



RECORD OF PROCEEDING

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

AUGUST 20, 2012

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

Mayor Bruce Geiger led everyone in the Pledge of Allegiance and followed with a moment of silent prayer.

PRESENTATION

Mayor Geiger recognized the following lifeguards, employed by Midwest Pool Management: Andrew Edwards, Greg Dickinson, and Mike Jurgensmeyer. Each was involved in efforts to prevent the drowning of 3-year old Oscar Zabel, at the Family Aquatic Facility. Oscar and his parents, Jessica and Matt Zabel, who live in St. Paul, Minnesota, participated in this presentation via Skype. Mayor Geiger also recognized the following individuals who were in attendance: Anne Goode, Oscar's grandmother and her husband Irv Goode; Gene King, Oscar's grandfather; Darwin and Tracy Dickinson, Greg Dickinson's parents; Susan and Mike Kammerzell, Mike Jurgensmeyer's parents; and Tracy and Keith Edwards, Andrew Edwards' parents. Mayor Geiger next recognized Ms. Berte Forde, President, and Ms. Jessica Rallo, Aquatic Operations Director, for Midwest Pool Management. Mayor Geiger next recognized the following employees from the City's Parks and Recreation Department: Tom McCarthy, Parks/Recreation Director; Kari Johnson, Superintendent of Recreation Operations; and Becky Dooley, Recreation Supervisor. Mr. Matt Zabel expressed his appreciation to these three lifeguards for saving his son's life and said that Oscar is one hundred percent (100%) fine. Mayor Geiger read a proclamation proclaiming Monday, August 20, 2012 as "Oscar Zabel Day in the City of Chesterfield." Mayor Geiger commended the lifeguards

and presented each with a Proclamation in recognition of their heroic efforts. Mayor Geiger thanked Midwest Pool Management for hiring these lifeguards.

ROLL CALL

A roll call was taken with the following results:

PRESENT

Mayor Bruce Geiger
Councilmember Barry Flachsbart
Councilmember Matt Segal
Councilmember Derek Grier
Councilmember G. Elliot Grissom
Councilmember Mike Casey
Councilmember Randy Logan
Councilmember Bob Nation
Councilmember Connie Fults

ABSENT

APPROVAL OF MINUTES

The minutes of the August 6, 2012 City Council meeting were submitted for approval. Councilmember Grier made a motion, seconded by Councilmember Grissom, 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 Geiger announced that City Hall will be closed Monday, September 3, in observance of the Labor Day holiday.

With that in mind, he announced that the next meeting of City Council has been scheduled for Wednesday, September 5, at 7 p.m.

COMMUNICATIONS AND PETITIONS

Mayor Geiger recognized Boy Scout John Belobrajdic-Bosch, from Troop 809, who is working on his “Citizenship in the Community” badge. Mayor Geiger invited the Scout to meet with him, following the meeting, with any questions he might wish to ask.

Mr. Mike Doster, attorney for the petitioner and representing Dr. George Paletta, stated he was available to answer questions on Bill. No. 2896 [P.Z. 05-2012, CVPBA III (17298 and 17280 North Outer 40 Road)]. Mr. Doster provided clarification on two reports in the media. He said it was reported that The Orthopedic Center (TOC) of St. Louis is moving. He confirmed that they are staying in their current location in Chesterfield. He said that Dr. Paletta has formed a new group with other doctors, Regeneration

Orthopedics, which is located in Chesterfield Valley. He said that Dr. Paletta will remain a member of TOC and will also be a member of the new group.

Mr. Salvatore Gianino, who resides at 1824 Oak Tree Ridge Road in Chesterfield, stated he was available to answer any questions on Bill No. 2899 (Approves Boundary Adjustment Plat - Lots 1 and 2, McCarthy's Subdivision; a resubdivision of Lungo Estates Lot No. 2 - East side of Kehrs Mill Road, south of Countryside Manor Parkway).

Ms. Laura Bryant, who resides at 12738 Hezel Lane in Creve Coeur, expressed concerns about Bill No. 2896 [P.Z. 05-2012, CVPBA III (17298 and 17280 North Outer 40 Road)].

Mr. David Durbin, Director of Research and Regulatory Affairs for SSM Health Care at 477 N. Lindbergh Blvd. in Creve Coeur, spoke in opposition to Bill No. 2896 [P.Z. 05-2012, CVPBA III (17298 and 17280 North Outer 40 Road)]. He expressed his concerns about patient safety and care and said he understands that the City's main concern is land use planning and zoning.

Mr. Greg Bratcher, Director of Policy Analysis for BJC HealthCare at 4901 Forest Park Avenue in St. Louis, spoke in opposition to Bill No. 2896 [P.Z. 05-2012, CVPBA III (17298 and 17280 North Outer 40 Road)]. He stated that the City has explained that this a land use issue; however, he feels this issue needs further review.

APPOINTMENTS

Mayor Geiger stated that he had intended to re-appoint individuals to the Public Works Citizens Advisory Group (PWCAG), but Councilmember Logan had requested that those re-appointments be held, pending discussion regarding the PWCAG. Councilmember Logan then made a motion, seconded by Councilmember Grissom, to hold these re-appointments and refer this to the Planning and Public Works Committee meeting, scheduled for August 23 for discussion and recommendation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mayor Geiger next nominated Ms. Lauren Strutman, from Ward IV, for re-appointment to the Public Works Board of Variance. Councilmember Nation made a motion, seconded by Councilmember Fults, to approve this re-appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Ms. Strutman's new five-year term will expire August 21, 2017.

COUNCIL COMMITTEE REPORTS

Planning and Public Works Committee

Councilmember Randy Logan, Chairperson of the Planning and Public Works Committee, reported that Bill No. 2896 [P.Z. 05-2012, CVPBA III (17298 and 17280 North Outer 40 Road)] and Bill No. 2897 [P.Z. 06-2012, Long Road (Long Road Dental)] will be considered for SECOND READING approval and adoption under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Logan next reported that Bill No. 2898 (Authorizes the City Administrator to Execute a SUPPLEMENTAL AGREEMENT re: MoDOT Route 141) will be considered for SECOND READING approval and adoption under the “Legislation” portion of the Agenda.

Councilmember Logan next reported that Bill No. 2899 (Approves Boundary Adjustment Plat - Lots 1 and 2, McCarthy's Subdivision; a resubdivision of Lungo Estates Lot No. 2 - East side of Kehrs Mill Road, south of Countryside Manor Parkway) is scheduled for both FIRST AND SECOND READING approval, under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Logan next made a motion, seconded by Councilmember Segal, to approve **T.S.P. 27-2010** – AT&T (13559 Olive Blvd.), **T.S.P. 35-2011** – AT&T (14759 Deerhorn Drive), **T.S.P. 36-2011** – AT&T (1972 Baxter Road), **T.S.P. 37-2011** – AT&T (14804 Clayton Road), and **T.S.P. 38-2011** – AT&T (17259 Wild Horse Creek Road). Discussion ensued. It was noted that AT&T has still not paid all of its taxes to the City, due on revenues received by AT&T for data service plans. A voice vote was taken with an affirmative result (6-2 - Councilmember Flachsbarth and Councilmember Casey voted “No”) and the motion was declared passed.

Councilmember Logan announced that the next meeting of this Committee has been scheduled for Thursday, August 23, at 5:00 p.m.

REPORT FROM THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that Staff sought bids for PHASE V of the Monarch-Chesterfield Levee Trail project. This portion of the levee trail will be approximately .7 of a mile in length, running from the current terminus, adjacent to Edison Avenue to underneath I-64/US Highway 40. 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 L. Krupp Construction, in an amount-not-to-exceed \$275,000, for construction of PHASE V of the Monarch-Chesterfield Levee Trail. This entire amount is funded via grant funds received from the Great Rivers Greenway District and the Chesterfield Valley Transportation Development District. Councilmember Casey made a motion, seconded by Councilmember Flachsbarth, to award a contract to L. Krupp Construction, in an amount-not-to-exceed \$275,000. A

voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that City Council previously authorized funding for the development of a concept plan regarding the future improvement of Schoettler Road. Various engineering firms submitted proposals and were interviewed for this work. 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 HR Green, Inc., in an amount-not-to-exceed \$60,000, for development of a concept plan regarding the future improvement of Schoettler Road. Adequate funds exist within the FY2012 Budget to cover this entire expense. Councilmember Logan made a motion, seconded by Councilmember Casey, to award a contract to HR Green, Inc., in an amount-not-to-exceed \$60,000. 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. 2898 AUTHORIZES THE CITY ADMINISTRATOR OF THE CITY OF CHESTERFIELD, MISSOURI TO EXECUTE A SUPPLEMENTAL ENHANCEMENT AGREEMENT PROVIDING FOR LANDSCAPE ENHANCEMENTS AND THE MAINTENANCE THEREOF IN CONJUNCTION WITH THE CONSTRUCTION OF ROUTE 141 WITHIN THE CITY OF CHESTERFIELD (**SECOND READING; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Logan made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2898. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2898 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2898 with the following results: Ayes – Grissom, Flachsbart, Fults, Logan, Nation, Grier, Segal and Casey. Nays – None. Whereupon Mayor Geiger declared Bill No. 2898 approved, passed it and it became **ORDINANCE NO. 2714**.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2896 REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 2274 AND REPLACING IT WITH A NEW ORDINANCE TO ALLOW FOR CHANGES TO THE PERMITTED USE REQUIREMENTS AND ONE STRUCTURE SETBACK FOR A 6.172 ACRE TRACT OF LAND ZONED “PC” PLANNED COMMERCIAL DISTRICT LOCATED ON THE NORTH SIDE

OF US HIGHWAY 40/INTERSTATE 64 IMMEDIATELY EAST OF ITS INTERSECTION WITH BOONE'S CROSSING. [P.Z. 05-2012 CVPBA III (17298 & 17280 NORTH OUTER 40 ROAD)]
(SECOND READING; PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, AS AMENDED)

Councilmember Logan made a motion, seconded by Councilmember Grissom, for the second reading of Bill No. 2896. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2896 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2896 with the following results: Ayes – Segal, Flachsbart, Logan, Casey, Grissom and Grier. Nays – None. Abstentions – Fults and Nation. Whereupon Mayor Geiger declared Bill No. 2896 approved, passed it and it became **ORDINANCE NO. 2715**.

BILL NO. 2897 REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 2510 AND REPLACING IT WITH A NEW ORDINANCE TO ALLOW FOR CHANGES TO THE PERMITTED USE REQUIREMENTS FOR A 0.5 ACRE TRACT OF LAND ZONED "PI" PLANNED INDUSTRIAL DISTRICT LOCATED 0.1 MILE SOUTH OF THE INTERSECTION OF CHESTERFIELD AIRPORT ROAD AND LONG ROAD. [P.Z. 06-2012 143 LONG ROAD (LONG ROAD DENTAL)] **(SECOND READING; PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Logan made a motion, seconded by Councilmember Grier, for the second reading of Bill No. 2897. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2897 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2897 with the following results: Ayes – Casey, Grier, Nation, Fults, Grissom, Segal, Flachsbart and Logan. Nays – None. Whereupon Mayor Geiger declared Bill No. 2897 approved, passed it and it became **ORDINANCE NO. 2716**.

BILL NO. 2899 PROVIDES FOR THE APPROVAL OF A BOUNDARY ADJUSTMENT PLAT FOR LOTS 1 AND 2 OF MCCARTHY'S SUBDIVISION, A RESUBDIVISION OF LUNGO ESTATES LOT NO. 2, ZONED "R1" RESIDENCE DISTRICT AND "E1" ESTATE ONE-ACRE DISTRICT, RESPECTIVELY, LOCATED ON THE EAST SIDE OF KEHRS MILL ROAD, SOUTH OF COUNTRYSIDE MANOR PARKWAY **(FIRST AND SECOND READINGS; PLANNING AND DEVELOPMENT SERVICES DIVISION RECOMMENDS APPROVAL)**

Councilmember Logan made a motion, seconded by Councilmember Segal, for the first reading of Bill No. 2899. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2899 was read for the first time.

Councilmember Logan made a motion, seconded by Councilmember Segal, for the second reading of Bill No. 2899. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2899 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2899 with the following results: Ayes – Grier, Nation, Casey, Logan, Fults, Flachsbart, Segal and Grissom. Nays – None. Whereupon Mayor Geiger declared Bill No. 2899 approved, passed it and it became **ORDINANCE NO. 2717**.

ADJOURNMENT

There being no further business to discuss, Mayor Geiger adjourned the meeting at 7:42 p.m.

Mayor Bruce Geiger

ATTEST:

Judith A. Naggiar, City Clerk