



RECORD OF PROCEEDING

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

OCTOBER 6, 2008

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

Girl Scout Troop 1171 from Incarnate Word Parish led everyone in the Pledge of Allegiance. Mayor Nations followed with a moment of silent prayer. Mayor Nations recognized and thanked: Kristen Weber, Emily Schulenburg, Morgan Goetz, Sofia Granata and Katie Kersting for their participation in this opening ceremony. Also in attendance were Troop Leaders Dave and Dot Kersting. Mayor Nations presented a Proclamation to Girl Scout Troop 1171, commemorating their participation.

PRESENTATIONS

Mayor Nations recognized Chief Ray Johnson, who stated that on August 5, 2008, the Police Department joined residents of the City of Chesterfield to participate in the “National Night Out” event. Chief Johnson stated that “National Night Out” is a nationwide effort that is designed to heighten crime and drug prevention awareness and to generate support for and participation in local anti-crime efforts. Chief Johnson stated that each year the Police Department conducts a contest among the participants to determine the “best program” and the “greatest participation” award winners. Chief Johnson presented the “National Night Out” Award for “participation” to Ms. Cindy Bennington, who is a representative of the Thousand Oaks Subdivision. Chief Johnson next presented the “National Night Out” Award for “best program” to Mr. Joseph Balk and Mr. Walt Vandeventer, who are representatives of the Braefield Subdivision. Mayor Nations congratulated both subdivisions for their participation. Chief Johnson stated that a “National Night Out” sign indicating an award winning community will be posted at the entrance of both of these subdivisions. Mayor Nations expressed his appreciation to Sergeant Funkhouser and Chief Johnson for their efforts on the “National Night Out” program.

ROLL CALL

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 September 15, 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.

INTRODUCTORY REMARKS

Mayor Nations announced that the next meeting of City Council has been scheduled for Monday, October 20, at 12:00 noon instead of 7:00 p.m. in recognition of a religious holiday.

COMMUNICATIONS AND PETITIONS

Jerry Duepner, representing the Home Builders Association (HBA), thanked the City Councilmembers and Staff for their “deliberation and consideration” of Bill No. 2656 [City of Chesterfield Section 1003.168.D.7 (Temporary Signs - Development related)] and stated the proposed amendments have been reviewed and are acceptable as presented. Mayor Nations expressed his appreciation to Mr. Duepner and the HBA for their efforts and input on Bill No. 2656.

Mike Doster, attorney for the petitioner, stated he was available to answer any questions on Bill No. 2662 [P.Z. 14-2008 Four Seasons Plaza, Lot 2 (Caplaco Seven, Inc. & Dierbergs Four Seasons, Inc.)] Bill No. 2671 [P.Z. 20-2008, St. Louis Family Church (101 and 139 Center Drive - 17501 Edison Avenue)].

Martha Ott, Democratic candidate for State Representative, stated that she is a proud resident of Chesterfield and expressed her interest in serving as the State Representative in House District 86.

Mayor Nations recognized Mike Reid, representing Senator John Loudon's office, in attendance at tonight's meeting.

COUNCIL COMMITTEE REPORTS

Planning/Public Works Committee

Councilmember Dan Hurt, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2656 [City of Chesterfield Section 1003.168.D.7 (Temporary Signs - Development related)] will be considered for adoption, under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Flachsbart made a motion, seconded by Councilmember Fults, to hold Bill No. 2662 [P.Z. 14-2008 Four Seasons Plaza, Lot 2 (Caplaco Seven, Inc. & Dierbergs Four Seasons, Inc.)] until the next City Council meeting on October 20. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt reported that Bill No. 2666 (Establishes NO PARKING restrictions on a portion of Wild Horse Parkway Drive) will be considered for adoption, under the "Legislation" portion of the Agenda.

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 read for the first time under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Casey made a motion, seconded by Councilmember Hurt, to approve the proposed contract with Cole and Associates for engineering services in an amount not to exceed \$300,000, with funding coming from the Valley TIF account. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt next reported that Bill No. 2673 (Approves a record plat for "Downtown Chesterfield"), Bill No. 2674 (Approves a boundary adjustment plat for the City of Chesterfield/St. Louis County), Bill No. 2675 (Approves property exchange with Crown Diversified Industries Corporation) and Bill No. 2676 (Approves boundary adjustment plat re: E. Kroenung Estate) are 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 read for the first time under the “Legislation” portion of the Agenda.

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 a liquor license request has been received from Thai Sawadee, to be located at 171 Hilltown Village Center, to sell beer and wine by-the-drink and Sunday sales (also includes package beer sales). Mr. Herring stated that this application has been reviewed and recommended for approval by the Departments of Planning/Public Works and Police. Councilmember Casey made a motion, seconded by Councilmember Geiger, to approve issuance of the liquor license to Thai Sawadee. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

Councilmember Fults, made a motion, seconded by Councilmember Geiger, to exercise power of review to refer the “Value Place” hotel proposal to the Planning/Public Works Committee. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Flachsbart requested clarification about exercising the power of review and City Attorney Heggie responded that this ordinance did not have an automatic power of review and this ordinance had a discretionary power of review.

LEGISLATION

BILL NO. 2666 AMENDS ORDINANCE NUMBER 35, SCHEDULE IX OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THERETO TO RESTRICT PARKING ON WILDHORSE PARKWAY DRIVE, WEST OF WILD HORSE CREEK ROAD (SECOND READING - PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2666. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2666 was read for the second time.

A roll call vote was taken for the passage and approval of Bill No. 2666 with the following results: Ayes – Flachsbart, Nation, Erickson, Hurt, Geiger, Fults, Schenberg

and Casey. Nays – None. Whereupon Mayor Nations declared Bill No. 2666 approved, passed it and it became **ORDINANCE NO. 2485**.

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 (**FIRST READING – PUBLIC HEALTH & SAFETY COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Nation made a motion, seconded by Councilmember Casey, for the first 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 first time.

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 (**FIRST READING – PUBLIC HEALTH & SAFETY COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Nation made a motion, seconded by Councilmember Casey, for the first 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 first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2656 REPEALS CITY OF CHESTERFIELD ZONING ORDINANCE SECTION 1003.168.D.7(6), (7), AND (8) RELATED TO TEMPORARY SIGNS-DEVELOPMENT RELATED TO ESTABLISH NEW CRITERIA FOR SUBDIVISION DIRECTION SIGNS AND SUBDIVISION PROMOTION SIGNS, AND CREATING A NEW SECTION TO ESTABLISH CRITERIA FOR DISPLAY HOUSE SIGNS (**SECOND READING; PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, AS AMENDED**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2656. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2656 was read for the second time.

Councilmember Nation made a motion, seconded by Councilmember Flachsbart, to amend Bill No. 2656 by adopting Items 1, 2 and 4 from Page One of the “blue sheet” and Item 3 from Page Two of the “blue sheet.” 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. 2656, as amended, with the following results: Ayes – Erickson, Hurt, Flachsbart, Nation, Casey, Fults,

Schenberg and Geiger. Nays – None. Whereupon Mayor Nations declared Bill No. 2656, as amended, approved, passed it and it became **ORDINANCE NO. 2486**.

Councilmember Flachsbart extended thanks to Jerry Duepner, City Attorney Heggie, and the Planning and Development Services Staff for their work on Bill No. 2656.

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)) (**FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first 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 first time.

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.) (**FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first 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 first time.

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.) (**FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first 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 first time.

BILL NO. 2673 PROVIDES FOR THE APPROVAL OF THE RECORD PLAT AND ESCROWS FOR DOWNTOWN CHESTERFIELD, PLAT ONE, A 15.96 ACRE TRACT OF LAND ZONED “C-8” PLANNED COMMERCIAL DISTRICT, LOCATED ON THE NORTHWEST CORNER OF CHESTERFIELD PARKWAY WEST AND LYDIA HILL ROAD. **(FIRST AND SECOND READINGS; PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2673. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2673 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2673. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2673 was read for the second time.

A roll call vote was taken for the passage and approval of Bill No. 2673 with the following results: Ayes – Schenberg, Casey, Nation, Erickson, Fults, Hurt, Flachsbart and Geiger. Nays – None. Whereupon Mayor Nations declared Bill No. 2673 approved, passed it and it became **ORDINANCE NO. 2487**.

BILL NO. 2674 APPROVES A BOUNDARY ADJUSTMENT PLAT FOR TRACTS OF LAND BEING PART OF U.S. SURVEY 133 IN TOWNSHIP 45 NORTH, RANGE 3 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI. **(FIRST AND SECOND READINGS; DEPARTMENT OF PLANNING AND PUBLIC WORKS RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2674. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2674 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2674. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2674 was read for the second time.

A roll call vote was taken for the passage and approval of Bill No. 2674 with the following results: Ayes – Schenberg, Erickson, Geiger, Nation, Hurt, Fults, Flachsbart and Casey. Nays – None. Whereupon Mayor Nations declared Bill No. 2674 approved, passed it and it became **ORDINANCE NO. 2488**.

BILL NO. 2675 EXCHANGES A 5.85 ACRE TRACT OF LAND LOCATED AT 18750, 18770 AND 18774 OLIVE STREET ROAD CURRENTLY OWNED BY THE CITY FOR A 5.85 ACRE TRACT OF LAND LOCATED AT 18772 OLIVE STREET ROAD OWNED BY CROWN DIVERSIFIED INDUSTRIES CORPORATION. (FIRST AND SECOND READINGS; DEPARTMENT OF PLANNING AND PUBLIC WORKS RECOMMENDS APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2675. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2675 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2675. Councilmember Erickson stated that there should be “good reason” to read and pass a bill in one session and even though he is in favor of ultimately passing this bill, he feels it should be read in two sessions. A voice vote was taken with an affirmative result (Councilmember Erickson voted “no”) and the motion was declared passed. Bill No. 2675 was read for the second time.

A roll call vote was taken for the passage and approval of Bill No. 2675 with the following results: Ayes – Schenberg, Flachsbart, Fults, Erickson, Nation, Hurt, Geiger and Casey. Nays – None. Whereupon Mayor Nations declared Bill No. 2675 approved, passed it and it became **ORDINANCE NO. 2489.**

BILL NO. 2676 APPROVES A BOUNDARY ADJUSTMENT PLAT FOR A TRACT OF LAND BEING PART OF LOTS 5, 6 AND 7 OF THE E. KROENUNG ESTATE AND ALL OF THAT PART OF LOT 7 OF THE E. KROENUNG ESTATE SOUTH OF THE SOUTH LINE OF OLIVE STREET ROAD. (FIRST AND SECOND READINGS; DEPARTMENT OF PLANNING AND PUBLIC WORKS RECOMMENDS APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2676. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2676 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2676. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2676 was read for the second time.

A roll call vote was taken for the passage and approval of Bill No. 2676 with the following results: Ayes – Erickson, Flachsbart, Schenberg, Geiger, Hurt, Nation, Casey and Fults. Nays – None. Whereupon Mayor Nations declared Bill No. 2676 approved, passed it and it became **ORDINANCE NO. 2490.**

OTHER

Councilmember Erickson announced that the City will conduct a magazine, catalog, cardboard, chipboard and textile recycling drive at Dierbergs Market Place from October 25 through November 2 and that St. Louis County will sponsor a recycling drive for paints, pesticides and auto fluids at Westminster Christian Academy on November 15.

Councilmember Geiger requested that City Administrator Herring speak with Michelle Bock, the City's Financial Advisor, regarding the possible impact the "credit crisis" could have on the Parks bond issue and Mr. Herring responded that a memo from Ms. Bock addressing these concerns was placed in the Councilmembers mail boxes, earlier that same day. Councilmember Hurt suggested that Ms. Bock be invited to attend the upcoming meeting of the F&A Committee.

ADJOURNMENT

Mayor Nations adjourned the meeting at 7:39 p.m.

Mayor John Nations

ATTEST:

Judith A. Naggiar, City Clerk