



RECORD OF PROCEEDING

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

SEPTEMBER 3, 2008

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 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 August 18, 2008, Public Hearing and City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Erickson, to approve the Public Hearing and City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

COMMUNICATIONS AND PETITIONS

Jerry Duepner, representing the Home Builders Association (HBA), requested that Bill No. 2656 (City of Chesterfield Section 1003.168.D.7 Temporary Signs – Development-related) be held until the September 15 City Council meeting, to provide time for the HBA to determine a solution to address concerns expressed by members of City Council.

Naomi Davis, representing Home Builders Association (HBA), also requested that Bill No. 2656 (City of Chesterfield Section 1003.168.D.7 Temporary Signs – Development-related) be held until the September 15 City Council meeting.

Paul Wolenski, representing Jared's Jewelers, spoke on the amended architectural elevations for Jared's Jewelers at Chesterfield Mall and stated that Jared's Jewelers could comply with whatever level of lighting that City Council would deem appropriate. Discussion ensued regarding whether the "diamond" is considered a "sign" or an "architectural element."

APPOINTMENTS

Mayor Nations nominated Phil Scissors, 14416 Valley Meadow Ct. (Ward II) and John Walters, 15204 Kempwood Drive (Ward III) for re-appointment as members of the Police Personnel Board. Councilmember Geiger made a motion, seconded by Councilmember Flachsbart, to approve these re-appointments. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Scissors' and Mr. Walters' new three-year terms will expire September 3, 2011.

INTRODUCTORY REMARKS

Mayor Nations wished a "Happy Birthday" to Councilmember Erickson on September 5.

Mayor Nations announced that the next meeting of City Council has been scheduled for Monday, September 15, at 7 p.m.

COUNCIL COMMITTEE REPORTS

Parks and Recreation Committee

Councilmember Barry Flachsbart, Chairperson of the Parks and Recreation Committee, made a motion, seconded by Councilmember Casey, to approve the recommendation to proceed on Phase Two of the Parks Plan at a cost of \$16.5 Million and direct Staff to issue the bonds in a timely manner. Discussion ensued regarding the funding mechanism of the bonds and review of indebtedness by the Finance and Administration Committee. Councilmember Hurt made a motion, seconded by Councilmember Geiger, to amend the motion to state that the amount of the bond will be determined after the next Finance and Administration Committee meeting. Discussion ensued regarding the possibility of a

construction delay because a dollar amount is not put on the bonds. Mayor Nations stated that Phase Two of the Parks Plan is a great plan for the City and the residents and that Councilmember Hurt's motion should be defeated and that Phase Two of the Parks Plan should be approved. Councilmember Geiger withdrew his "second" on Councilmember Hurt's motion to amend the original motion. Mayor Nations declared Councilmember Hurt's motion to amend "failed" for lack of a second.

Discussion ensued regarding funding and a potential construction delay. City Administrator Herring provided an overview of the background on this capital improvement project and also provided an explanation of the funding process. Discussion ensued regarding funding. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to change his original motion to read: approve Phase Two of the Parks Plan with funding these plans with the use of whatever bond money will come from \$1 Million a year for 20 years, plus money from the Parks sales tax fund Fund Reserves (approximately \$1.104 Million), plus money from the General Fund Fund Reserves (approximately \$1.157 Million), with the exact amount to be determined later, and Staff is directed to take steps to issue the bonds as quickly as possible. A roll call vote was taken for the passage of the motion to approve the recommendation to proceed on Phase Two of the Parks Plan with the following results: Ayes – Casey, Schenberg, Nation, Flachsbart, and Fults. Nays – Geiger, Erickson and Hurt. Mayor Nations declared the motion passed.

Councilmember Flachsbart announced that the next meeting of this Committee has been scheduled for Thursday, September 25, at 6:00 p.m.

Finance and Administration Committee

Councilmember Lee Erickson, Chairperson of the Finance and Administration Committee, made a motion, seconded by Councilmember Schenberg, to approve the recommendation to establish a "Residential Street Tree Program", including the transfer of \$25,000, from the "Contingency Account" within the FY2008 Budget, to cover anticipated expenses for the balance of the current year. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Erickson next made a motion, seconded by Councilmember Fults, to approve the recommendation to approve the updated "Five-Year Forecast" (2008-2012) for the General Fund. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Erickson next made a motion, seconded by Councilmember Hurt, to approve the recommendation to allocated \$550,000 from General Fund Fund Reserves, to fund the purchase/installation of an additional generator at City Hall. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Erickson next made a motion, seconded by Councilmember Geiger, to approve the recommendation for use of forfeiture dollars for the employee retirement

plan, as recommended by the Retirement Plan Board of Trustees. Councilmember Fults commended Councilmember Geiger, members of the Finance and Administration Committee, and City Administrator Mike Herring for their work on this recommendation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Erickson announced that the next meeting of this Committee has been scheduled for Thursday, October 2, at 5:30 p.m.

Planning and Public Works Committee

Councilmember Dan Hurt, Chairperson of the Planning and Public Works Committee, reported that Bill No. 2662 (P.Z. 14-2008, Four Seasons Plaza, Lot 2) will be read for the first time under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Hurt next made a motion, seconded by Councilmember Flachsbar, to approve the recommendation to extend the contract with Tope Plumbing, Inc., for 2009, re: the Residential Sewer Lateral Repair Program. Tope Plumbing’s 2008 pricing will be extended into 2009. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt next reported that Bill No. 2663 (Removes yield sign - Intersection of Village Green Parkway and Clayton Road) will be read for the first time under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Geiger made a motion, seconded by Councilmember Flachsbar, to approve the amended architectural elevations for Jared’s Jewelers at Chesterfield Mall with the following two conditions: Illumination levels for the “diamond” must be the same as all other signage on the building and illumination of the “diamond” must cease when the business closes each night. Discussion ensued regarding the building proximity to Clarkson Road and whether the “diamond” is considered signage or an architectural element. Councilmember Nation made a motion, seconded by Councilmember Casey, to amend Councilmember Geiger’s original motion by deleting the second condition of Councilmember Geiger’s motion which is “illumination of the “diamond” must cease when the business closes each night.” A roll call vote was taken for the passage of Councilmember Nation’s motion to amend Councilmember Geiger’s original motion with the following results: Ayes – Nation and Casey. Nays – Schenberg, Geiger, Flachsbar, Hurt, Fults and Erickson. Mayor Nations declared the motion to amend failed. A roll call vote was taken for the passage of Councilmember Geiger’s original motion containing the two conditions, noted above, with the following results: Ayes – Nation, Flachsbar, Hurt, Fults, Geiger, Erickson and Schenberg. Nays – Casey. Mayor Nations declared the original motion passed.

Councilmember Casey made a motion, seconded by Councilmember Erickson, to “hold” Bill No. 2656 (City of Chesterfield Section 1003.168.D.7 - Temporary Signs - Development-related) until the September 15 City Council meeting. A roll call vote was

taken on the motion to hold Bill No. 2656 until the September 15 City Council meeting with the following results: Ayes – Hurt, Schenberg, Fults, Casey and Erickson. Nays – Nation, Geiger and Flachsbart. Mayor Nations declared the motion passed.

Councilmember Geiger made a motion, seconded by Councilmember Hurt, to “hold” Bill No. 2664 (Approves Boundary Adjustment Plat - Schoettler Estates, 15150 Highcroft Road) until the September 15 City Council meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt reported that Bill No. 2665 (Approves Boundary Adjustment Plat - Riverbend Estates, Lot 8) 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, September 4, at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that a liquor license request has been submitted by Blue Sea Japanese Restaurant, 13419 Olive Blvd., to sell all kinds of liquor, “by-the-drink.” Mr. Herring stated that this application has been reviewed and is recommended for approval, by the Departments of Planning/Public Works and Police. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to approve issuance of a liquor license to Blue Sea Japanese Restaurant. 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 retro-fitting existing sidewalks, at various intersections, to include handicapped access ramps. Mr. Herring stated that this project will be funded entirely by Community Development Block Grant (CDBG) funds that the City receives, each year, from St. Louis County. Based upon a review of the information provided by Public Works Director/City Engineer Brian McGownd, Mr. Herring joined with him in recommending award of a contract to Amcon Municipal Concrete, for an amount not to exceed \$51,764, which is the amount of CDBG funds available this year. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to Amcon Municipal Concrete, for an amount not to exceed \$51,764. 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 the purchase/installation of a phone system, at our Parks Administration and Maintenance Building. Mr. Herring stated that work will be funded entirely with bond proceeds, resulting from the passage of Proposition "P" and planned as one of the expenditures to be completed during Phase One, of the City’s Parks Plan. Based upon a review of the information provided by Director of Parks and Recreation Darren Dunkle, Director of Planning and Public Works Mike Geisel, and Information Systems Manager Matt Haug, Mr. Herring joined with them in recommending award of a contract to Tech Electronics, in an amount not to

exceed \$37,613. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to Tech Electronics, in an amount not to exceed \$37,613. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

LEGISLATION

BILL NO. 2661 AUTHORIZES THE CITY OF CHESTERFIELD TO ENTER INTO AND EXECUTE A CONTRACT WITH ST. LOUIS COUNTY, MISSOURI, DUKE REALTY LIMITED PARTNERSHIP AND THE MISSOURI DEPARTMENT OF TRANSPORTATION, FOR COST PARTICIPATION IN THE CONSTRUCTION OF THE SPIRIT OF ST. LOUIS BOULEVARD AND I-64 INTERCHANGE AND AUTHORIZES CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH. **(FIRST AND SECOND READINGS; CITY ADMINISTRATOR, CITY ATTORNEY AND DIRECTOR OF PLANNING/PUBLIC WORKS RECOMMEND APPROVAL)**

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2661. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2661 was read for the first time.

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2661. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2661 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2661 with the following results: Ayes – Nation, Hurt, Schenberg, Geiger, Casey, Erickson, Fults and Flachsbart. Nays – None. Whereupon Mayor Nations declared Bill No. 2661 approved, passed it and it became **ORDINANCE NO. 2479**.

BILL NO. 2663 AMENDS ORDINANCE NUMBER 35, SCHEDULE VII OF THE ORDINANCES OF THE CITY OF CHESTERFIELD, BY DELETING A YIELD SIGN AT THE INTERSECTION OF VILLAGE GREEN PARKWAY AND CLAYTON ROAD **(FIRST READING; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2663. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2663 was read for the first time.

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 SEASON, INC.)] **(FIRST READING; PLANNING
COMMISSION RECOMMENDS APPROVAL)**

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

BILL NO. 2665 APPROVES A BOUNDARY ADJUSTMENT PLAT OF
LOT 8 OF RIVERBEND ESTATES AND A TRACT OF
LAND IN U.S. SURVEY 207, TOWNSHIP 46 NORTH,
RANGE 4 EAST CITY OF CHESTERFIELD, ST. LOUIS
COUNTY, MISSOURI. **(FIRST AND SECOND
READINGS; DEPT. OF PLANNING AND PUBLIC
WORKS RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2665. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2665 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2665. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2665 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2665 with the following results: Ayes – Geiger, Erickson, Fults, Flachsbar, Schenberg, Hurt, Nation and Casey. Nays – None. Whereupon Mayor Nations declared Bill No. 2665 approved, passed it and it became **ORDINANCE NO. 2480.**

Councilmember Fults provided an update on the “Part 150” Study at the Spirit of St. Louis Air Park and reported that a decrease in operation and other factors has resulted in a noise reduction. Councilmember Erickson commended Councilmember Fults for her participation in this study.

Councilmember Geiger asked City Administrator to provide an update of events since the passage of Ordinance No. 2462, which approved a contract to establish a wireless internet access network within the City of Chesterfield. Mr. Herring stated that Network1 is in the process of acquiring approvals from other cities and it could take 6-8 months before construction begins in Chesterfield. Network1 will advise the City when they are ready to begin marketing their services to residents and businesses.

ADJOURNMENT

Mayor Nations adjourned the meeting at 8:32 p.m.

Mayor John Nations

ATTEST:

Judith A. Naggia, City Clerk