



RECORD OF PROCEEDING

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

NOVEMBER 19, 2007

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

Girl Scout Troop #1591 from Shenandoah Elementary led everyone in the Pledge of Allegiance. President Pro Tem Mike Casey, in the absence of Mayor John Nations, recognized and thanked: Hunter Hanser, Morgan Hanser, Jamie Schwartz, Maggie Mueller, Ruth Linneman, Jenna Wade, Alex Vanhoogstrate, Alante Jones, Milkayla Allen, Sabrina Rallo, Alex Silvestri, Heer Bhurgi, Carly Spielberg, Shelby Collins, Nora Cyganiac, and Angela Winschel for their participation in this opening ceremony. Also in attendance were Troop Leaders Janet Robey-Schwartz and Jennifer Hanser. President Pro Tem Mike Casey presented a Proclamation to Girl Scout Troop #1591, commemorating their participation.

President Pro Tem Casey followed with a moment of silent prayer.

A roll call was taken with the following results:

PRESENT

Councilmember Jane Durrell
Councilmember Bruce Geiger
Councilmember Lee Erickson
Councilmember Mike Casey
Councilmember Dan Hurt
Councilmember Bob Nation
Councilmember Connie Fults

ABSENT

Councilmember Barry Flachsbart

APPROVAL OF MINUTES

The minutes of the November 5, 2007, City Council meeting were submitted for approval. Councilmember Nation made a motion, seconded by Councilmember Erickson, to approve the City Council minutes. A voice vote was taken with an affirmative result (Councilmember Fults “Abstained”) and the motion was declared passed.

INTRODUCTORY REMARKS

President Pro Tem Casey announced that City Hall will be closed Thursday, November 22, and Friday, November 23, in observance of Thanksgiving and wished everyone in attendance a “Happy Thanksgiving.” President Pro Tem Casey announced that the next meeting of City Council has been scheduled for Monday, December 3, at 7 p.m. President Pro Tem Casey next announced that the qualifying period for the April 8, 2008 Municipal Election begins at 8:00 a.m. on Tuesday, December 18.

COMMUNICATIONS AND PETITIONS

Alan Politte, former Secretary of CCDC and a former Councilmember, who resides at 14972 Manor Ridge, spoke on Resolution No. 344 (Approves merger of the Chesterfield IDA with the County IDA). Mr. Politte noted that the CCDC Board had previously voted to approve this merger. He asked that any remaining funds that had been allocated to CCDC not be merged into the General Fund and requested that the remaining funds be allocated towards building another pavilion at Central Park. Councilmember Hurt thanked Mr. Politte for his years of service to the community and his support of the TIF.

Larry Chapman, owner of the Stoneridge Building, updated City Council regarding the progress that has been made, toward resolving all previously-identified issues, regarding this building. City Attorney Rob Heggie stated that, in order to take action regarding the final review/approval of Bill No. 2561 (Stoneridge Office Building), which was previously tabled by City Council, a motion would be required to take Bill No. 2561 “off the table” and place it on the December 3 City Council meeting agenda. Councilmember Hurt asked Mr. Chapman if a date has been determined for the installation of the louver and Mr. Chapman responded that a date has not been determined. Councilmember Hurt stated that some of the signs are difficult to read and asked Mr. Chapman if any of the signs will be re-done. Mr. Chapman responded that he will meet with the doctors occupying the Stoneridge Building and MoDOT to attempt to resolve the signage problem.

Mike Doster, counsel for the petitioner, supported Bill No. 2586 (P.Z. 32-2007, MPD Investments, LLC) and commented that the proposed amendment, regarding curb cuts for this site, offered by Councilmember Geiger during the AGENDA REVIEW meeting, was acceptable to his client. Mr. Hurt asked Mr. Doster if there is a timetable on the redevelopment of the U.S. Turf building and Mr. Doster said there are no current plans to tear down the building. Councilmember Nation stated that the distance between the curb cuts is an issue and Mr. Doster said they would have to submit an amended site plan for

the City's review once the U.S. Turf building is redeveloped. Councilmember Erickson asked Mr. Doster if there are any studies on the increased traffic levels once the Long Road overpass is redeveloped and Mr. Doster responded that there were none to his knowledge.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee, made a motion, seconded by Councilmember Fults, to approve the Proposed 2008 City Council meeting schedule and to add the October 20 meeting, to be held at 12noon. Councilmember Hurt stated he is opposed to the noon meeting on October 20 because he would have difficulty attending a meeting at that time. Mr. Erickson thanked everyone involved with finding dates/times, for each City Council meeting, that do not preclude ANY resident of Chesterfield from attending, due to their religious beliefs. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger made a motion, seconded by Councilmember Durrell, to approve a list of proposed Fiscal Year 2007 budget adjustments. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger made a motion, seconded by Councilmember Fults, to approve Resolution No. 344 (approves merger of the Chesterfield IDA with the County IDA). Councilmember Fults asked Councilmember Geiger to clarify a statement Mr. Politte made about giving funds to build a pavilion in Central Park. City Administrator Herring responded that City Council has the discretion to determine how any leftover "CCDC" funds are spent. Upon CCDC's complete dissolution, all remaining "CCDC" funds would revert to the General Fund of the City. A voice vote was taken with an affirmative result and the motion was declared passed (Councilmember Hurt voted "No").

Councilmember Geiger reported that Bill No. 2593 (Authorizes pre-payment of Levee District Notes and execution of Escrow Agreement) and Bill No. 2594 (Authorizes dissolving of the Chesterfield Valley Tax Increment Financing District) will be read for the first time under the "Legislation" portion of the Agenda. Councilmember Geiger stated that TIF revenues are sufficient to take care of the expenditures and the TIF can be closed before the end of 2007, which is ten years ahead of schedule. City Administrator Herring reported that Staff is working on a press release for the December 3 City Council meeting which will fully explain the details of the TIF closure and also explain what an achievement it is to realize this ten years ahead of schedule. President Pro Tem Casey commended Mr. Mello, Special Legal Counsel, for his efforts to coordinate the process by which the TIF will be closed.

Councilmember Geiger made a motion, seconded by Councilmember Durrell, for adoption of the Community Improvement District (CID) policy. Councilmember Geiger

reported that in order for City Council to consider adoption of a Community Improvement District (CID), this proposed policy requires that 60% of the residents of the proposed CID area would need to vote in support of the proposal. State law only requires a 50% vote. Mr. Mello explained the differences between a Community Improvement District (CID) versus a Neighborhood Improvement District (NID). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Planning and Public Works Committee

Councilmember Connie Fults, Chairperson of the Planning and Public Works Committee, reported that Bill No. 2585 (Authorizes City Administrator to sign contract for the Planning and Design of the extension of Route 141) will be considered for adoption under the “Legislation – Planning Commission” portion of the Agenda. Councilmember Fults stated that if Bill No. 2585 is adopted, she will make a motion to transfer \$175,000 from Fund Reserves, to cover the City’s 1/3 share of the total expense.

Councilmember Fults next reported that Bill No. 2587 (Authorizes the City Administrator to execute a Surface Transportation Program Agreement with the Missouri Highways and Transportation Commission re: the reconstruction of Stablestone Dr./Green Trails Dr. North), Bill No. 2588 (Pertains to the acceptance of Public Streets within Tara Estates Subdivision), and Bill No. 2586 (P.Z. 32-2007, MPD Investments, LLC) will be read for the first time under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Fults made a motion, seconded by Councilmember Durrell, to approve the amended site development section plan for St. Luke's Hospital - Parcel B (Outpatient Services). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults next reported that Bill No. 2589 (P.Z. 29-2007 - Elbridge Payne Office Park (1281 Chesterfield Parkway East), Bill No. 2590 (P.Z. 42-2007 - Spirit Valley Business Park II (18730 Olive Street Road), and Bill No. 2591 (Landmarks Preservation Committee) will be read for the first time and that Bill No. 2592 (Approves Minor Subdivision Plat - Long Road Crossing, Lot "B") is scheduled for both first and second reading approval, under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Fults announced that the Committee meeting scheduled for Wednesday, November 21, has been cancelled and that the next meeting of this Committee is scheduled for Thursday, December 6, at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that a new liquor license has been requested by “Applebee’s Neighborhood Grill & Bar”, located at 17392 Chesterfield Airport Road, due to a change in owners, to sell all kinds of liquor by the drink and Sunday sales. This application has been reviewed and recommended for approval by both the Police Department and Department of Planning and Public Works. Councilmember Fults made

a motion, seconded by Councilmember Durrell, to approve the issuance of a new liquor license for “Applebee’s Neighborhood Grill & Bar.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that City Council approved a contract with Coca-Cola for calendar year 2004 and that original contract allows for an extension into calendar year 2008. Based upon a review of the information provided him by Darren Dunkle, Acting-Director of Parks and Recreation, Mr. Herring joined with him in recommending approval of the contract extension with Coca-Cola, into calendar year 2008.

Councilmember Erickson made a motion, seconded by Councilmember Nation, to extend the current contract with Coca-Cola, as the exclusive supplier of soft drinks at the Chesterfield Valley Athletic Complex, into calendar year 2008. Councilmember Erickson commended City Administrator Herring for his work with Allied Waste in securing recycling services, at no cost, at the CVAC. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that, as discussed with City Council at the November 3 “FY2008 Budget Workshop”, \$7,127,976 remains in bond proceeds resulting from the passage of Proposition "P", in November, 2004, which is allocated for capital projects. Based upon a review of the information provided him by Darren Dunkle, Acting-Director of Parks and Recreation, Mr. Herring joined with him in recommending award of a contract to Frederich Construction, Inc., in an amount not to exceed \$3,716,350, for construction of a Parks Maintenance/Administration Facility at the CVAC, with the entire amount paid for by bond proceeds, as noted above. Councilmember Geiger made a motion, seconded by Councilmember Durrell, to award a contract to Frederich Construction, Inc., in an amount not to exceed \$3,716,350. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Darren Dunkle, Acting-Director of Parks and Recreation, is recommending a "Change Order" to the current contract, between the City and HDR Engineering, Inc., in an amount not to exceed \$135,000. Mr. Herring stated that the \$135,000 will come from the \$598,929 in bond proceeds, allocated for engineering/design, within Central Park. Having reviewed this information, Mr. Herring joined with Mr. Dunkle in recommending City Council approve a Change Order regarding Professional Services – Central Park Master Plan. Councilmember Nation made a motion, seconded by Councilmember Durrell, to approve a Change Order regarding Professional Services – Central Park Master Plan. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

Councilmember Casey made a motion, seconded by Councilmember Geiger, to take Bill No. 2561 (P.Z. 18-2007, Stoneridge Office Building) off the table and place it on the December 3 City Council meeting agenda for a second reading approval and possible adoption, at that time. A voice vote was taken with an affirmative result and the motion was declared passed (Councilmember Hurt voted “No”).

LEGISLATION

BILL NO. 2585 APPROVES AN INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN ST. LOUIS COUNTY, THE CITY OF MARYLAND HEIGHTS AND THE CITY OF CHESTERFIELD REGARDING THE PLANNING AND DESIGN OF THE EXTENSION OF ROUTE 141. **(SECOND READING; PLANNING AND PUBLIC WORKS COMMITTEE)**

Councilmember Fults made a motion, seconded by Councilmember Geiger, for a second reading of Bill No. 2585. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2585 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2585 with the following results: Ayes – Durrell, Hurt, Casey, Erickson, Geiger, Nation and Fults. Nays – None. Whereupon President Pro Tem Casey declared Bill No. 2585 approved, passed it and it became **ORDINANCE NO. 2403**.

Councilmember Fults made a motion, seconded by Councilmember Durrell, to transfer \$175,000 from Fund Reserves for payment of this legislation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

BILL NO. 2587 AUTHORIZES THE CITY ADMINISTRATOR TO EXECUTE A SURFACE TRANSPORTATION PROGRAM AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION REGARDING THE RECONSTRUCTION OF STABLESTONE DR./GREEN TRAILS DRIVE NORTH **(FIRST READING; PLANNING AND PUBLIC WORKS COMMITTEE)**

Councilmember Fults made a motion, seconded by Councilmember Geiger, for the first reading of Bill No. 2587. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2587 was read for the first time.

BILL NO. 2588 PERTAINS TO THE ACCEPTANCE OF PUBLIC STREETS WITHIN TARA ESTATES SUBDIVISION IN THE CITY OF CHESTERFIELD **(FIRST READING; PLANNING AND PUBLIC WORKS COMMITTEE)**

Councilmember Fults made a motion, seconded by Councilmember Geiger, for the first reading of Bill No. 2588. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2588 was read for the first time.

BILL NO. 2593 AUTHORIZES THE PRE-PAYMENT OF THE OUTSTANDING PRINCIPAL OF THE \$13,464,651 MONARCH-CHESTERFIELD LEVEE DISTRICT IMPROVEMENT NOTE, SERIES 2002; AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT BY AND BETWEEN THE CITY, THE MONARCH-CHESTERFIELD LEVEE DISTRICT AND WELLS FARGO BANK, AS ESCROW AGENT; AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER SAME; AUTHORIZING WELLS FARGO BANK TO TRANSFER FUNDS FOR THE AFOREMENTIONED ESCROW DEPOSIT; AND AUTHORIZING CERTAIN FURTHER ACTIONS. **(FIRST READING; FINANCE & ADMINISTRATION COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Geiger made a motion, seconded by Councilmember Durrell, for the first reading of Bill No. 2593. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2593 was read for the first time.

BILL NO. 2594 AN ORDINANCE DISSOLVING THE CHESTERFIELD VALLEY AREA TAX INCREMENT FINANCING DISTRICT, THE SPECIAL ALLOCATION FUND AND THE TAX INCREMENT ALLOCATION FINANCING ASSOCIATED THEREWITH; ALLOCATING AND AUTHORIZING THE TRANSFER OF MONEYS IN SAID SPECIAL ALLOCATION FUND TO THE ST. LOUIS COUNTY COLLECTOR FOR DISTRIBUTION IN ACCORDANCE WITH THE TIF ACT; AND AUTHORIZING CERTAIN FURTHER ACTIONS. **(FIRST READING; FINANCE & ADMINISTRATION COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Geiger made a motion, seconded by Councilmember Durrell, for the first reading of Bill No. 2594. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2594 was read for the first time.

LEGISLATION - PLANNING COMMISSION

BILL NO. 2586 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A "C-8" PLANNED COMMERCIAL DISTRICT TO A "PI" PLANNED INDUSTRIAL DISTRICT FOR AN 8.3 ACRE TRACT OF LAND LOCATED NORTH OF NORTH OUTER 40 AND WEST OF BOONE'S CROSSING, AT 17U520148 AND 17U520159 (P.Z. 32-2007, MPD INVESTMENTS, LLC.) **(FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND PUBLIC WORKS COMMITTEE**

**RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS
DETAILED IN THE ATTACHED “GREEN SHEET”)**

Councilmember Fults made a motion, seconded by Councilmember Durrell, for the first reading of Bill No. 2586. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2586 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Geiger, to accept Amendment 1 on the “Green Sheet”, Section 1, Permitted Uses, “r. Warehousing, storage, or wholesaling of manufactured commodities (indoor only).” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt made a motion, seconded by Councilmember Erickson, to accept Amendment 2 on the “Green Sheet”, Section 1, Specific Criteria, 1. Access/Access Management to add the following language: “5. The development shall be permitted only two (2) access points off North Outer 40 Road and both shall provide cross access to the adjacent properties.” President Pro Tem Casey called for a roll call vote for the approval of Amendment 2 on the “Green Sheet”, with the following results: Ayes – Geiger, Hurt, Durrell, and Erickson. Nays – Nation, Fults and Casey. President Pro Tem Casey declared the motion passed.

Councilmember Geiger made a motion, seconded by Councilmember Durrell, to amend “Amendment 2”, as previously approved, to “allow for the three access points to remain in place until such time that the existing building at 17485 North Outer Forty is demolished and after such building is removed, no more than two access points will be permitted.” Discussion ensued regarding the issue of the rationale on the number of access points and its impact on traffic and safety. A roll call vote was taken for the approval of the motion to amend “Amendment 2”, with the following results: Ayes – Durrell, Erickson, Nation, Fults, Geiger and Casey. Nays – Hurt. President Pro Tem Casey declared the motion passed.

Councilmember Erickson made a motion, seconded by Councilmember Durrell, to approve the “Blue Sheet” amendment to allow recycling opportunities. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

BILL NO. 2589 REPEALS THE ST. LOUIS COUNTY ORDINANCE NUMBER 8,800 TO ALLOW FOR AN AMENDMENT TO THE INTERNAL PARKING SETBACK, FOR A 14 ACRE TRACT OF LAND ZONED “C-8” PLANNED COMMERCIAL DISTRICT LOCATED AT THE INTERSECTION OF CHESTERFIELD PARKWAY EAST AND ELBRIDGE PAYNE RD. (1281 CHESTERFIELD PARKWAY EAST) (FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Fults made a motion, seconded by Councilmember Durrell, for the first reading of Bill No. 2589. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2589 was read for the first time.

BILL NO. 2590 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “NU” NON URBAN DISTRICT TO A “PI” PLANNED INDUSTRIAL DISTRICT FOR A 27.4-ACRE TRACT OF LAND LOCATED SOUTH OF OLIVE STREET ROAD AND WEST OF WARDENBURG [P.Z. 42-2007 SPIRIT VALLEY BUSINESS PARK II (18730 OLIVE STREET ROAD)] **(FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE ATTACHED “GREEN SHEET”)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2590. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2590 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Durrell, to accept Amendment 1 and Amendment 2 on the “Green Sheet.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

BILL NO. 2591 REPEALS THE CITY OF CHESTERFIELD ORDINANCE 1719 AND REPLACES IT WITH A NEW ORDINANCE WITH LANGUAGE RELATIVE TO THE MEMBERSHIP OF THE LANDMARKS PRESERVATION COMMITTEE AND REFERENCES TO CITY OF CHESTERFIELD PERSONNEL AND DEPARTMENTS **(FIRST READING – PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Durrell, for the first reading of Bill No. 2591. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2591 was read for the first time.

BILL NO. 2592 PROVIDES FOR THE APPROVAL OF A MINOR SUBDIVISION FOR LOT B OF LONG ROAD CROSSING SUBDIVISION, AN 8.999 ACRE TRACT OF LAND ZONED “PC” PLANNED COMMERCIAL DISTRICT, LOCATED WEST OF THE INTERSECTION OF LONG ROAD AND CHESTERFIELD AIRPORT ROAD **(FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Durrell, for the first reading of Bill No. 2592. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2592 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Geiger, for the second reading of Bill No. 2592. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2592 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2592 with the following results: Ayes – Casey, Hurt, Durrell, Erickson, Nation, Geiger and Fults. Nays – None. Whereupon President Pro Tem Casey declared Bill No. 2592 approved, passed it and it became **ORDINANCE NO. 2404**.

ADJOURNMENT

President Pro Tem Mike Casey adjourned the meeting at 8:17 p.m.

President Pro Tem Mike Casey

ATTEST:

Judith A. Naggiar, City Clerk