



AMENDED

RECORD OF PROCEEDING

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

January 4, 2006

The meeting was called to order at 7 p.m., by President Pro Tem Bruce Geiger.

Dens #5 and #10 from Cub Scout Pack #597, Ascension School, led everyone in the Pledge of Allegiance: George Frank, Ryan Ruckert, Ryan Wilsdorf, Trey Erbs, Stephen Deay, Jake McFerron and Wilson Hayward

President Pro Tem Bruce Geiger led everyone in a moment of silent prayer.

A roll call was taken with the following results:

PRESENT

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

Mayor John Nations

APPROVAL OF MINUTES

The minutes of the December 5, 2005, Public Hearing regarding the proposed FY2006 Budget and the December 5, 2005 City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Fults, to approve both sets of minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

President Pro Tem Bruce Geiger announced that City Hall would be closed Monday, January 16, in observance of the Dr. Martin Luther King, Jr. Birthday holiday. As a result, the next meeting of City Council has been scheduled for Wednesday, January 18, 2006.

COMMUNICATIONS AND PETITIONS

Mike Doster, 17107 Chesterfield Airport Road, supported Bill No. 2414 (P.Z. 28-2004, Blue Valley (Agricola Associates, LLC). Mr. Doster noted that, based upon the many questions/comments made during the Agenda Review meeting, regarding this proposal, that he was now requesting that City Council “hold” any action regarding Bill No. 2414, until the January 18 City Council meeting.

At this time, a motion was made by Councilmember Flachsbarth, seconded by Councilmember Fults, to suspend the rules and HOLD Bill No. 2414 until the January 18 City Council meeting. A voice vote was taken with an affirmative result (Councilmember Casey voted “no”) and the motion was declared passed. Bill No. 2414 will be held until the January 18 City Council meeting.

Mr. Doster next spoke in support of P.Z. 10-2004, “Fox Hill Farms” and noted that a Judge had recently ruled in favor of his client, regarding this proposed development.

Rick Clawson, 11477 Olde Cabin Road, supported Bill No. 2414 (P.Z. 28-2004, Blue Valley (Agricola Associated LLC).

Shawn White, 1830 Craig Park Court, supported Bill No. 2414 (P.Z. 28-2004, Blue Valley (Agricola Associated LLC).

Dana Whalen, who resides at 16861 Eagle Bluff Court, opposed P.Z. 10-2004, Fox Hill Farms development.

Art Handman, resident of Eagle Bluff subdivision, opposed P.Z. 10-2004, Fox Hill Farms development.

Jason Rugo, resident of Eagle Bluff subdivision, opposed P.Z. 10-2004, Fox Hill Farms development.

Nabell Gareeb, resident of Eagle Bluff subdivision, opposed P.Z. 10-2004, Fox Hill Farms development.

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Scott Saunders, who resides at 227 Chasselle Lane, in the City of Creve Coeur, opposed P.Z. 10-2004, Fox Hill Farms development.

Laura Bryant, who resides at 12738 Hezel Lane, in Creve Coeur, and serves as a member of the Creve Coeur City Council, opposed P.Z. 10-2004, Fox Hill Farms development.

Steve Kling, attorney representing the residents of Eagle Bluff, opposed P.Z. 10-2004, Fox Hill Farms development.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Jane Durrell, Chairperson of the Finance and Administration Committee, reported that the next meeting of this Committee has been scheduled for Monday, January 9, at 5:30 p.m.

Public Works/Parks Committee

Councilmember Barry Streeter, Chairperson of the Public Works/parks Committee, reported that there is a need to repair leaks at the Chesterfield Family Aquatic Park. Councilmember Streeter made a motion, seconded by Councilmember Flachsbar, to authorize repairs at the Chesterfield Family Aquatic Park, in an amount not to exceed \$70,000, and that those repairs be funded from Proposition P. This work will be performed by Lifeguards Unlimited/Pool Pros. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Streeter next reported that Staff has proposed changes to the "fees and charges" policy, for the Chesterfield Valley Athletic Complex (CVAC), due to the addition of the Miracle Field and had proposed increases to the CVAC Fee Schedule, for 2006. It was reported that the proposed adjustments in fees were based on the annual market survey of comparable facilities that Staff performs, each year. The Committee was also reminded that 2006 represented the sixth year of City operation of the full CVAC and that, under the terms of the original contract, field pricing, for the Ascension-sponsored athletic teams, had been fixed, for these first six years. 2006 would be the first price increase for these patrons, since the City took over the operation of the complex. Councilmember Streeter made a motion, seconded by Councilmember Flachsbar, to approve the CVAC Fee Schedule for 2006, as well as the "fees/charges" policy change, dealing with the Miracle Field. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

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Councilmember Streeter next announced that Bill No. 2411 (Recommends proposed changes to the City's grading and erosion control requirements), Bill No. 2412 (Recommends an agreement between the City of Chesterfield and MoDOT regarding Clayton Road improvements) and Bill No. 2413 (Establishes parking restrictions along Baxter Ridge Drive) will be read for the first time under the "Legislation" portion of the agenda.

Councilmember Streeter next made a motion that City Council authorize the transfer of \$200,000, from Fund Reserves, to cover the additional costs to be incurred by Sachs Properties, to add capacity to their planned underground utility improvement project. That additional capacity would allow the City, in the future, to place existing overhead facilities underground, along Chesterfield Parkway, east of Olive Boulevard. Councilmember Streeter stressed that NO DECISION had been made, by the City, to underground those utilities. The motion was seconded by Councilmember Flachsbart and approved unanimously. During discussion that followed, City Administrator Herring was directed to send a letter to Sachs Properties, thanking them for voluntarily undertaking projects to place utilities underground and for making the City aware of this opportunity.

Councilmember Streeter announced that the next meeting of this Committee has been scheduled for Thursday, January 26 at 5:45 p.m.

Planning and Zoning Committee

Councilmember Mike Casey, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2393 (P.Z. 23-2005, City of Chesterfield (Tree Manual) has been scheduled for a second reading. Much discussion ensued regarding the "green sheet" amendments attached to the legislation. City Attorney Rob Heggie also discussed some additional language that City Council might wish to include, in the finished legislation. Councilmember Casey made a motion, seconded by Councilmember Hurt, to "hold" Bill No. 2393 until City Attorney Rob Heggie has an opportunity to further review the language that is currently in the Bill. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Casey next reported that Bill No. 2407 (P.Z. 28-2005, City of Chesterfield (Lighting Ordinance) will be considered for adoption under the "Legislation - Planning Commission" portion of the agenda.

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

Public Health and Safety Committee

Councilmember Connie Fults, Chairperson of the Public Health and Safety Committee, reported that Bill No. 2409 (Prohibits the keeping of wild and/or farm animals in non-rural, residential areas) will be read for the first time under the “Legislation” portion of the agenda.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that Osaka Restaurant, located at 13419 Olive Boulevard, has requested a liquor license to serve all kinds of liquor by-the-drink. Mr. Herring stated that the liquor license application has been reviewed by both the Police Department and the Department of Planning and recommended for approval by City Council.

Councilmember Casey made a motion, seconded by Councilmember Streeter, to approve issuance of the liquor license. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

LEGISLATION

BILL NO. 2409 AMENDS CHAPTER 5, SECTION 2 OF THE ORDINANCES OF THE CITY OF CHESTERFIELD AS IT RELATES TO ANIMAL CONTROL BY ADDING PROVISIONS THERETO (FIRST READING – PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL)

Councilmember Fults made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2409. Councilmember Fults noted that the legislation had been amended, by the Committee, to apply only to those parcels of 1/2 –acre or less, in size. A roll call vote was taken for the first reading with the following results: Ayes – Fults, Durrell, Casey, Hurt, Streeter, Geiger and Brown. Nays – Flachsbart. The motion was declared passed. Bill No. 2409 was read for the first time.

BILL NO. 2410 PERTAINS TO THE ACCEPTANCE OF PUBLIC STREETS WITHIN THE COURTS II SUBDIVISION, IN THE CITY OF CHESTERFIELD (FIRST READING – PUBLIC WORKS/PARKS COMMITTEE)

Councilmember Streeter made a motion, seconded by Councilmember Hurt, for the first reading of Bill No. 2410. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2410 was read for the first time.

BILL NO. 2411 AMENDS ORDINANCES 1973 AND 1998 AS EMBODIED IN CHAPTER 12 GRADING, EROSION AND SEDIMENT CONTROL, OF THE CITY CODE, BY MODIFYING REQUIREMENTS RELATIVE TO INSPECTION, INSTALLATION AND SURETIES RELATED TO STORMWATER POLLUTION PREVENTION PLANS **(FIRST READING – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Streeter made a motion, seconded by Councilmember Hurt, for the first reading of Bill No. 2411. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2411 was read for the first time.

BILL NO. 2412 AUTHORIZES THE CITY ADMINISTRATOR TO EXECUTE A MUNICIPAL AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION TO FACILITATE THE RECONSTRUCTION OF CLAYTON ROAD, FROM BAXTER ROAD TO CLARKSON ROAD **(FIRST READING – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Streeter made a motion, seconded by Councilmember Hurt, for the first reading of Bill No. 2412. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2412 was read for the first time.

BILL NO. 2413 AMENDS ORDINANCE NUMBER 35, SCHEDULE IX OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THERETO TO RESTRICT PARKING ON BAXTER RIDGE DRIVE **(FIRST READING – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Streeter made a motion, seconded by Councilmember Hurt, for the first reading of Bill No. 2413. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2413 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2407 AMENDS CITY OF CHESTERFIELD LIGHTING ORDINANCE ADDRESSING THE TYPE OF LIGHTING PROVIDED FOR RESIDENTIAL SUBDIVISIONS, STREET LIGHT FIXTURES AND

**HOLIDAY LIGHTING (P.Z.28-2005, CITY OF
CHESTERFIELD/LIGHTING ORDINANCE) (SECOND READING-
PLANNING COMMISSION RECOMMENDS APPROVAL;
PLANNING AND ZONING COMMITTEE RECOMMENDS
APPROVAL, AS AMENDED)**

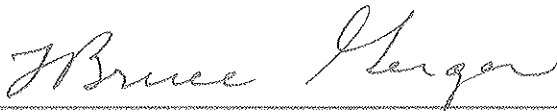
Councilmember Casey made a motion, seconded by Councilmember Streeter, for a second reading of Bill No. 2407. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2407 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2407, with the following results: Ayes – Brown, Geiger, Streeter, Hurt, Flachsbart, Casey, Durrell and Fults. Nays - None. Whereupon, President Pro Tem Geiger declared Bill No. 2407 approved, passed it and it became **ORDINANCE NO. 2228**.

ADJOURNMENT

President Pro-Tem Geiger noted that City Council needed to go back into Executive Session (closed meeting) to discuss litigation. He noted that City Council had already voted to reconvene the Executive Session, following the City Council meeting.

Councilmember Hurt first commented that he opposed the passage of Bill #2409, noting that many “farm animals” or “wild animals” were commonly kept as pets. He also again expressed concerns regarding issues that have recently been forwarded to the Board of Adjustment. City Attorney Heggie reminded City Council that he would be meeting with the Board of Adjustment to discuss those concerns.

President Pro Tem Geiger adjourned the meeting at 8:20 p.m.



President Pro-Tem Bruce Geiger

ATTEST:



Martha L. DeMay, City Clerk



Jim Watson, Mayor