



RECORD OF PROCEEDING

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

September 8, 2004

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

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 Jane Durrell
Councilmember Barry Streeter
Councilmember Bruce Geiger
Councilmember Dan Hurt
Councilmember Mike Casey
Councilmember Mary K. Brown
Councilmember Connie Fults

ABSENT

None

INTRODUCTORY REMARKS

Mayor John Nations introduced representatives from the Westfield Corporation, who presented Mayor Nations with a check in the amount of \$100,000, on behalf of the Westfield Shoppingtown – Chesterfield, as a donation toward the total cost of the “Pathway on the Parkway” Project.

Mayor Nations introduced Kay Folsom, Chairperson of the Beautification Committee, who presented awards to following recipients in various categories, which formally recognized beautification projects and landscaping within the City:

Residential Entrances

1. Countryside Subdivision
2. Spyglass Summit Subdivision
3. Scarborough Subdivision

Small Commercial

1. Bank Midwest
2. Annie Gunn's
3. Waterways Car Wash

Large Commercial

1. Baxter Crossing
2. Westmont Apartments
3. City of Chesterfield

Mayor Nations thanked Ms. Folsom and all members of the Beautification Committee, for their many efforts to maintain/improve the overall appearance of Chesterfield.

Mayor Nations announced that the next meeting of City Council has been scheduled for Monday, September 20.

APPROVAL OF MINUTES

The minutes of the August 16, 2004 City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Durrell, 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

Jayne Busch and her husband, owner of Ta-Da's, 444 Chesterfield Center, shared with City Council problems that they are experiencing, in trying to relocate their business to the Chesterfield Valley. They are working with Gundaker Commercial. Mayor Nations summarized the nature of their problem which involves the governing ordinance, for the location where they want to move, which does not allow for "beauty salons". After some discussion, City Attorney Beach suggested that they consider filing a petition for a variance, before the Board of Adjustment.

Bob Wald, 227 Cordovan Commons Parkway, opposed the development of the Villages at Kendall Bluffs (Bill #2288), due to drainage issues, as well as other issues/concerns concerning the development of the Ladue Bluffs, where he resides. He noted that problems within his development could be made worse if the adjacent property is

developed. He also commented that the developer of Ladue Bluffs, the Jones Company, is the same developer wanting to develop Kendall Bluffs.

Thom Sehnert, 16806 Chesterfield Airport Road, supported Bill No. 2303 (Thomas and Jane Sehnert - Smokehouse addition) and presented some alternative layouts of the proposed development, focusing on possible lane re-alignment and parking changes. Council took no action regarding those alternatives. Councilmember Geiger asked City Administrator Herring to provide copies of the current parking plan, as recommended by the P&Z Committee, to all members of City Council, prior to the September 20 meeting of City Council.

APPOINTMENTS

Mayor John Nations nominated Tim Sauer and Gary Durney for re-appointment to the Public Works Citizens Advisory Group (PWCAG). Councilmember Casey made a motion, seconded by Councilmember Hurt, to re-appoint Mr. Sauer and Mr. Durney to the Public Works Citizens Advisory Group. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Durney's new term will expire July 1, 2006 and Mr. Sauer's new term will expire July 1, 2008.

COUNCIL COMMITTEE REPORTS

Planning and Zoning Committee

Councilmember Bruce Geiger, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2302 (P.Z. 30-2002, Edison South Investors, LLC) and Bill No. 2303 (Thomas and Jane Sehnert (Smokehouse addition) will be read for the first time and Bill No. 2300 (P.Z. 35-2003 (Amends subdivision regulations) will be considered for adoption under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Geiger next reported that the Planning and Zoning Committee recommends approval of a proposed a policy which will offer the Howard Bend Levee District the opportunity to review and provide comments on all development petitions north of Olive Boulevard that may potentially drain into the Howard Bend Levee District. Councilmember Geiger made a motion, seconded by Councilmember Flachsbart, to approve the proposed policy. 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 hold Bill No. 2288 (P.Z. 6-2003, Villages at Kendall Bluffs/Jones Company) and to refer same to the P&Z Committee, so that each of the outstanding issues/questions can be addressed and/or resolved, before final consideration by City Council. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger made a motion, seconded by Councilmember Streeter, to hold Bill No. 2298 (P.Z. 11-2003, Capitol Land Company), as requested by the petitioner,

until the September 20 City Council meeting.. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger announced that the next meeting of this Committee has been scheduled for Thursday, September 9, at 5:30 p.m.

Public Works/Parks Committee

Councilmember Dan Hurt, Chairperson of the Public Works/Parks Committee, reported that Bill No. 2295 (accepts public streets within Eagle Crest Estates Subdivision) and Bill No. 2297 (prohibits parking on certain public streets within Chesterfield Valley) will be considered for adoption under the “Legislation” portion of the agenda.

Finance and Administration Committee

Councilmember Mary Brown, Chairperson of the Finance and Administration Committee, reported that Bill No. 2301 (Personal Financial Disclosure) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Brown next reported that Resolution No. 303 pertains to the “Open Meetings and Records Policy”. Councilmember Brown made a motion, seconded by Councilmember Casey, to adopt Resolution No. 303, which will enact the all of the changes made by the State Legislature regarding the Open Meetings Law. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Brown announced that the next meeting of this Committee has been scheduled for September 15 at 5:30 p.m.

REPORT OF THE CITY ADMINISTATOR

City Administrator Mike Herring reported that bids were recently sought for the unloading and delivery of salt to the various municipalities utilizing the St. Louis Metro Branch APWA Salt Cooperative. The City of Chesterfield has coordinated these purchases for several years, on behalf of the thirty-five members of this cooperative. Having reviewed the information provided to him, Mr. Herring joined with Director of Public Works/City Engineer Mike Geisel, in recommending award of a contract to Lange Stegmann at a total cost of \$5.67/ton, which represents an increase of just \$.23/ton over last year’s bid cost. Councilmember Hurt made a motion, seconded by Councilmember Casey, to award a contract to Lange Stegmann at a total cost of \$5.67/ton. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for cracksealing of City-maintained streets. Having reviewed the information provided to him by Mr. Geisel, he joined with Mr. Geisel in recommending award of a contract to X-L Contracting, Inc., in an amount not to exceed \$129,000. The F.Y. 2004 Budget provides \$129,000 for this work, as funded by the ½ cent sales tax for streets and sidewalks. Councilmember Casey

made a motion, seconded by Councilmember Hurt, to award a contract to X-L Contracting, Inc., in an amount not to exceed \$129,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Emperor's Wok, located at 17360 Chesterfield Airport Road, has requested a liquor license to serve all kinds of liquor by-the-drink, for consumption on the premises and Sunday sales. The application has been reviewed and approved by both the Departments of Planning and Police. Councilmember Casey made a motion, seconded by Councilmember Streeter, to approve issuance of a liquor license to Emperor's Wok. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

LEGISLATION

BILL NO. 2295 PERTAINS TO THE ACCEPTANCE OF PUBLIC
STREETS WITHIN EAGLE CREST ESTATES
SUBDIVISION IN THE CITY OF CHESTERFIELD
(SECOND READING – PUBLIC WORKS/PARKS
COMMITTEE)

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, for a second reading of Bill No. 2295. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2295 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2295, with the following results: Ayes – Geiger, Brown, Casey, Flachsbart, Fults, Streeter, Hurt and Durrell. Nays - None. Whereupon, Mayor Nations declared Bill No. 2295 approved, passed it and it became **ORDINANCE NO. 2120**.

BILL NO. 2297 AMENDS ORDINANCE NO. 35, SCHEDULE IX OF THE
ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS
THERE TO TO RESTRICT PARKING ON CHESTERFIELD COMMONS DRIVE,
RHL DRIVE AND PUBLIC WORKS DRIVE. (SECOND READING – PUBLIC
WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Geiger, for a second reading of Bill No. 2297. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2297 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2297, with the following results: Ayes – Flachsbart, Streeter, Geiger, Durrell, Fults, Brown, Hurt and Casey. Nays - None.

Whereupon, Mayor Nations declared Bill No. 2297 approved, passed it and it became **ORDINANCE NO. 2121.**

BILL NO. 2301 RE-ADOPTS THE PROCEDURE ESTABLISHED IN ORDINANCE NO. 605 OF THE CITY OF CHESTERFIELD AS THE PROCEDURE FOR DISCLOSURE OF CONFLICTS FOR CERTAIN MUNICIPAL OFFICIALS (**SECOND READING – FINANCE AND ADMINISTRATION COMMITTEE**)

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2301. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2301 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2301, with the following results: Ayes – Durrell, Fults, Brown, Streeter, Flachsbart, Casey, Geiger and Hurt. Nays - None. Whereupon, Mayor Nations declared Bill No. 2301 approved, passed it and it became **ORDINANCE NO. 2122.**

LEGISLATION – PLANNING COMMISSION

BILL NO. 2300 AMENDS ORDINANCE NO. 2060 OF THE CITY OF CHESTERFIELD BY ATTACHING NEW FORMS OF THE IRREVOCABLE LETTER OF CREDIT (SUBDIVISION REGULATIONS/P.Z. 35-2003) (**SECOND READING – PLANNING DEPARTMENT STAFF/CITY ATTORNEY RECOMMEND APPROVAL**)

Councilmember Geiger made a motion, seconded by Councilmember Hurt, for a second reading of Bill No. 2300. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2300 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2300, with the following results: Ayes – Flachsbart, Casey, Geiger, Brown, Durrell, Fults, Hurt and Streeter. Nays - None. Whereupon, Mayor Nations declared Bill No. 2300 approved, passed it and it became **ORDINANCE NO. 2123.**

BILL NO. 2302 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “M-3” PLANNED INDUSTRIAL DISTRICT TO A “PI” PLANNED INDUSTRIAL DISTRICT FOR A 7.123 ACRE TRACT OF LAND, LOCATED ON THE SOUTH SIDE OF EDISON AVENUE AT CEPI DRIVE (P.Z. 30-2003, EDISON SOUTH INVESTORS, LLC) (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS**

**APPROVAL BUT ONLY IF AMENDED AS
DETAILED IN THE ATTACHED “GREEN
SHEETS”)**

Councilmember Geiger made a motion, seconded by Councilmember Brown, for the first reading of Bill No. 2302. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2302 was read for the first time. Councilmember Geiger made a motion, seconded by Councilmember Casey, to approve changes which appear on the “green sheet.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO. 2303 REPEALS CITY OF CHESTERFIELD ORDINANCE NO. 837
AND INCORPORATES THE CONDITIONS THEREIN TO THE
REVISED ATTACHMENT “A” AUTHORIZING REVISED
FLOOR AREA REQUIREMENTS FOR A “C-8” PLANNED
COMMERICAL DISTRICT, LOCATED WEST OF BAXTER
ROAD AT CHESTERFIELD AIRPORT ROAD (THOMAS AND
JANE SEHNERT- SMOKEHOUSE) (FIRST READING –
PLANNING COMMISSION RECOMMENDS APPROVAL;
PLANNING AND ZONING COMMITTEE RECOMMENDS
APPROVAL BUT ONLY IF AMENDED AS DETAILED IN
THE ATTACHED “GREEN SHEETS”)**

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2303. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2303 was read for the first time. Councilmember Geiger made a motion seconded by Councilmember Casey, to approve the changes in Attachment A, Page 1, which appear on the “green sheet.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

ADJOURNMENT

Councilmember Geiger asked Mr. Herring to express his THANKS to everyone responsible for correcting “appearance” problems at Chesterfield Commons, that he had mentioned previously. He noted a dramatic improvement recently!

Mayor Nations adjourned the meeting at 8:21 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk