



RECORD OF PROCEEDING

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

October 15, 2007

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

Three members of Boy Scout Troop #597 from Ascension School led everyone in the Pledge of Allegiance. Mayor Nations thanked the Scouts, the students from Ascension School and their parents for attending the City Council meeting.

Mayor Nations followed with a moment of silent prayer.

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 October 1, 2007, City Council meeting were submitted for approval. Councilmember Nation made a motion, seconded by Councilmember Casey, to approve the 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 the next meeting of City Council has been scheduled for Monday, November 5, at 7 p.m.

Mayor Nations recognized Former Councilmember Mary Brown, who was in the audience.

COMMUNICATIONS AND PETITIONS

Mayor Nations recognized Mr. Ed Hemmann from the Chesterfield Baseball and Softball Association (CBSA). He provided an overview of the history of the CBSA and then discussed the CBSA's positive experiences at the Chesterfield Valley Athletic Complex (CVAC), during this past baseball and softball season. Mr. Hemmann thanked the Mayor and Councilmembers for their support of the CBSA. He then introduced Bridget Carter who thanked the Mayor and Councilmembers for providing a nice place to play sports for the kids in Chesterfield and the surrounding areas. Representatives from CBSA presented the Mayor, Councilmembers, City Administrator and City Attorney with an official CBSA shirt. Mayor Nations expressed his thanks to Mr. Hemmann and the leaders of the CBSA for the organization's commitment and dedication to the City and the community. Councilmember Hurt commended the CBSA for the great job they have done and are continuing to do.

Mayor Nations next acknowledged the attendance of Representative Neal St. Onge.

Stacey Morse, Executive Director for Chesterfield Arts, and Maurice Hirsch, Chairperson of Chesterfield Arts, expressed support for the proposed "Arts Master Plan." Ms. Morse introduced Emily Blumenfeld of Via Partnership who, if approved by City Council, will be undertaking this project. Ms. Morse and Mr. Hirsch thanked the Mayor, Councilmembers Geiger and Casey and City Administrator Mike Herring for their assistance, in working to develop the final recommendation for an "Arts Master Plan", which was recently endorsed by the members of the Public Works/Parks Committee. Mayor Nations thanked the members of Chesterfield Arts for all they do in the community.

Paul Ground, counsel for the petitioner, expressed his clients' concerns on Bill No. 2574 (P.Z. 29-2006, Wildhorse Bluffs). Mr. Ground stated his clients would like to amend the added language on Bill No. 2574, Attachment "A", Page 3, Section 1, H, 2. Mr. Ground requested that the word "residential" be inserted between the words "adjacent" and "parcels." Mr. Ground next stated that his clients would like to request the ability to require anyone who would get cross access easement to pay their share of road maintenance costs.

Jacqueline Lewis, who resides in Chesterfield, expressed her interest in the City developing a skateboard park. Mayor Nations stated that the City has been considering the possibility of a skateboard park since the passage of Proposition "P" in 2004 and will

continue to discuss this. Councilmember Fults stated that about six years ago a private developer was interested in developing a skateboard park but that deal did not work out. Councilmember Hurt stated that the development of a skateboard park is on the “wish list” for future consideration.

APPOINTMENTS

Mayor Nations nominated Mr. D. Todd Williams, 1517 Sail Island Ct., for appointment as a member of the Landmark Preservation Commission. Councilmember Hurt made a motion, seconded by Councilmember Casey, to approve this appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Williams’ three-year term will expire October 15, 2010.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee, reported that the Finance and Administration “Committee-of-the-Whole” will meet on November 3, at 9 a.m. to discuss the Proposed Fiscal Year 2008 Budget.

Public Works/Parks Committee

Councilmember Mike Casey, Chairperson of the Public Works/Parks Committee, reported that, in November, 2006, the Public Works/Parks Committee had directed Stacey Morse, Executive Director of Chesterfield Arts and City Administrator Mike Herring to develop a recommendation regarding the preparation of an “Arts Master Plan.” Councilmember Casey stated that two potential teams were interviewed and Via Partnership is the firm recommended by the Public Works/Parks Committee to work with Chesterfield Arts to develop the “Arts Master Plan.” Councilmember Casey made a motion, seconded by Councilmember Flachsart, to award a contract to Via Partnership for the preparation of an “Arts Master Plan” and to authorize use of \$35,000 from General Fund Reserves to fund this project. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mayor Nations next provided an explanation of how business is conducted at a City Council meeting to the Scouts in attendance.

Planning and Zoning Committee

Councilmember Connie Fults, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2574 (P.Z. 29-2006, Wildhorse Bluffs (Wildhorse Partners, LLC), Bill No. 2575 (P.Z. 31-2007, Terra Corporate Park), Bill No. 2576 (P.Z. 39-2007, Amato House (405 Griffith Lane), Bill No. 2577 (P.Z. 34-2007, Blue Ocean (Johnny Y Properties, LLC), will be considered for adoption under the “Legislation – Planning Commission” portion of the Agenda. Councilmember Fults next reported that Bill No.

2579 (P.Z. 27-2007, 1701 Wilson (Chris Barry), will be read for the first time and that Bill No. 2580 (Estates at Pacland Place), Bill No. 2581 (Chesterfield Commons East), Bill No. 2582 (Resubdivision of Lot 270 of Trails West), Bill No. 2583 (Mill Ridge Villas) are scheduled for both first and second reading approval, under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for Thursday, October 18 at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that a liquor license request has been submitted by "Tsunami", to be located at 280 Long Road, to sell all kinds of liquor, by the drink, and Sunday sales. This application has been reviewed and recommended for approval by both the Departments of Planning/Public Works and Police. Councilmember Casey made a motion, seconded by Councilmember Nation, to approve issuance of a liquor license to “Tsunami.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

Councilmember Mike Casey, President Pro Tem of City Council, reported that due to the recent changes in the City’s organizational structure, he was recommending the renaming of several City Council Committees and the re-positioning of several Citizen Advisory Committees. Councilmember Casey summarized the specific changes. (see attached) Councilmember Casey made a motion, seconded by Councilmember Geiger, to approve the proposed plan for restructuring/renaming the City Council Committees and Citizen Advisory Committees, with one change: the CCE will remain under the new “Parks and Recreation Committee” of City Council, rather than moving to the PH&S Committee. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mayor Nations thanked Councilmember Casey for his work on this project. Councilmember Casey thanked City Administrator Herring for his work on the re-organization of City departments.

Councilmember Durrell, Council Liaison to the Landmark Preservation Commission, made a motion, seconded by Councilmember Flachsbar, to amend the Fiscal Year 2007 Budget by transferring \$1,000 from Fund Reserves for the Division of Planning and Community Services, under the Department of Planning and Public Works, to fund travel and training for citizens/committee members of the Landmark Preservation Commission. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mayor Nations thanked Councilmember Durrell for her work as Council Liaison to the Landmark Preservation Commission.

LEGISLATION

LEGISLATION – PLANNING COMMISSION

BILL NO. 2574 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “NU” NON-URBAN DISTRICT TO AN “E-ONE ACRE” ESTATE DISTRICT WITH A “WH” WILD HORSE CREEK ROAD OVERLAY FOR A 4.9 ACRE TRACT OF LAND LOCATED NORTH OF WILD HORSE CREEK ROAD AND WEST OF LONG ROAD (P.Z. 29-2006 WILDHORSE BLUFFS {WILDHORSE PARTNERS, LLC}) **(SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL) (P&Z COMMITTEE RECOMMENDS APPROVAL, AS AMENDED)**

Councilmember Fults made a motion, seconded by Councilmember Geiger, for a second reading of Bill No. 2574. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2574 was read for the second time. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to amend the Attachment “A”, Section 1, H, 2 on page 3, by inserting the word “residential” between the words “adjacent” and “parcels.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A roll call vote was taken for passage and approval of Bill No. 2574, as amended, with the following results: Ayes – Durrell, Nation, Fults, Erickson, Casey, Flachsbart, Hurt and Geiger. Nays – None. Whereupon, Mayor Nations declared Bill No. 2574 approved, passed it and it became **ORDINANCE NO. 2394.**

BILL NO. 2575 REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 2245 TO ALLOW FOR AN AMENDMENT TO THE ALLOWABLE BUILDING SQUARE FOOTAGE REQUIREMENTS FOR A 24.997 ACRE TRACT OF LAND ZONED “PI” PLANNED INDUSTRIAL DISTRICT, LOCATED NORTH OF THE INTERSECTION OF SPIRIT DRIVE NORTH AND CHESTERFIELD AIRPORT ROAD, SOUTH OF I-64 US-40/61, AT THE INTERSECTION OF LONG ROAD CROSSING DRIVE AND TRADE CENTER BOULEVARD (P.Z. 31-2007 TERRA CORPORATE PARK) **(SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL) (P&Z COMMITTEE RECOMMENDS APPROVAL, AS AMENDED)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2575. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2575 was read for the second time. Councilmember Hurt asked City Attorney Heggie to confirm that the City has automatic

“power of review” and City Attorney Heggie confirmed this. A roll call vote was taken for passage and approval of Bill No. 2575 with the following results: Ayes – Fults, Durrell, Hurt, Erickson, Geiger, Casey and Nation. Nays – Flachsbart. Whereupon, Mayor Nations declared Bill No. 2575 approved, passed it and it became **ORDINANCE NO. 2395**.

BILL NO. 2576 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO “E-ONE ACRE” ESTATE DISTRICT FOR A 2.638 ACRE TRACT OF LAND LOCATED ¼ MILE SOUTHWEST OF THE INTERSECTION OF WILD HORSE CREEK ROAD AND WILSON ROAD (P.Z. 39-2007 AMATO HOUSE – 405 GRIFFITH LANE) (**SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2576. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2576 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2576, with the following results: Ayes – Erickson, Nation, Fults, Geiger, Casey, Durrell, Flachsbart and Hurt. Nays – None. Whereupon, Mayor Nations declared Bill No. 2576 approved, passed it and it became **ORDINANCE NO. 2396**.

BILL NO. 2577 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “M3” PLANNED INDUSTRIAL DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 2.7-ACRE TRACT OF LAND LOCATED SOUTH OF US HIGHWAY 40&61, EAST OF CHESTERFIELD COMMONS DRIVE AT 17T230123, 17T230112 (P.Z. 34-2007 BLUE OCEAN {JOHNNY Y. PROPERTIES}) (**SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL**) (**P&Z COMMITTEE RECOMMENDS APPROVAL, AS AMENDED**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2577. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2577 was read for the second time. Councilmember Hurt made a motion, seconded by Councilmember Fults, to amend Bill No. 2577 to insert the word “Chesterfield” before the words “Department of Public Works” on the Attachment “A”, Section I, page. 4. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A roll call vote was taken for passage and approval of Bill No. 2577, as amended, with the following results: Ayes – Erickson, Flachsbart, Geiger, Nation, Durrell, Casey, Fults and Hurt. Nays – None. Whereupon, Mayor Nations declared Bill No. 2577 approved, passed it and it became **ORDINANCE NO. 2397**.

BILL NO. 2579 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO AN “E ONE ACRE” ESTATE RESIDENCE DISTRICT FOR A 3.0 ACRE TRACT OF LAND LOCATED ON THE WEST SIDE OF WILSON ROAD, DIRECTLY NORTH OF WILSON BLUFFS (P.Z. 27-2007 1701 WILSON/CHRIS BARRY) **(FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2579. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2579 was read for the first time.

BILL NO. 2580 APPROVES A BOUNDARY ADJUSTMENT PLAT FOR A TRACT OF LAND BEING PART OF LOTS 1 AND 2 OF THE ESTATES OF PACLAND PLACE SUBDIVISION IN BEING PART OF FRACTIONAL SECTION 7, TOWNSHIP 45 NORTH, RANGE 3 EAST, CITY OF CHESTERFIELD, SAINT LOUIS COUNTY, MISSOURI **(FIRST AND SECOND READINGS – DEPARTMENT OF PLANNING/PUBLIC WORKS RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2580. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2580 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2580. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2580 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2580, with the following results: Ayes – Hurt, Fults, Flachsbar, Geiger, Durrell, Casey, Nation and Erickson. Nays – None. Whereupon, Mayor Nations declared Bill No. 2580 approved, passed it and it became **ORDINANCE NO. 2398.**

BILL NO. 2581 VACATES THE UTILITY EASEMENT ON LOTS 1 & 11 AT CHESTERFIELD COMMONS EAST, LOCATED IN U.S. SURVEY 2031 IN TOWNSHIP 45 NORTH, RANGE 4 EAST, ST. LOUIS COUNTY, MISSOURI **(FIRST AND SECOND READINGS – DEPARTMENT OF PLANNING/PUBLIC WORKS RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2581. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2581 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2581. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2581 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2581, with the following results: Ayes – Durrell, Casey, Nation, Erickson, Hurt, Fults, Geiger and Flachsbart. Nays – None. Whereupon, Mayor Nations declared Bill No. 2581 approved, passed it and it became **ORDINANCE NO. 2399**.

BILL NO. 2582 PROVIDES FOR THE APPROVAL OF A LOT SPLIT FOR A TRACT OF LAND BEING LOT A OF RESUBDIVISION OF LOT 270 OF TRAILS WEST SECTION OF GREEN TRAILS SUBDIVISION, IN U.S. SURVEY 1911, TOWNSHIP 45 NORTH, RANGE 4 EAST, CITY OF CHESTERFIELD, SAINT LOUIS COUNTY, MISSOURI, FOR A 1.81 ACRE TRACT OF LAND ZONED “C-8” PLANNED COMMERCIAL DISTRICT (SUBDIVISION OF LOT A OF RESUBDIVISION OF LOT 270 OF TRAILS WEST SECTION OF GREEN TRAILS SUBDIVISION) (**FIRST AND SECOND READINGS – DEPARTMENT OF PLANNING/PUBLIC WORKS RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2582. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2582 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2582. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2582 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2582, with the following results: Ayes – Fults, Hurt, Geiger, Flachsbart, Casey, Durrell, Nation and Erickson. Nays – None. Whereupon, Mayor Nations declared Bill No. 2582 approved, passed it and it became **ORDINANCE NO. 2400**.

BILL NO. 2583 PROVIDES FOR THE APPROVAL OF THE RECORD PLAT AND ESCROW AGREEMENTS FOR MILL RIDGE VILLAS SUBDIVISION, A 19.925 ACRE TRACT OF LAND ZONED “FPR-2” FLOODPLAIN RESIDENCE DISTRICT WITH A “PEU” PLANNED ENVIRONMENTAL UNIT, LOCATED WEST OF THE INTERSECTION OF AMIOT AND CREVE COEUR MILL ROAD (**FIRST AND SECOND READINGS – DEPARTMENT OF PLANNING/PUBLIC WORKS RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2583. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2583 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2583. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2583 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2583, with the following results: Ayes – Hurt, Fults, Casey, Geiger, Erickson, Durrell, Flachsbart and Nation. Nays – None. Whereupon, Mayor Nations declared Bill No. 2583 approved, passed it and it became **ORDINANCE NO. 2401**.

Mayor Nations wished Happy Birthday to Councilmember Fults on October 19, Councilmember Geiger on October 22, and City Clerk Judy Naggia on October 26.

Councilmember Nation next reported that a constituent inquired about the increase on assessed valuation on real estate property tax by St. Louis County. Councilmember Nation noted that his property tax bill had increased approximately 15%, this year. He then asked if the City Administrator and the Department of Finance and Administration could obtain information regarding the process used by each taxing jurisdiction, to determine its tax rate, this year. Mayor Nations noted that groups of citizens had formed, in various parts of the County, to address this issue/concern, with County Staff. He also commented that each of the taxing jurisdictions must comply with State law, in setting their tax rate, each year. Councilmember Flachsbart suggested that, if this problem is as wide-spread as it appears, perhaps the media should get involved. Mayor Nations noted that there is a distinction between concern by citizens regarding tax rates and an official position of our City government. Mayor Nations suggested that this was not a matter for our City government to address. Mayor Nations thanked Councilmember Nation for his input.

Mayor Nations again expressed his appreciation for the Scouts who attended tonight's meeting.

ADJOURNMENT

Mayor Nations adjourned the meeting at 8:12 p.m.

Mayor John Nations

ATTEST:

Judith A. Naggia, City Clerk