to include a revision changing the word “motioned” to “moved”. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

The minutes of the August 13, 2016 Executive Session were submitted for approval. Councilmember McGuinness made a motion, seconded by Councilmember Nations, to approve the City Council minutes to include a revision changing the word “motioned” to “moved”. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **COMMUNICATIONS AND PETITIONS**

Mayor Nation recognized a Boy Scout in attendance and invited him to stay after the meeting, to ask any questions he may have.

Mr. Gene Koverman, 725 Judson Manor Drive, spoke in opposition to allowing the Parkway Central Marching band to practice at 6:30 a.m.

Mr. Michael Highsmith, 5297 Washington Place, St. Louis, addressed Council and asked questions regarding the Chesterfield Valley TDD extension.

Ms. Teresa Crossland, 800 N. Lindbergh, St. Louis, stated she was present to answer questions pertaining to (P.Z. 07-2015 Monsanto Chesterfield Campus).

Mr. Mike Doster, 16839 Chesterfield Bluffs Circle, stated he was present to answer questions pertaining to (P.Z. 10-2015 Kemp Auto Museum) and (P.Z. 04-2016 US Ice Sports Complex & Valley Gates).

Mayor Nation stated that he has received communication from the Executive Director of the Municipal League of St. Louis, forwarding a request by the City of Cool Valley to participate financially in challenging SB 5. The City of Cool Valley estimates that an additional \$45,000 is required for this effort and is requesting that the area cities contribute towards this effort in an amount between \$530 and \$900. Councilmember Logan made a motion, seconded by Councilmember Nations, to approve a contribution in the amount of \$530 payable to Ballard Spahr LLC including a cover letter stipulating that we are making this contribution because we believe in the principle that special laws should not be made only for St. Louis County. A roll call vote was taken with the

following results: Ayes – Logan, Flachsbart, Hurt, Tilman, Nations and DeGroot. Nays – DeCampi and McGuinness. Whereupon Mayor Nation declared the motion passed.

## **INTRODUCTORY REMARKS**

Mayor Nation announced that the Planning Commission Meeting scheduled for Monday, September 12 will be held at the Doubletree Hotel in anticipation of a large crowd.

Mayor Nation announced that the next meeting of City Council has been scheduled for Monday, September 19, at 7 p.m.

## **APPOINTMENTS**

Mayor Nation stated that, pursuant to the CID petition and the Development agreement approved by Ordinance No. 2698, the Mayor appoints an individual to the Chesterfield Blue Valley CID Board with the consent of Council, from a recommended slate offered by the Chesterfield Blue Valley CID Board. Based on the Board's recommendation, Mayor Nation nominated Mr. Frank Schaeffer to the vacant board position. Mr. Schaeffer is the Premium Outlets Operations Director in St. Louis. Councilmember Flachsbart made a motion, seconded by Councilmember Nations, to approve this appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **COUNCIL COMMITTEE REPORTS**

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

Councilmember Dan Hurt, Chairperson of the Planning/Public Works Committee, reported that Bill No. 3106 (Wilson Road Culvert Replacement) will be considered for adoption under the "Legislation" portion of the agenda.

Councilmember Hurt reported that Bill No. 3107 (P.Z. 07-2015 Monsanto Chesterfield Campus) will be considered for adoption under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Hurt reported that Bill No. 3108 (P.Z. 10-2015 Kemp Auto Museum) will be considered for adoption under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Hurt reported that Bill No. 3110 (P.Z. 04-2016 US Ice Sports Complex & Valley Gates) 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, September 22, at 5:30 p.m.

## **Finance and Administration Committee**

Councilmember Bruce DeGroot, Chairperson of the Finance and Administration Committee, announced that the next meeting of this Committee (F&A Committee of the Whole) has been scheduled for Monday, September 26, at 5:30 p.m.

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

City Administrator Mike Geisel reported that, as previously discussed by City Council, the current contract for services with Gamble & Schlemeier expired at the end of August. If Council elects to continue these services, it will require an authorization for the City Administrator to execute the Government Relations Services Contract at a reduced rate of \$40,000, to be funded by a transfer from the General Fund Fund Reserves.

Councilmember Flachsbart made a motion, seconded by Councilmember Nations, to approve the contract extension with Gamble & Schlemeier. A roll call vote was taken with the following results: Ayes – Flachsbart, Nations, Hurt, McGuinness, DeGroot, DeCampi, Logan and Tilman. Nays – None. Whereupon Mayor Nation declared the motion passed.

Mr. Geisel reported that bids were received and publically opened for the Kehrs Mill Landscape Enhancements Project. Based upon review of information provided by Public Works Director/City Engineer Jim Eckrich, Mr. Geisel joined with him in recommending award of a contract to Gershenson Construction, in an amount not to exceed \$552,466. This project is fully funded by the Chesterfield Valley Transportation Development District. Councilmember Flachsbart made a motion, seconded by Councilmember Nations, to approve this recommendation. A roll call vote was taken with the following results: Ayes – Hurt, DeCampi, McGuinness, Flachsbart, Nations and Logan. Nays – DeGroot and Tilman. Whereupon Mayor Nation declared the motion passed,

Mr. Geisel reported that bids were received and publically opened for the 2016 Accessible Ramp Improvement Project. Based upon review of information provided by Public Works Director/City Engineer Jim Eckrich, Mr. Geisel joined with him in recommending award of a contract to R.V. Wagner, in an amount not to exceed \$41,900. This project is within budget and is fully funded by Community Development Block Grant funds. Councilmember Flachsbart made a motion, seconded by Councilmember Hurt, to approve this recommendation. A roll call vote was taken with the following results: Ayes – McGuinness, Flachsbart, Logan, Nations, DeGroot, Tilman, DeCampi and Hurt. Nays – None. Whereupon Mayor Nation declared the motion passed.

Mr. Geisel reported that The Shack, located at 14810 Clayton Road, has requested a new liquor license to sell all kinds of liquor by the drink and Sunday sales. Mr. Geisel 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 DeGroot made a motion, seconded by Councilmember Nations, to approve issuance of a new liquor license to The Shack. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Geisel reported that Rock and Brews Chesterfield, located at 17258 Chesterfield Airport Road, has requested a new liquor license to sell all kinds of liquor by the drink and Sunday sales. Mr. Geisel 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 Tilman made a motion, seconded by Councilmember DeGroot, to approve issuance of a new liquor license to Rock and Brews Chesterfield. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Geisel reported that Symbowl, located at 137 Chesterfield Towne Centre, has requested a new liquor license to sell all kinds of liquor by the drink. Mr. Geisel 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 DeGroot made a motion, seconded by Councilmember Tilman, to approve issuance of a new liquor license to Symbowl. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

### **UNFINISHED BUSINESS**

Councilmember Logan made a motion, seconded by Councilmember Flachsbart, to suspend the rules and move “Unfinished Business - Sunshine Law Presentation” to follow “Legislation – Planning Commission” on the agenda. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Geisel stated that “Policy Revision – Committee Approval of Expenditures” will remain under “Unfinished Business” on the agenda until Staff is able to prepare revisions to existing policies or prepare additional policies, if necessary, to address the issue of expenditures being approved at the committee level.

### **NEW BUSINESS**

There was no new business.

### **LEGISLATION**

BILL NO. 3106      AUTHORIZES CONDEMNATION OF CERTAIN INTERESTS IN REAL PROPERTY LOCATED IN THE CITY FOR THE PURPOSE OF SECURING A PERMANENT DRAINAGE EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT NECESSARY FOR THE CONSTRUCTION AND IMPROVEMENT OF WILSON ROAD (**SECOND READING**)

Councilmember Hurt made a motion, seconded by Councilmember Logan, for the second reading of Bill No. 3106. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3106 was read for the second time. A roll

call vote was taken for the passage and approval of Bill No. 3106 with the following results: Ayes – DeCampi, DeGroot, McGuinness, Flachsbart, Logan, Nations, Tilman and Hurt. Nays – None. Whereupon Mayor Nation declared Bill No. 3106 approved, passed it and it became **ORDINANCE NO. 2909**.

### **LEGISLATION – PLANNING COMMISSION**

**BILL NO. 3107** AMENDS THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN EXISTING “C8” PLANNED COMMERCIAL DISTRICT TO “UC” URBAN CORE DISTRICT FOR A 200.2 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF CHESTERFIELD PARKWAY WEST, APPROXIMATELY 2,000 FEET EAST OF CITY CENTER DRIVE (P.Z 07-2015 MONSANTO CHESTERFIELD CAMPUS [C-8 TO UC]—17S210094, 17S230025, 17S230014, 17S230036 & 17S240057) (**SECOND READING; PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Nations, for the second reading of Bill No. 3107. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3107 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3107 with the following results: Ayes – Flachsbart, DeCampi, DeGroot, Hurt, Nations, McGuinness and Logan. Abstentions – Tilman. Nays – None. Whereupon Mayor Nation declared Bill No. 3107 approved, passed it and it became **ORDINANCE NO. 2910**.

**BILL NO. 3108** AMENDS THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN EXISTING “PC” PLANNED COMMERCIAL DISTRICT WITH A “MAA” MUSEUM AND ARTS OVERLAY DISTRICT TO A NEW “PC” PLANNED COMMERCIAL DISTRICT FOR A 5.104 ACRE TRACT LOCATED NORTHEAST OF THE INTERSECTION OF CHESTERFIELD AIRPORT ROAD AND CHESTERFIELD COMMONS DRIVE (P.Z 10-2015 KEMP AUTO MUSEUM [16955 CHESTERFIELD AIRPORT ROAD]- 17T140211) (**SECOND READING; PLANNING COMMISSION RECOMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Logan, for the second reading of Bill No. 3108. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3108 was read for the second time.

Councilmember DeGroot asked if anyone had information pertaining to litigation with respect to the proposed tenant. Mike Doster stated that he represents the developer, not Tesla, but Tesla provided a statement that Mr. Doster read for the record:

Despite the recent trial court ruling, Tesla remains wholly committed to its local customers in the state of Missouri. We have been an active contributor in the local economy for several years and have every intention of continuing our operations and serving our customers. We are unwavering in our plans to relocate Tesla's University City location to Chesterfield. Tesla is currently licensed as a dealer and the court order allows the licenses to continue until their expiration at the end of the year. Tesla is optimistic and working hard to ensure that its existing licenses within the state of Missouri will be renewed and continue without interruption. Again, Tesla remains wholly committed to Missouri and its customers and eager to continue being a part of Missouri's economy, and Chesterfield in particular.

A roll call vote was taken for the passage and approval of Bill No. 3108 with the following results: Ayes – McGuinness, Flachsbar, Logan, Nations, DeCampi, DeGroot, Hurt and Tilman. Nays – None. Whereupon Mayor Nation declared Bill No. 3108 approved, passed it and it became **ORDINANCE NO. 2911**.

**BILL NO. 3110 AMENDS THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF TWO EXISTING "PC" PLANNED COMMERCIAL DISTRICTS FOR A 22.22 ACRE TRACT OF LAND LOCATED NORTH OF NORTH OUTER 40 ROAD AND EAST OF BOONE'S CROSSING (P.Z 04-2016 US ICE SPORTS COMPLEX & VALLEY GATES [TOPGOLF USA CHESTERFIELD LLC] – 17T510041, 17T520062, 17T520095, 17T520084) (FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Logan, for the first reading of Bill No. 3110. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3110 was read for the first time.

### **UNFINISHED BUSINESS – Sunshine Law Presentation**

As directed by City Council, Interim City Attorney Chris Graville offered a short presentation on issues related to Missouri's Sunshine Law.

### **ADJOURNMENT**

There being no further business to discuss, Mayor Nation adjourned the meeting at 8:55 p.m.

---

Mayor Bob Nation

ATTEST:

---

Vickie J. Hass, City Clerk