



RECORD OF PROCEEDING

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

OCTOBER 20, 2008

The meeting was called to order at 12:00 noon.

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

A roll call was taken with the following results:

PRESENT

Mayor John Nations
Councilmember Barry Flachsbart
Councilmember Gene Schenberg
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 October 6, 2008, City Council meeting were submitted for approval. Councilmember Erickson made a motion, seconded by Councilmember Schenberg, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

COMMUNICATIONS AND PETITIONS

Marci Davis, who resides at 73 River Valley Drive, spoke in opposition to Bill No. 2668 (Prohibits non-domesticated animals in residential neighborhoods) and stated she felt that keeping chickens on residential lots is not a problem if the owners take care of the chickens but she felt that roosters should not be kept. After much discussion, Councilmember Flachsbart asked City Attorney Rob Heggie if he could draft an amendment to Bill No. 2668 to except chickens from the definition of “Farm Animal.” Mr. Heggie said he could prepare an amendment to add the following to the definition of a “Farm Animal”: “except five or less chicken hens” and that “all hens must be kept at least twenty-five (25) feet away from the property line and not in the front yard.” Mayor Nations expressed his appreciation to Ms. Davis for her input on this proposed legislation.

APPOINTMENT

Mayor Nations nominated Mr. Barry Silver, 14372 Markham Lane (Ward I), to serve as a member of the Finance and Administration Citizens Advisory Committee. Councilmember Schenberg made a motion, seconded by Councilmember Flachsbart, to approve this appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Silver’s three-year term will expire June 15, 2011. Mayor Nations acknowledged Mr. Silver in attendance at today’s meeting.

INTRODUCTORY REMARKS

Mayor Nations announced that the next meeting of City Council has been scheduled for Monday, November 3, at 7 p.m.

COUNCIL COMMITTEE REPORTS

Planning and Public Works Committee

Councilmember Dan Hurt, Chairperson of the Planning/Public Works Committee, reported that Councilmember Flachsbart will offer an amendment, proposed by the petitioner’s attorney, to Bill No. 2662 [P.Z. 14-2008, Four Seasons Plaza, Lot 2 (Caplaco Seven, Inc. & Dierbergs Four Seasons, Inc.)]. Councilmember Hurt next reported that Bill No. 2670 [P.Z. 19-2008, Spirit Trade Center, Plat 2, Lot 15 (Joan Lee, LLC)], Bill No. 2671 [P.Z. 20-2008, St. Louis Family Church (101 and 139 Center Drive - 17501 Edison Avenue)], and Bill No. 2672 [P.Z. 21-2008, Walgreens Chesterfield (Chesterfield Parkway LLC)] will be considered for adoption under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Hurt next reported that Bill No. 2678 (Subdivision Plat of Cheshed Shel Emeth Cemetery) is scheduled for both first and second reading approval, under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for Thursday, October 23, at 5:30 p.m.

Public Health & Safety Committee

Councilmember Bob Nation, Chairperson of the Public Health & Safety Committee, reported that Bill No. 2668 (Prohibits non-domesticated animals in residential neighborhoods) and Bill No. 2669 (Prohibits possession of theft-detection shielding devices) will be considered for adoption under the “Legislation” portion of the Agenda.

Councilmember Hurt suggested that the word “water” be struck from Bill No. 2668, Section 2. Councilmember Hurt asked if it is legal for a resident to keep a pet ferret or flying squirrel in the house and commented that the focus of the City should only be on matters that affect public health and/or issues affecting the public peace. Mr. Heggie noted that animals kept in cages and commonly sold in pet stores would not be affected by this proposed ordinance. Councilmember Fults asked Mr. Heggie to confirm that keeping of “wild animals” is prohibited on all residences and Mr. Heggie stated that is correct. City Administrator Herring stated that he received phone calls that morning from a veterinarian and a retail pet shop inquiring if this ordinance would preclude the treating of any animals besides dogs and cats. Mr. Herring assured the callers that they would be able to treat any animals brought to them and that they would not be restricted from selling any animals. Mr. Herring further stated that City Attorney Heggie contacted a large number of cities in St. Louis County in preparation of this ordinance and that this proposed City ordinance actually mirrors ordinances already in place in those cities. In fact, the City’s proposed ordinance is actually more lenient in that it would allow the keeping of “non-domesticated” animals on lots of 1-acre or larger.

Councilmember Nation announced that the next meeting of this Committee has been scheduled for Monday, December 1, at 7:30 a.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that bids were recently sought, from qualified engineering firms, for the design of a MoDOT-required road project, to widen/improve North Outer Forty, along the frontage of the Chesterfield Valley Athletic Complex (CVAC). Mr. Herring noted that this project would be fully-funded with TIF proceeds set aside for this purpose. Based upon a review of the information provided by Director of Planning/Public Works Mike Geisel, Mr. Herring joined with him in recommending award of a contract to URS Corporation, in an amount not to exceed \$120,000, to be fully-funded by TIF proceeds. Councilmember Flachsbart made a motion, seconded by Councilmember Fults, to award a contract to URS Corporation, in an amount not to exceed \$120,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

Councilmember Erickson announced that the Finance & Administration Committee will meet on Monday, October 27, at 5:30 p.m. Councilmember Erickson proposed that the F&A Committee-of-the-Whole meeting take place after the conclusion of the November 17 City Council meeting to review the Proposed 2009 Budget. Mayor Nations asked the Councilmembers if they would be available to meet on November 17 and asked if they had any objections to meet at this time; the Councilmembers did not object. Councilmember Erickson suggested that the “Budget Workshop” take place before the City Council meeting.

LEGISLATION

BILL NO. 2668 AMENDS CHAPTER 5, SECTION 2 OF THE ORDINANCES OF THE CITY OF CHESTERFIELD AS IT RELATES TO ANIMAL CONTROL BY ADDING PROVISIONS THERETO (SECOND READING – PUBLIC HEALTH & SAFETY COMMITTEE RECOMMENDS APPROVAL)

Councilmember Nation made a motion, seconded by Councilmember Geiger, for a second reading of Bill No. 2668. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2668 was read for the second time.

Councilmember Flachsbart made a motion, seconded by Councilmember Schenberg, to amend Bill No. 2668, Section 1, Definitions (a) to read as follows: “*Farm Animal*. For the purposes of this statute, “farm animal” means an animal that would normally be located on a farm and includes, but is not limited to, horses, donkeys, mules, cows, pigs (including pot-bellied pigs), chickens except for five (5) or less chicken hens; all hens must be kept at least 25 feet from the property line and not in the front yard, and other fowl and poultry.” Councilmember Fults stated that she feels there could be a problem if these animals are allowed on smaller lots and Councilmember Geiger stated that he agreed with Councilmember Fults’ comment. A roll call vote was taken for the passage and approval of the motion to amend Bill No. 2668 with the following results: Ayes – Erickson, Flachsbart, Nation, Schenberg and Hurt. Nays – Fults, Geiger and Casey. Whereupon Mayor Nations declared the motion to amend Bill No. 2668 passed.

Councilmember Schenberg made a motion, seconded by Councilmember Flachsbart, to further amend Bill No. 2668, Section 2., to strike the word “water” from the third line and to read as follows: “Except for dogs, cats and non-domestic animals which are otherwise provided for in this Code, and except for traditional household pets such as caged birds and other similar caged animals and aquarium animals, no person shall keep, raise, harbor, or offer for sale any farm animal or wild animal, including but not limited to cattle, cow, bull, hog, horse, donkey, sheep, pig, goat, chicken, goose, duck, turkey, skunk, or raccoon with the city, unless such animal is kept in an enclosed area on a tract of land on property of at least one (1) acre or more in size.” and to strike the word “and” in the last line and add “rodents and reptiles” to Section 1, Definitions (b) to read as follows: “*Wild Animal*. For the purposes of this statute, “wild animal” means any living

member of the animal kingdom, including those born or raised in captivity, except the following: domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots, or margays), farm animals, rodents, captive-bred species of common, caged birds, fish, rodents and reptiles.” A roll call vote was taken for the passage and approval of the motion to further amend Bill No. 2668 with the following results: Ayes – Casey, Flachsbart, Erickson, Geiger, Hurt, Fults, Schenberg and Nation. Nays – None. Whereupon Mayor Nations declared the motion to amend Bill No. 2668 passed.

Councilmember Fults stated that she feels that the proposed amendments are a “knee jerk reaction” in response to one speaker and stated she had concerns about keeping chickens on smaller lots. Councilmember Fults said she is inclined to “hold” Bill No. 2668 at this point rather than approve amendments that are going to affect a lot of subdivisions. Councilmember Geiger stated that he agreed with Councilmember Fults’ comments and made a motion, seconded by Councilmember Erickson, to “hold” Bill No. 2668 and refer it back to the Public Health & Safety Committee for further consideration. A roll call vote was taken for the passage and approval of the motion to “hold” Bill No. 2668 and refer it back to the Public Health & Safety Committee with the following results: Ayes – Geiger, Hurt, Fults, Casey and Erickson. Nays – Nation, Flachsbart and Schenberg. Whereupon Mayor Nations declared the motion to “hold” Bill No. 2668 and refer it back to the Public Health & Safety Committee passed.

**BILL NO. 2669 ADOPTS NEW SECTION 21-67 OF THE CODE OF
ORDINANCES OF THE CITY OF CHESTERFIELD, MISSOURI,
RELATING TO POSSESSION OF PROHIBITED THEFT
DEVICES. (SECOND READING – PUBLIC HEALTH &
SAFETY COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Nation made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2669. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2669 was read for the second time.

A roll call vote was taken for the passage and approval of Bill No. 2669 with the following results: Ayes – Hurt, Schenberg, Erickson, Fults, Flachsbart, Nation, Casey and Geiger. Nays – None. Whereupon Mayor Nations declared Bill No. 2669 approved, passed it and it became **ORDINANCE NO. 2491**.

LEGISLATION – PLANNING COMMISSION

**BILL NO. 2662 AMENDS THE ZONING ORDINANCE OF THE CITY OF
CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “C-
8” PLANNED COMMERCIAL DISTRICT TO A “PC” PLANNED
COMMERCIAL DISTRICT FOR AN 8.25 ACRE TRACT OF
LAND LOCATED SOUTHWEST OF THE INTERSECTION OF
OLIVE BOULEVARD AND WOODS MILL ROAD [P.Z. 14-2008
FOUR SEASONS PLAZA, LOT 2 (CAPLACO SEVEN, INC. &**

**DIERBERGS FOUR SEASONS, INC.)] (SECOND READING;
PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2662. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2662 was read for the second time.

Councilmember Flachsbart made a motion, seconded by Councilmember Schenberg, to amend Bill No. 2662 to accept the three amendments on the Attachment “A” which were provided by the attorney for the petitioner. A voice vote was taken with a unanimous affirmative result and the motion to amend was declared passed.

A roll call vote was taken for the passage and approval of Bill No. 2662, as amended, with the following results: Ayes – Geiger, Erickson, Schenberg, Nation, Hurt, Flachsbart, Casey and Fults. Nays – None. Whereupon Mayor Nations declared Bill No. 2662, as amended, approved, passed it and it became **ORDINANCE NO. 2492**.

BILL NO. 2670 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “M3” PLANNED INDUSTRIAL DISTRICT TO A “PI” PLANNED INDUSTRIAL DISTRICT FOR A 3.122 ACRE TRACT OF LAND LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF CHESTERFIELD AIRPORT ROAD AND TRADE CENTER BOULEVARD (P.Z. 19-2008 SPIRIT TRADE CENTER PLAT 2 LOT 15 (JOAN LEE LLC)) **(SECOND READING; PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2670. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2670 was read for the second time.

A roll call vote was taken for the passage and approval of Bill No. 2670 with the following results: Ayes – Geiger, Fults, Erickson, Schenberg, Hurt, Nation and Casey. Nays – Flachsbart. Whereupon Mayor Nations declared Bill No. 2670 approved, passed it and it became **ORDINANCE NO. 2493**.

BILL NO. 2671 REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 2092 TO ALLOW FOR AN AMENDMENT TO THE MAXIMUM GROSS FLOOR AREA AND BUILDING HEIGHT REQUIREMENTS, FOR A 16.17 ACRE TRACT OF LAND ZONED “PC” PLANNED COMMERCIAL DISTRICT LOCATED AT THE SOUTHWEST CORNER OF CHESTERFIELD AIRPORT RD. AND VALLEY CENTER DR. (P.Z. 20-2008 ST. LOUIS FAMILY CHURCH, 101 & 139 VALLEY CENTER DR.-

17501 EDISON AVE.) (SECOND READING; PLANNING
COMMISSION RECOMMENDS APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2671. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2671 was read for the second time.

A roll call vote was taken for the passage and approval of Bill No. 2671 with the following results: Ayes – Flachsbart, Casey, Nation, Geiger, Hurt, Fults, Erickson and Schenberg. Nays – None. Whereupon Mayor Nations declared Bill No. 2671 approved, passed it and it became **ORDINANCE NO. 2494.**

BILL NO. 2672 REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 1863 TO ALLOW FOR AN AMENDMENT TO THE ALLOWED USES FOR A 2.08-ACRE TRACT OF LAND ZONED "PC" PLANNED COMMERCIAL DISTRICT LOCATED ON CHESTERFIELD PARKWAY EAST BETWEEN SWINGLEY RIDGE ROAD AND OLIVE BOULEVARD. (P.Z. 21-2008 WALGREENS CHESTERFIELD - CHESTERFIELD PARKWAY, L.L.C.) (SECOND READING; PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2672. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2672 was read for the second time.

A roll call vote was taken for the passage and approval of Bill No. 2672 with the following results: Ayes – Schenberg, Flachsbart, Casey, Fults, Erickson, Geiger, Nation and Hurt. Nays – None. Whereupon Mayor Nations declared Bill No. 2672 approved, passed it and it became **ORDINANCE NO. 2495.**

BILL NO. 2678 APPROVES A MINOR SUBDIVISION PLAT OF A PART OF SECTION 6 "A" AND SECTION 8 OF CHESED SHEL EMETH CEMETERY PLAT TWO RECORDED IN PLAT BOOK 346, PAGES 270 THROUGH 273 OF THE ST. LOUIS COUNTY RECORDS, ALSO BEING A TRACT OF LAND LOCATED IN U.S. SURVEYS 415 AND 1911, TOWNSHIP 45 NORTH, RANGE 4 EAST, CITY OF CHESTERFIELD, SAINT LOUIS COUNTY, MISSOURI. (FIRST AND SECOND READINGS; PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2678. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2678 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2678. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2678 was read for the second time.

A roll call vote was taken for the passage and approval of Bill No. 2678 with the following results: Ayes – Schenberg, Erickson, Flachsbart, Casey, Geiger, Nation, Fults and Hurt. Nays – None. Whereupon Mayor Nations declared Bill No. 2678 approved, passed it and it became **ORDINANCE NO. 2496**.

OTHER

Mayor Nations wished a “Happy Birthday” to Councilmember Geiger on October 22 and to City Clerk Judy Naggiaar on October 26.

ADJOURNMENT

Mayor Nations adjourned the meeting at 12:52 p.m.

Mayor John Nations

ATTEST:

Judith A. Naggiaar, City Clerk