



RECORD OF PROCEEDING

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

FEBRUARY 4, 2008

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

Pack 782 from St. John Lutheran led everyone in the Pledge of Allegiance. Mayor Nations followed with a moment of silent prayer. Mayor Nations recognized and thanked: Grant Weller, Jackson Kesting, Quinlan Hagen, Andy Keithley, Alexander Galvin, Liam Harrison, Nathan Lowary, Alex Schenberg, Ryan Doliviak, Jack Burtelow, Nicholas Adams, Andrew Colin, Matthew Stevenson, Tommy Vossman and Colin Mohlman for their participation in this opening ceremony. Also in attendance were Troop Leaders Gene Schenberg and Susan Schenberg. Mayor Nations presented a Proclamation to Pack 782, commemorating their participation.

A roll call was taken with the following results:

PRESENT

Mayor John Nations
Councilmember Barry Flachsbart
Councilmember Jane Durrell
Councilmember Bruce Geiger
Councilmember Lee Erickson
Councilmember Dan Hurt
Councilmember Mike Casey
Councilmember Bob Nation
Councilmember Connie Fults

ABSENT

None

APPROVAL OF MINUTES

The minutes of the January 23, 2008, City Council meeting were submitted for approval. Councilmember Nation made a motion, seconded by Councilmember Durrell, 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 will be closed on Monday, February 18, in observance of Presidents Day and that the next meeting of City Council has been scheduled for Wednesday, February 20, at 7 p.m.

Mayor Nations encouraged those in attendance to vote in the Primary Election on February 5.

COMMUNICATIONS AND PETITIONS

Millie Hill, who resides at 46 Witmer Drive, spoke about the City's policy regarding the establishment of "Community Improvement Districts" and their possible use within River Bend.

Beverly Wrobel, who resides at 110 Shady Valley Drive, also spoke about the City's Community Improvement District (CID) policy and urged that the process of review for any CID be public, in nature.

Mayor Nations noted that "Community Improvement Districts" are established/authorized by State Statute. The City's policy, in many ways, simply mirrors the State Statute. As such, interested parties have the right to file a petition with the City. Mayor Nations next stated that the City must review each petition with a neutral mind and judge each on its merit, but assured both Ms. Hill and Ms. Wrobel that the City will conduct the formal review of those proposals in a very public manner. He thanked both ladies attending tonight's meeting and for sharing their comments.

APPOINTMENTS

Mayor Nations nominated Ms. Amy Nolan, 16025 Wilson Manor Drive, to serve as a member of the Chesterfield Planning Commission, from Ward 4. He noted that Ms. Nolan's nomination was endorsed by both Ward 4 Councilmembers and the members of the Planning/Public Works Committee of City Council. Councilmember Fults made a motion, seconded by Councilmember Nation, to approve this appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Ms. Nolan's term will expire June, 5, 2008, since she is filling the unexpired term of a former Planning Commissioner. Mayor Nations recognized Ms. Nolan and members of her family in attendance.

Mayor Nations next provided an explanation of how business is conducted at a City Council meeting to the Scouts from Pack 782 from St. John Lutheran, who were in attendance.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee, made a motion, seconded by Councilmember Hurt, to approve Resolution No. 348 - Authorizes the competitive sale of General Obligation Refunding Bonds on February 20, 2008.

Mayor Nations asked Councilmember Geiger to give a report on the effect of the proposed refinancing, as well as the projected interest savings to the City. Councilmember Geiger reported that the City will be studying the possibility of lowering its property tax and stated that the potential savings to the City would be approximately \$338,000. Mayor Nations commended Councilmember Geiger, members of the Finance and Administration Committee, City Staff and Michelle Bock for their work on this proposed refinancing.

Councilmember Hurt made a motion to amend the date of sale from February 20, 2008, to March 17, 2008, to possibly get better rates. The motion failed for lack of a second. A voice vote was taken, on the original motion, with a unanimous affirmative result and the motion to approve Resolution No. 348 was declared passed.

Councilmember Geiger next announced that Bill No. 2615 (Authorizes the issuance and sale of General Obligation Refunding Bonds) is scheduled for a first reading under the "Legislation" portion of the Agenda.

Planning and Public Works Committee

Councilmember Connie Fults, Chairperson of the Planning and Public Works Committee, reported that Bill No. 2606 (P.Z. 43-2007 Chesterfield Industrial Park Lot 8 {Mr. & Mrs. Frederick Marten}) will be considered for adoption under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Fults next reported that Bill No. 2613 (P.Z. 24-2007 – Mark Andy) will be read for the first time under the "Legislation – Planning Commission" portion of the Agenda. Councilmember Fults stated that she will offer an amendment to restrict outdoor storage.

Councilmember Fults next reported that Bill No. 2614 (Approves record plat – Wings Corporate Estates) is scheduled for both first and second reading approval, under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Fults next reported that Bill No. 2607 (Amends snow routes re: Forest Crest Drive and Greentrails Drive), Bill No. 2608/Bill No. 2609 (Accepts Edison Avenue, RHL, Chesterfield Commons Drive and Chesterfield Commons East Drive) and

Bill No. 2610 (Standardizes surety and bond requirements related to development) will be considered for adoption under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for Thursday, February 7, at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that liquor licenses had been requested by both “San Sai Japanese Grill”, to be located at 16890 Chesterfield Airport Road (to sell beer and wine by the drink and Sunday sales) and the “Residence Inn by Marriott”, located at 15431 Conway Road (to sell beer and wine, by the drink). Mr. Herring noted that these applications have been reviewed and recommended for approval by both the Police Department and the Department of Planning and Public Works. Councilmember Casey made a motion, seconded by Councilmember Durrell, to approve issuance of both of these liquor licenses, as noted above. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that prior to the opening of the pool at the Family Aquatic Center, last year, the City faced numerous obstacles and delays. Mr. Herring stated that one of the issues was St. Louis County's concern regarding the operation of the new "water slides". He noted that the City's consultant agreed to work, without further compensation, and has designed an upgrade (fix), which has now been reviewed and approved by St. Louis County. Based upon a review of the information provided to him by Darren Dunkle, Acting-Director of Parks and Recreation, Mr. Herring joined with him in recommending approval of a change order, to the contract previously-awarded to Capri Pool and Aquatics, totaling \$61,744.00, and that adequate funds exist to cover the entire \$61,744.00. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to approve a change order, to the contract previously-awarded to Capri Pool and Aquatics, totaling \$61,744.00. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that proposals were recently sought for professional services associated with the design and eventual reconstruction of Stablestone Drive/Green Trails Drive North, between Ladue Road and Olive Boulevard. Based upon a review of the proposals received and the interviews conducted by Staff, Mr. Herring recommended that a contract be awarded to Oates Associates, Inc., in an amount not to exceed \$183,383.01. Of that amount, \$112,000 will be reimbursed by grant funds and the balance of \$71,383.01 will be paid by the City, from the Capital Improvement Sales Tax Fund. Mr. Herring noted that adequate funds exist within the FY2008 Budget to cover this entire expense. Councilmember Flachsbart made a motion, seconded by Councilmember Durrell, to award a contract to Oates Associates, Inc., in an amount not to exceed \$183,383.01. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mayor Nations commended City Administrator Herring and Staff on their work in securing grant funds.

Councilmember Flachsbart commended Staff for their outstanding snow removal process and asked Mr. Herring to communicate this to all applicable employees.

LEGISLATION

BILL NO. 2607 AMENDS ORDINANCE NUMBER 35, AS EMBODIED IN CHAPTER 300, SCHEDULE XVI OF THE CITY CODE, BY ADDING SECTIONS OF FOREST CREST DRIVE AND GREENTRAILS DRIVE NORTH AS SNOW ROUTES (**SECOND READING – DEPARTMENT OF PLANNING/PUBLIC WORKS RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2607. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2607 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2607 with the following results: Ayes – Erickson, Hurt, Flachsbart, Geiger, Durrell, Fults, Casey and Nation. Nays – None. Whereupon Mayor Nations declared Bill No. 2607 approved, passed it and it became **ORDINANCE NO. 2427**.

BILL NO. 2608 PERTAINS TO THE ACCEPTANCE OF EDISON AVENUE BETWEEN LONG ROAD AND BAXTER ROAD IN THE CITY OF CHESTERFIELD (**SECOND READING – DEPARTMENT OF PLANNING/PUBLIC WORKS RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2608. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2608 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2608 with the following results: Ayes – Durrell, Geiger, Hurt, Flachsbart, Erickson, Nation, Fults and Casey. Nays – None. Whereupon Mayor Nations declared Bill No. 2608 approved, passed it and it became **ORDINANCE NO. 2428**.

BILL NO. 2609 PERTAINS TO THE ACCEPTANCE OF PUBLIC STREETS WITHIN CHESTERFIELD COMMONS AND CHESTERFIELD COMMONS EAST SUBDIVISIONS IN THE CITY OF CHESTERFIELD (**SECOND READING – DEPARTMENT OF PLANNING/PUBLIC WORKS RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2609. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2609 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2609 with the following results: Ayes – Durrell, Fults, Flachsbart, Erickson, Geiger, Hurt, Nation and Casey.

Nays – None. Whereupon Mayor Nations declared Bill No. 2609 approved, passed it and it became **ORDINANCE NO. 2429.**

BILL NO. 2610 AMENDS CERTAIN SECTIONS OF THE CITY CODE TO STANDARDIZE SURETY AND BOND REQUIREMENTS RELATED TO DEVELOPMENT **(SECOND READING – DEPARTMENT OF PLANNING/PUBLIC WORKS RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2610. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2610 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2610 with the following results: Ayes – Casey, Nation, Erickson, Geiger, Hurt, Durrell, Fults and Flachsbart. Nays – None. Whereupon Mayor Nations declared Bill No. 2610 approved, passed it and it became **ORDINANCE NO. 2430.**

BILL NO. 2615 AUTHORIZES AND DIRECTS THE ISSUANCE, SALE AND DELIVERY OF \$5,255,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2008, OF THE CITY OF CHESTERFIELD, MISSOURI; PRESCRIBING THE FORM AND DETAILS OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH. **(FIRST READING - F&A COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2615. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2615 was read for the first time.

LEGISLATION - PLANNING COMMISSION

BILL NO. 2606 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “M-3” PLANNED INDUSTRIAL DISTRICT TO A “PI” PLANNED INDUSTRIAL DISTRICT FOR A 1.283 ACRE TRACT OF LAND LOCATED AT THE SOUTHEAST CORNER OF CHESTERFIELD INDUSTRIAL BOULEVARD AND EDISON AVENUE (P.Z. 43-2007 CHESTERFIELD INDUSTRIAL PARK LOT 8 {MR. & MRS. FREDERICK MARTEN}) **(SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2606. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2606 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2606 with the following results: Ayes – Nation, Casey, Erickson, Geiger, Flachsbar, Durrell, Hurt and Fults. Nays – None. Whereupon Mayor Nations declared Bill No. 2606 approved, passed it and it became **ORDINANCE NO. 2431.**

BILL NO. 2613 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “M-3” PLANNED INDUSTRIAL DISTRICT TO A “PI” PLANNED INDUSTRIAL DISTRICT FOR A 23 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF CHESTERFIELD AIRPORT ROAD ONE HALF MILE WEST OF THE CORNER OF LONG RD. AND CHESTERFIELD AIRPORT RD. **(FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2613. Councilmember Hurt noted that his company does business with Mark Andy and, as a result, he would be abstaining from any votes on this proposal. A voice vote was taken with an affirmative result (7-0-1; Councilmember Hurt abstained) and the motion was declared passed. Bill No. 2613 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Geiger, to amend Bill No. 2613 to add sub-paragraph “d”, “There shall be no outdoor storage of raw materials or finished products associated with any of the above uses.” to Section I. A., 3. Councilmember Hurt noted that the petitioner had no opposition to this amendment. Councilmember Hurt again noted that he would abstain from voting on this amendment, since his company does business with Mark Andy. A voice vote was taken with an affirmative result (7-0-1; Councilmember Hurt abstained) and the motion was declared passed.

BILL NO. 2614 PROVIDES FOR THE APPROVAL OF A RECORD PLAT AND ESCROW AGREEMENTS FOR WINGS CORPORATE ESTATES, FOR A 39.5 ACRE TRACT OF LAND ZONED “PI” PLANNED INDUSTRIAL DISTRICT, LOCATED ALONG EATHERTON RD. APPROXIMATELY 400 FT NORTH OF WARDENBURG RD. **(FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2614. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2614 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2614. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2614 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2614 with the following results: Ayes – Erickson, Flachsbart, Casey, Durrell, Nation, Geiger, Fults and Hurt. Nays – None. Whereupon Mayor Nations declared Bill No. 2614 approved, passed it and it became **ORDINANCE NO. 2432**.

Councilmember Geiger wished Mayor Nations a “Happy Birthday.”

City Attorney Heggie reported that Mayor Nations, City Administrator Herring, Libbey Malberg, Assistant City Administrator for Community Services and Economic Development and he had been working with STAGES-St. Louis to put together an application for State “tax credits”, to be used in the construction of their “Center for the Performing Arts”. Mr. Heggie stated that this application has been extensively reviewed and should receive a favorable review by the Missouri Development Finance Board (MDFB). Mr. Heggie stated that City Council will be asked to approve a Resolution, at the February 20 City Council meeting, which would authorize Mayor Nations to sign an application for “tax credits”, to be submitted to the MDFB. Mayor Nations asked Mr. Heggie if there would be any cost or obligation to the City and Mr. Heggie responded that there is no cost or obligation to the City. He clarified that Chesterfield simply needs to approve the Resolution because Chesterfield is the city in which STAGES will be located and these “tax credits” will be spent.

Mayor Nations wished City Attorney Heggie a “Happy Birthday.”

ADJOURNMENT

Mayor Nations adjourned the meeting at 7:38 p.m.

Mayor John Nations

ATTEST:

Judith A. Naggia, City Clerk