



## RECORD OF PROCEEDING

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

**February 5, 2007**

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The meeting was called to order at 7 p.m., by Mayor John Nations.

Mayor Nations led everyone in the Pledge of Allegiance and followed with a moment of silent prayer.

Mayor Nations presented a proclamation to Chesterfield resident, Mrs. Shana Meyer, acknowledging her many efforts in support of children with disabilities.

Mayor Nations next recognized Dan Rothwell, who presented to the City a framed picture of the 1817 Justus Post Chesterfield graphic. Christina Landram, Chairperson of the Chesterfield Historical Commission, and Charlotte Boyd, President of the Margaret Wyatt Allyn Chapter of the National Society of Colonial Dames, assisted Mr. Rothwell in the presentation.

A roll call was taken with the following results:

#### PRESENT

Mayor John Nations  
Councilmember Barry Flachsbart  
Councilmember Jane Durrell  
Councilmember Barry Streeter  
Councilmember Bruce Geiger  
Councilmember Dan Hurt  
Councilmember Mike Casey  
Councilmember Mary K. Brown  
Councilmember Connie Fults

#### ABSENT

None

## **APPROVAL OF MINUTES**

The minutes of the January 17, 2007, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Streeter, 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 announced that City Hall would be closed Monday, February 19 in observance of the President's Day Holiday and that the next meeting of City Council has been scheduled for Wednesday, February 21, at 7 p.m.

Mayor Nations next announced that the March 5 City Council meeting would be held at the Chesterfield YMCA, located at 16464 Burkhardt Place, at 7 p.m.

Mayor Nations next introduced his niece, Julia Butler, who was in attendance and working on a civics project, for school.

## **COMMUNICATIONS AND PETITIONS**

Tom Fleming, who resides at 17067 Rooster Ridge, opposed Bill No. 2517 (P.Z. 20-2006, Mayer Manors, Inc. (Chesterfield Manors)).

Ken Aston, who resides at 17058 Rooster Ridge, opposed Bill No. 2517 (P.Z. 20-2006, Mayer Manors, Inc. (Chesterfield Manors)). Mayor Nations and members of City Council explained that Bill No. 2517 is scheduled for FIRST READING approval, at tonight's meeting. It was noted that giving FIRST READING approval does not necessarily have any effect on whether the proposal is ultimately approved or defeated by City Council. Legislation must be given TWO READINGS, before a final vote can be taken.

Jean Magre, representing the Sterling Company, spoke in support of Bill No. 2517 (P.Z. 20-2006, Mayer Manors, Inc. (Chesterfield Manors)).

John Hammond, who resides at 1203 Walnut Hill, first expressed his THANKS, to the Mayor and City Council, for the "Appreciation Dinner" recently held, for volunteers who serve on City Boards/Commissions/Committees. He also expressed his continued opposition to a cell tower erected adjacent to Wilson Road and suggested a "moratorium" on any future cell towers, in Chesterfield, until current ordinances could be amended to establish tighter controls, etc. Finally, Mr. Hammond supported the extension of Wilson Spur and its connection to Wilson Road.

## **COUNCIL COMMITTEE REPORTS**

### **Public Works/Parks Committee**

Councilmember Dan Hurt, Chairperson of the Public Works/Parks Committee, reported that the Committee voted to recommend to City Council that approximately \$135,000 be appropriated from Fund Reserves to cover the cost of constructing a concrete sidewalk, complete with handicapped access ramps, from Baxter Road to the entrance to Parkway West High School, on the north side of Clayton Road. Councilmember Hurt noted that the Committee's recommendation was contingent upon MoDOT accepting this sidewalk for maintenance, which they have agreed to do. Councilmember Geiger made a motion, seconded by Councilmember Casey, to forward this item to the F&A Committee, for discussion at their February 13<sup>th</sup> meeting. Councilmember Geiger noted that City Council policy required review, by the F&A Committee, of any proposed use of Fund Reserves. A voice vote was taken, with a unanimous affirmative result, and the motion was declared passed. Members of Council directed City Administrator Herring to identify any other schools, in Chesterfield, not presently served by sidewalks and to forward that information to the F&A Committee.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for February 27, at 7:30 a.m.

### **Planning and Zoning Committee**

Councilmember Mary Brown, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2513 (P.Z. 24-2006 – Monarch Center (158 Long Road), Bill No. 2514 (P.Z. 4-2006 –City of Chesterfield/Tree Manual), Bill No. 2517 ( P.Z. 20-2006, Mayer Manors, Inc. (Chesterfield Manors), Bill No. 2518 (Approves vacation of subdivision – Villas at Westmeade), Bill No. 2519 (Approves a record plat for Villas at Westmeade), Bill No. 2520 (Approves road dedication plat – Chesterfield Park Drive) will all be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Brown announced that the next meeting of this Committee has been scheduled for February 8 at 5:30 p.m.

## **REPORT OF THE CITY ADMINISTATOR**

City Administrator Mike Herring reported that Bacana, located at 16123 Chesterfield Parkway East, requested a liquor license to serve all kinds of liquor by-the-drink and Sunday sales. This is the former location of K.C. Masterpiece, adjacent to the main entrance to the Chesterfield Mall, from the Chesterfield Parkway. Councilmember Casey made a motion, seconded by Councilmember Streeter, to approve issuance of the liquor license to Bacana. 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 for the scheduled replacement of a skid-steer loader, used by the Public Works Dept. Based upon a review of the information provided to him, Mr. Herring joined with Deputy Director of Public Works/Assistant City Engineer Brian McGownd in recommending that the bid submitted by Bobcat of St. Louis, in the amount of \$13,812.71, which includes trade-in of an existing unit, be accepted by City Council. The FY2007 Budget contains \$20,000 for this purchase. Councilmember Flachsbart made a motion, seconded by Councilmember Fults, to award a contract to Bobcat of St. Louis, in the amount of \$13,812.71, as detailed above. 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 for the scheduled replacement of two, 2.5 ton trucks, with snow plows and salt spreaders. Mr. Herring joined with Mr. McGownd in recommending that the bid submitted by Lou Fusz Chevrolet, in the amount of \$187,977.76, be accepted by City Council. This bid does NOT include trade-in, since the plan is to sell the existing vehicles at auction, later this coming spring. The amount budgeted for these vehicles is \$175,000. However, savings already realized, regarding the purchase of other capital equipment and the revenue anticipated from selling these existing trucks, at auction, will more than cover the overage of approximately \$13,000. Councilmember Flachsbart made a motion, seconded by Councilmember Fults, to accept the bid submitted by Lou Fusz Chevrolet, in the amount of \$187,977.76. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

### **NEW BUSINESS**

Councilmember Geiger stated that the next meeting of the Finance and Administration Committee has been scheduled for February 13 at 7:30 a.m.

Councilmember Streeter, on behalf of the entire City Council, wished Mayor Nations a "Happy Birthday".

### **LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2513      AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "NU" NON-URBAN DISTRICT TO A "PC" PLANNED COMMERCIAL DISTRICT, FOR A 10.14-ACRE TRACT OF LAND, LOCATED NORTH OF EDISON ROAD, EAST OF LONG ROAD (P.Z. 24-1006, MONARCH CENTER) (SECOND READING -PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, AS AMENDED)**

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2513. A voice vote was taken with a unanimous affirmative result

and the motion was declared passed. Bill No. 2513 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2513, with the following results: Ayes – Durrell, Hurt, Fults, Brown, Casey and Geiger . Nays – Flachsbart and Streeter. Whereupon, Mayor Nations declared Bill No. 2513 approved, passed it and it became **ORDINANCE NO. 2334.**

**BILL NO. 2514** REPEALS CITY OF CHESTERFIELD ORDINANCE 2235 AND REPLACES IT WITH A NEW "TREE MANUAL" ORDINANCE THAT REVISES THE PROCEDURES AND REQUIREMENTS FOR REVIEWING AND APPROVING LANDSCAPE PLANS, TREE STAND DELINEATIONS AND TREE PRESERVATION PLANS (P.Z. 4-2006, CITY OF CHESTERFIELD/TREE MANUAL) **(SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2514. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2514 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2514, with the following results: Ayes – Geiger, Hurt, Streeter, Flachsbart, Fults, Durrell, Casey and Brown. Nays - None. Whereupon, Mayor Nations declared Bill No. 2514 approved, passed it and it became **ORDINANCE NO. 2335.**

**BILL NO. 2517** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "NU" NON-URBAN DISTRICT TO AN "E-ONE ACRE" ESTATE DISTRICT FOR A 4.3 ACRE TRACT OF LAND LOCATED NORTH OF CRIPPLE CREEK ROAD AND WEST OF WILD HORSE RIDGE ROAD (P.Z. 20-2006, MAYER MANORS, INC (CHESTERFIELD MANORS)) **(FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL; P&Z COMMITTEE RECOMMENDS DENIAL)**

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2517. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2517 was read for the first time.

**BILL NO. 2518** VACATES LOTS 2-33, COMMON GROUND AND STREETS OF "THE VILLAS AT WESTMEADE", PART OF U.S. SURVEYS 2002 AND 2760 AND IN SECTIONS 9 AND 16, TOWNSHIP 45 NORTH, RANGE 4 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI **(FIRST AND SECOND READINGS - PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2518. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2518 was read for the first time.

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2518. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2518 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2518, with the following results: Ayes – Fults, Brown, Casey, Flachsbart, Geiger, Streeter, Durrell and Hurt. Nays - None. Whereupon, Mayor Nations declared Bill No. 2518 approved, passed it and it became **ORDINANCE NO. 2336.**

**BILL NO. 2519** PROVIDES FOR THE APPROVAL OF A RECORD PLAT FOR THE AMENDED PLAT OF "THE VILLAS AT WESTMEADE", FOR A 10.73-ACRE TRACT OF LAND ZONING "R-2/R-5/R-8", PLANNED ENVIRONMENTAL UNIT, LOCATED SOUTH OF BAXTER ROAD AND NORTH OF WILSON ROAD (**FIRST AND SECOND READINGS - PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2519. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2519 was read for the first time.

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2519. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2519 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2519, with the following results: Ayes – Durrell, Casey, Fults, Geiger, Flachsbart, Hurt, Streeter and Brown. Nays - None. Whereupon, Mayor Nations declared Bill No. 2519 approved, passed it and it became **ORDINANCE NO. 2337.**

**BILL NO. 2520** APPROVES A ROAD DEDICATION PLAT ON A TRACT OF LAND BEING PART OF LOT 4 OF THE SUBDIVISION OF THE WEST PART OF U.S. SURVEY 415 AND PART OF LOT 6 OF THE THOMAS K, HUMPHREY'S ESTATE IN SECTION 9 AND U.S. SURVEY 415, TOWNSHIP 45 NORTH, RANGE 4 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI (CHESTERFIELD PARK DRIVE) (**FIRST AND SECOND READINGS; DEPARTMENTS OF PLANNING AND PUBLIC WORKS RECOMMEND APPROVAL**)

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2520. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2520 was read for the first time.

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2520. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2520 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2520, with the following results: Ayes – Hurt, Flachsbart, Durrell, Geiger, Fults, Streeter, Casey and Brown. Nays - None. Whereupon, Mayor Nations declared Bill No. 2520 approved, passed it and it became **ORDINANCE NO. 2338.**

### **ADJOURNMENT**

Mayor Nations entertained a motion to reconvene into Executive Session. Councilmember Streeter made a motion, seconded by Councilmember Geiger, to go into Executive Session, as provided by RSMo 610.021(3), for the purpose of discussing personnel matters. A roll call vote was taken with the following results: Ayes – Brown, Casey, Streeter, Fults, Geiger, Durrell, Flachsbart and Hurt; Nays – None. The motion was declared passed.

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

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Mayor John Nations

**ATTEST:**

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Martha L. DeMay, City Clerk