



RECORD OF PROCEEDING

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

JANUARY 4, 2010

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

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

PRESENTATION

Mayor Nations presented a proclamation to Rajiv Tarigopula, who is a Senior at Parkway West High School, in recognition of achieving perfect scores on both the ACT and the SAT. Mayor Nations congratulated Mr. Tarigopula for his many accomplishments through the years and commended his parents for their obvious support and encouragement.

ROLL CALL

A roll call was taken with the following results:

PRESENT

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

ABSENT

APPROVAL OF MINUTES

The minutes of the December 7, 2009 Public Hearing and the City Council meeting were submitted for approval. Councilmember Erickson made a motion, seconded by Councilmember Logan, to approve the Public Hearing and City Council minutes. A voice vote was taken with an affirmative result (Councilmember Geiger “abstained”) and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Nations announced that City Hall will be closed Monday, January 18, in observance of the Dr. Martin Luther King, Jr.’s birthday holiday.

Mayor Nations announced that Candidate filing ends on Tuesday, January 19, at 5 p.m.

Mayor Nations announced that the next meeting of City Council has been scheduled for Wednesday, January 20, at 7 p.m.

Mayor Nations recognized a Boy Scout from Troop 848 in attendance and provided an explanation of how business is conducted at a City Council meeting.

COMMUNICATIONS AND PETITIONS

Ms. Sarah Scott, Development Director for STAGES St. Louis, extended thanks to Mayor Nations and the Council for their support of STAGES St. Louis. Ms. Scott provided a review of 2009 activities and a preview of 2010 activities and productions.

Mr. Rob Grumich, Director of Education & Outreach for STAGES St. Louis, stated that the STAGES Academy at Chesterfield Center is celebrating its sixth anniversary and annually serves approximately 1,000 students, of which 30-35% are Chesterfield residents. Mr. Grumich stated that STAGES St. Louis partners with area schools to provide a variety of programs. Mr. Grumich expressed his appreciation to Mayor Nations and the Council for their support.

Mayor Nations encouraged everyone to tour the STAGES facility in Chesterfield and expressed his appreciation to the staff of STAGES for offering programs for people of all ages and abilities. Members of City Council offered similar comments.

Mayor Nations also recognized Ms. Stacey Morse, Exec. Director, for Chesterfield Arts and complimented and thanked her for her efforts to promote THE ARTS in Chesterfield.

Mayor Nations commended City Administrator Mike Herring and Staff for securing a \$400,000 grant from the Municipal Parks Grant Commission for the “riparian corridor” trail.

APPOINTMENTS

There were no appointments.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee, commended STAGES St. Louis and Chesterfield Arts for being great non-profit organizations in Chesterfield. Councilmember Geiger recognized Ms. Stacey Morse, Executive Director of Chesterfield Arts, in attendance and congratulated Ms. Morse for her new efforts at Chesterfield Mall and for “The Awakening” sculpture.

Councilmember Geiger made a motion, seconded by Councilmember Flachsbart, to approve Resolution No. 365 (Approves one-year contract extension with Stages - St. Louis). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger next made a motion, seconded by Councilmember Flachsbart, to approve Resolution No. 366 (Approves one-year contract extension with Chesterfield Arts, Inc.). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger announced that the next meeting of this Committee has been scheduled for Monday, January 25, at 5:30 p.m.

Planning/Public Works Committee

Councilmember Connie Fults, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2761 (Amends section 1003.210 of Zoning Ordinance regarding Fees) will be considered for adoption under the “Legislation – Planning Commission” portion of the Agenda and stated that Councilmember Geiger indicated that he would offer an amendment to Bill No. 2761.

Councilmember Fults next reported that Bill No. 2766 (P.Z. 04-2009 – Spirit Energy) will be read for the first time under the “Legislation – Planning Commission” portion of the Agenda and stated that a “Green Sheet” amendment would be offered, to exercise “power of review.”

Councilmember Fults next reported that Bill No. 2767 [P.Z. 13-2009, Spirit Town Center (Greenberg Development)] will be read for the first time under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Fults next reported that Bill No. 2768 (P.Z. 14-2009, Chesterfield Fence) will be read for the first time under the “Legislation – Planning Commission”

portion of the Agenda and stated that she will make a motion to suspend the rules for a second reading of Bill No. 2768.

Councilmember Fults next reported that Bill No. 2770 (Authorizes acceptance of funding for Edison Road project) and Bill No. 2771 (Authorizes acceptance of funding for Appalachian Trail – Phase I project 2011/2012) will be read for the first time under the “Legislation” portion of the Agenda

Councilmember Fults next reported that Bill No. 2769 [Approves Boundary Adjustment Plat – Chesterfield Village (Parcel C-119)] is scheduled for both first and second reading approval, under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, for the approval of Resolution No. 367 (Authorizes grant application for Energy Efficient Conservation Block Grant funds). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

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

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that VegaDeli, 177 Hilltown Village Center, has requested a new liquor license to sell all kinds of liquor by the drink and Sunday sales. Mr. Herring reported that this application has been reviewed and recommended for approval by both the Department of Planning/Public Works and Police Department. Councilmember Casey made a motion, seconded by Councilmember Segal, to approve issuance of a new liquor license to VegaDeli. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Public Works Director/City Engineer Brian McGownd has recommended the following adjustments to both of the capital street reconstruction contracts awarded, during 2009: A reduction of \$45,000, from Contract "A", which was previously awarded to Amcon Municipal Concrete, LLC, and a corresponding increase to Contract "B", which was previously awarded to J.H. Berra Paving Company, LLC, by that same \$45,000. Mr. Herring stated that the net effect of these adjustments will be no additional cost. Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to approve both adjustments to the capital street reconstruction contracts awarded during 2009. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

Mayor Nations recognized Councilmember Casey who stated that in the Agenda Review meeting he distributed memorandums regarding the issue of a sidewalk “gap” of approximately 500 feet that exists adjacent to Claymont Estates Drive, within the

Claymont Woods Subdivision. Councilmember Casey made a motion, seconded by Councilmember Geiger, to add “Proposed sidewalk – Claymont Woods” to the Agenda under “New Business” for the January 20 City Council meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

LEGISLATION

BILL NO. 2770 AUTHORIZES THE CITY ADMINISTRATOR TO EXECUTE A SURFACE TRANSPORTATION PROGRAM AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION REGARDING THE MAINTENANCE TO EDISON AVENUE FROM BAXTER ROAD TO LONG ROAD (**FIRST READING – PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2770. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2770 was read for the first time.

BILL NO. 2771 AUTHORIZES THE CITY ADMINISTRATOR TO EXECUTE A SURFACE TRANSPORTATION PROGRAM AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION REGARDING THE IMPROVEMENTS TO APPALACHIAN TRAIL FROM OLIVE BOULEVARD TO BEAVER CREEK DRIVE. (**FIRST READING – PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2771. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2771 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2761 REPEALS SECTION 1003.210 OF THE CITY OF CHESTERFIELD ZONING ORDINANCE PERTAINING TO FEES FOR VARIOUS PROCEDURES AND REPLACING IT WITH A NEW SECTION 1003.210 TO UPDATE EXISTING FEES AND FOR THE CREATION OF NEW FEES RELATIVE TO PLAN REVIEW AND PUBLIC HEARING PETITIONS WITHIN THE CITY OF CHESTERFIELD, MISSOURI. (**SECOND READING - PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2761. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2761 was read for the second time. Councilmember Geiger made a motion, seconded by Councilmember Casey, to amend

the last sentence of Section 3.B. of Attachment A to read as follows: “Payment of this Public Hearing Fee is required prior to the petition being placed on the agenda.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A roll call vote was taken for the passage and approval of Bill No. 2761, as amended, with the following results: Ayes – Fults, Logan, Casey, Nation, Segal, Flachsbart, Geiger and Erickson. Nays – None. Whereupon Mayor Nations declared Bill No. 2761 approved, passed it and it became **ORDINANCE NO. 2585.**

BILL NO. 2766 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “C-2” SHOPPING DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 0.31 ACRE TRACT OF LAND LOCATED IN THE SOUTHWEST CORNER OF OLIVE BOULEVARD AND WOODS MILL ROAD (P.Z. 04-2009 13506 OLIVE BLVD. {SPIRIT ENERGY, LLC}) **(FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE ENCLOSED "GREEN" SHEET)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2766. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2766 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, to amend Bill No. 2766, pursuant to the attached “green” sheet” regarding “power of review.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

BILL NO. 2767 REPEALS CITY OF CHESTERFIELD ORDINANCE 2330 AND REPLACING IT WITH A NEW ORDINANCE TO ALLOW FOR CHANGES TO THE FLOOR AREA, BUILDING REQUIREMENTS AND SETBACKS FOR A 7.8 ACRE TRACT OF LAND ZONED “PC” PLANNED COMMERCIAL DISTRICT LOCATED ON CHESTERFIELD AIRPORT ROAD ON THE SOUTHWEST CORNER OF ITS INTERSECTION WITH GODDARD AVENUE [P.Z. 13-2009 SPIRIT TOWN CENTER (GREENBERG DEVELOPMENT)] **(FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2767. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2767 was read for the first time.

BILL NO. 2768 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 5.2 ACRE TRACT

OF LAND LOCATED AT 18614 OLIVE STREET ROAD,
LOCATED 4,100 FEET WEST OF THE INTERSECTION OF
OLIVE STREET ROAD AND CHESTERFIELD AIRPORT ROAD
(P.Z. 14-2009 CHESTERFIELD FENCE {CHESTERFIELD
FENCE AND DECK COMPANY}) **(FIRST READING -
PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2768. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2768 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, to suspend the rules to allow for the second reading and final vote on Bill No. 2768. Councilmember Geiger stated that he will vote for the approval of this motion for a second reading but that, as a general rule, he is against having two readings of a Bill on the same night. Councilmember Geiger stated that Councilmember Fults explained that there are special circumstances involved with Bill No. 2768 and that no residents had spoken about this issue. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2768. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2768 was read for the second time. Mayor Nations stated he is delighted that Chesterfield Fence continues to be successful in the City and wishes them many more years of success. A roll call vote was taken for the passage and approval of Bill No. 2768 with the following results: Ayes – Geiger, Erickson, Logan, Nation, Casey, Segal and Fults. Nays – Flachsbar. Whereupon Mayor Nations declared Bill No. 2768 approved, passed it and it became **ORDINANCE NO. 2586**. Mayor Nations congratulated Chesterfield Fence on their new location.

BILL NO. 2769 APPROVES A BOUNDARY ADJUSTMENT PLAT FOR A
TRACT OF LAND BEING PARCEL C-119 OF CHESTERFIELD
VILLAGE, IN U.S. SURVEY 415, FRACTION SECTION 9,
TOWNSHIP 45 NORTH, RANGE 4 EAST, CITY OF
CHESTERFIELD, SAINT LOUIS COUNTY, MISSOURI **(FIRST
READING – DEPARTMENT OF PLANNING/PUBLIC
WORKS RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2769. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2769 was read for the first time.

City Administrator Herring noted that, per City Council policy, Boundary Adjustment Plats are typically given both first and second reading approval, at the same meeting. However, due to an oversight, by Staff, in the preparation of tonight's Agenda, this proposed legislation was advertised for first reading approval only. As a result, it will be

necessary for City Council to vote to suspend the rules, in order to consider this for final approval, at tonight's meeting.

Councilmember Fults made a motion, seconded by Councilmember Casey, to suspend the rules to enable a second reading of Bill No. 2769. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2769. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2769 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2769 with the following results: Ayes – Erickson, Flachsbart, Segal, Nation, Casey, Geiger, Logan and Fults. Nays – None. Whereupon Mayor Nations declared Bill No. 2769 approved, passed it and it became **ORDINANCE NO. 2587**.

ADJOURNMENT

Mayor Nations adjourned the meeting at 7:34 p.m.

Mayor John Nations

ATTEST:

Judith A. Naggiar, City Clerk