



RECORD OF PROCEEDING

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

OCTOBER 4, 2010

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

Boy Scout Troop #631 from St. Mark Presbyterian Church led everyone in the Pledge of Allegiance. Mayor Nations followed with a moment of silent prayer. Mayor Nations recognized and thanked: Connor Brunig, Will Kroner and Will Meyer for their participation in this opening ceremony. Also in attendance were Troop Leaders Paul Ke, Ellen Aufenthie and Glenn Archer. Mayor Nations presented a Proclamation to Boy Scout Troop #631, commemorating their participation.

A roll call was taken with the following results:

PRESENT

ABSENT

Mayor John Nations
Councilmember Barry Flachsbart
Councilmember Matt Segal
Councilmember Bruce Geiger
Councilmember Lee Erickson
Councilmember Mike Casey
Councilmember Randy Logan
Councilmember Bob Nation
Councilmember Connie Fults

APPROVAL OF MINUTES

The minutes of the September 20, 2010 City Council meeting were submitted for approval. Councilmember Segal made a motion, seconded by Councilmember Erickson, 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 18, at 7 p.m.

Mayor Nations announced that Chief of Police Ray Johnson has been selected to serve as a Commissioner for the Commission on Accreditation for Law Enforcement Agencies (CALEA) effective January, 2011. Mayor Nations said that Chief Johnson becomes one of only eleven people from around the world to be chosen for this prestigious position. Mayor Nations expressed his appreciation to Chief Johnson and the Chesterfield Police Department for their exemplary performance.

COMMUNICATIONS AND PETITIONS

Former-Councilmember Jane Durrell, who resides at 177 Gunston Hall Court, and is a member of the Landmarks Preservation Commission, spoke about the proposed amendments to Bill No. 2810 (Approves amendments to City Code regarding Landmarks Preservation Commission) and provided a handout to the Mayor, City Councilmembers, City Administrator and City Attorney regarding a proposed volunteer orientation program. Councilmember Matt Segal, Chairperson of the F&A Committee, indicated that his Committee would be discussing this, at a future meeting. Mayor Nations commended Mrs. Durrell for the energy and effort she puts into volunteering.

Mayor Nations recognized Mr. Jeff Chapple, who is a member of the Citizens Committee for the Environment. Mr. Chapple announced that the City's Fall Recycle Drive will be held October 23-31 at Dierbergs Market Place, 1730 Clarkson Road, and that the 14th America/Missouri/Chesterfield Recycles Day, including a free medication take-back program, will be held on Saturday, November 13, from 9 a.m.-noon at the Parks Administration & Maintenance Facility, 17891 North Outer 40. Mayor Nations thanked and commended Mr. Chapple and the Citizens Committee for the Environment for doing a tremendous job. Mayor Nations requested that Mrs. Libbey Tucker, Assistant City Administrator for Community Services and Economic Development, help promote these recycling events.

APPOINTMENTS

Mayor Nations nominated Mr. Bruce DeGroot for appointment to the Planning Commission. He noted that Mr. DeGroot's appointment had been endorsed by the Ward 4 Councilmembers and by the Planning/Public Works Committee of City Council.

Councilmember Fults made a motion, seconded by Councilmember Nation, to approve this appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. DeGroot's four-year term will expire October 4, 2014.

Mayor Nations next nominated Mr. Harvey Rosenberg for appointment to the Police Personnel Board. He noted that Mr. Rosenberg's appointment had been endorsed by the Ward 1 Councilmembers and by the Public Health and Safety Committee of City City Council. Councilmember Flachsbart made a motion, seconded by Councilmember Segal, to approve this appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Rosenberg's three-year term will expire October 4, 2013. Mayor Nations recognized Mr. Rosenberg and his wife, who were both in attendance.

Mayor Nations next nominated Mr. Mark Raisher for re-appointment to the Finance and Administration Citizens Advisory Committee. Councilmember Geiger made a motion, seconded by Councilmember Erickson, to approve this appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Raisher's three-year term expires October 1, 2013.

COUNCIL COMMITTEE REPORTS

Planning/Public Works Committee

Councilmember Matt Segal, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2808 (P.Z. 06, 2010, which changes the zoning of Eberwein Park to "PS – Park and Scenic") will be considered for adoption under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Segal next reported that Bill No. 2810 (Approves amendments to City Code regarding Landmarks Preservation Commission) will be read for the first time under the "Legislation" portion of the Agenda.

Councilmember Segal made a motion, seconded by Councilmember Erickson, to approve T.S.P. 26-2010 [Clearwire US LLC (1850 Baxter Road)]. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Segal next reported that Bill No. 2811 (Approves stop signs on Chesterfield Commons Drive at Frontage Road) will be read for the first time under the "Legislation" portion of the Agenda.

Councilmember Segal announced that the next meeting of this Committee originally scheduled for Thursday, October 7, at 5:30 p.m. has been cancelled.

Parks and Recreation Committee

Councilmember Lee Erickson, Chairperson of the Parks and Recreation Committee, made a motion, seconded by Councilmember Geiger , to approve Resolution No. 373, which authorizes an application to the Metropolitan Parks Grant Commission for funding to assist in the development of Eberwein Park. A voice vote was taken with a unanimous affirmative result and the motion was declared passed

REPORT FROM THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that El Maguey Mexican Restaurant, 13377 Olive Blvd., has requested a new liquor license, due to a change in owners, to sell all kinds of liquor by the drink and Sunday sales. Mr. Herring reported that this application has been reviewed and recommended for approval by the Departments of Planning and Police. Councilmember Casey made a motion, seconded by Councilmember Logan, to approve issuance of a new liquor license to El Maguey Mexican Restaurant. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that in December, 2009, City Council approved award of a contract to Frederich Construction, Inc., for various construction projects in Central Park. Staff recently sought bids for construction of the “linear park”, adjacent to Veterans’ Memorial Drive, but rejected all bids received, for a variety of reasons. Based upon a review of the information provided by Director of Planning, Public Works and Parks Mike Geisel, Mr. Herring joined with in recommending approval of a change order with Frederich Construction, in an amount-not-to-exceed \$325,770, for site work, the south plaza, remote restroom and site electrical work, associated with the “linear park”. That will increase Frederich Construction’s original contract total to \$7,554,031, all of which is funded by bond proceeds dedicated to Phase Two improvements. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to approve a change order with Frederich Construction, in an amount-not-to-exceed \$325,770. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

There was no New Business.

LEGISLATION

BILL NO. 2810 **REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 2414 AND REPLACES IT WITH A NEW ORDINANCE WHICH PROVIDES LANGUAGE RELATIVE TO THE PROCEDURES, RESPONSIBILITIES AND MEMBERSHIP OF THE CHESTERFIELD LANDMARKS PRESERVATION COMMISSION. (FIRST READING; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Segal made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2810. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2810 was read for the first time.

Councilmember Nation made a motion, seconded by Councilmember Flachsbart, to amend Bill No. 2810, to delete Sec. 23-52, Paragraph A, Subsection 3. Councilmember Erickson asked if removing Paragraph A defaults to something else or would there not be any provision. Mayor Nations responded that every nomination would be treated as an original nomination which would require a nomination by the Mayor and a simple majority vote of City Council. Councilmember Logan said he thought this would require a super majority vote of City Council. City Attorney Heggie responded that a super majority vote of Council would only apply to someone being removed from this Commission. City Attorney Heggie said that if the Mayor does not nominate anyone to serve on this Commission, the City Council cannot bring this up on their own. Councilmember Casey brought to the attention of Council that this came out of Committee with a 4-0 vote in support and the Mayor was very convincing at the meeting regarding why this should be part of Bill No. 2810. A roll call vote was taken for the passage and approval of the motion to amend with the following results: Ayes – Nation, Erickson, and Flachsbart. Nays – Logan, Geiger, Casey, Fults and Segal. Whereupon Mayor Nations declared the motion to amend failed.

Councilmember Nation suggested that on Page 8, Paragraph G, Subsection 1, the word “discussed” should be removed and replaced with “acted upon.” Mayor Nations provided clarification by saying that Councilmember Nation’s intent in making this suggestion is not to prohibit this Commission from discussing an idea; rather, to prevent them from “acting upon” an idea, without seeking permission from City Council. Councilmember Nation said that the Commission should be able to have a discussion about the subject matter and that there is no harm if it is not acted upon or voted on. Councilmember Fults said the Committee had this discussion and this is not how she thought the Committee had decided. Councilmember Segal said, as Chairman of the Committee, he would make a motion for an amendment and that this verbiage was not exactly where the Committee was coming from since it limits speech. Mayor Nations requested that City Attorney Heggie review the concerns stated tonight by the Councilmembers and bring the issue back at the next Council meeting. City Attorney Heggie said he would prepare a “blue sheet” amendment that contains proposed language for consideration by City Council at the October 18 City Council meeting.

BILL NO. 2811 AMENDS ORDINANCE NUMBER 35, SCHEDULE VI, INTERSECTION STOPS, OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THERETO TO INCLUDE CHESTERFIELD COMMONS DRIVE AT FRONTAGE ROAD. (FIRST READING; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)

Councilmember Segal made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2811. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2811 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2808 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “NU” NON-URBAN DISTRICT TO A “PS” PARK AND SCENIC DISTRICT FOR AN 18.78 ACRE TRACT OF LAND LOCATED AT 1627 OLD BAXTER ROAD AND 1657 OLD BAXTER ROAD (P.Z. 06-2010 EBERWEIN PARK DEVELOPMENT {CITY OF CHESTERFIELD}) **(SECOND READING; PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Segal made a motion, seconded by Councilmember Logan, for the second reading of Bill No. 2808. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2808 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2808 with the following results: Ayes – Casey, Geiger, Nation, Erickson, Segal, Fults, Flachsbart and Logan. Nays - None. Whereupon Mayor Nations declared Bill No. 2808 approved, passed it and it became **ORDINANCE NO. 2627**.

ADJOURNMENT

Mayor Nations adjourned the meeting at 7:35 p.m.

Mayor John Nations

ATTEST:

Judith A. Naggia, City Clerk