RECORD OF PROCEEDING

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

August 5, 2013

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

Mayor Bob Nation 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	ABSENT
Mayor Bob Nation	
Councilmember Barry Flachsbart	
Councilmember Nancy Greenwood	
Councilmember Derek Grier	
Councilmember G. Elliot Grissom	
Councilmember Mike Casey	
Councilmember Dan Hurt	
Councilmember Bruce DeGroot	
Councilmember Connie Fults	

APPROVAL OF MINUTES

The minutes of the July 15, 2013 City Council meeting were submitted for approval. Councilmember Grissom made a motion, seconded by Councilmember Greenwood, 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 Nation announced Backstoppalooza, a concert to benefit BackStoppers, which will be held at the Amphitheater on August 10 from 3:00-10:00 p.m.

Mayor Nation announced that the next meeting of City Council has been scheduled for Monday, August 19, at 7 p.m.

Mayor Nation presented proclamations to Sydney Gebhardt, Ashley Boesch, Kelsey Edwards, Meghan Grass, Kaleigh Jurgensmeyer and John Logan. On Saturday, July 20, a three year old boy almost lost his life at the Family Aquatic Center, but for the actions of a nearby swimmer and several lifeguards employed by Midwest Pool Management who were working that day.

COMMUNICATIONS AND PETITIONS

Mr. Mike Doster, DosterUllom, LLC, stated he was available to answer questions related to proposed Bill No. 2932 [Monarch Center (JLA Development, LLC)].

Mr. Doster also announced the St. Luke's Wellness Ride scheduled for August 18 beginning at 8:00 a.m. This event is being sponsored by Big Shark, Trailnet, St. Luke's and the Chesterfield Parks and Recreation Department.

Mr. Brennen Soval, Husch Blackwell, stated he was available to answer questions related to proposed Bill No. 2932 [Monarch Center (JLA Development, LLC)]. He confirmed that the petitioners are in agreement with the changes proposed in the blue sheet.

APPOINTMENTS

Mayor Nation, with the endorsement of the Planning and Public Works Committee, nominated Ms. Merrell Hansen to serve on the Planning Commission, filling the spot vacated by Councilmember Bruce DeGroot, when he was elected to City Council. Ms. Hansen's nomination is also endorsed by both Ward 4 Councilmembers Connie Fults and Bruce DeGroot. Councilmember DeGroot made a motion, seconded by Councilmember Fults, to approve this appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Ms. Hansen's term will expire on October 4, 2014.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Mike Casey, Chairperson of the Finance and Administration Committee, reported that Bill No. 2935 (Re-adopts the Procedure for Disclosure of Conflicts for certain Municipal Officials) will be considered for adoption under the "Legislation" portion of the Agenda.

Councilmember Casey next reported that Bill No. 2936 (Establishes the Property Tax Rate for 2013) will be read for the first time under the "Legislation" portion of the Agenda.

Planning/Public Works Committee

Councilmember Connie Fults, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2932 [Monarch Center (JLA Development, LLC)] will be considered for adoption under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Fults reported that Bill No. 2933 (Authorizes the City Administrator to execute a Surface Transportation Program Agreement with the Missouri Highways and Transportation Commission Re: Ladue Rd.) will be considered for adoption under the "Legislation" portion of the Agenda.

Councilmember Fults reported that Bill No. 2934 (Authorizes the City Administrator to execute a Surface Transportation Program Agreement with the Missouri Highways and Transportation Commission Re: S. Greentrails Dr.) will be considered for adoption under the "Legislation" portion of the Agenda.

Councilmember Fults reported that Bill No. 2937 (16889 Chesterfield Airport Road) will be read for the first time under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Fults reported that Bill No. 2938 (346 N. Eatherton Road) will be read for the first time under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Fults made a motion, seconded by Councilmember Grissom, to approve Snow Removal Reimbursement for Private Subdivisions at the amounts authorized in the Policy, at a total cost of up to $140,676, which includes a supplemental appropriation of $65,676 from General Fund Fund Reserves as was described and approved during the most recent Policy review. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for Thursday, August 8, at 5:30 p.m.

REPORT FROM THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that J2 Brewing, LLC, 161 Long Road, #105, has requested a new liquor license, to sell package liquor and Sunday sales, as well as tastings. Mr. Herring reported that this application has been reviewed and recommended for approval by the Departments of Police and Planning/Public Works. Councilmember DeGroot made a motion, seconded by Councilmember Grier, to approve issuance of a new liquor license to J2 Brewing, LLC. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring reported that Staff is recommending approval of a contract to SBC Contracting for the 2013 Sidewalk Replacement Project. Based upon review of information provided by Public Works Director/City Engineer Jim Eckrich, Mr. Herring joined with him in recommending award of a contract to SBC Contracting in an amount not to exceed $200,000. Councilmember Flachsbart made a motion, seconded by Councilmember Greenwood, to award a contract to SBC Contracting in an amount not to exceed $200,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Staff is recommending approval of a contract to XL Contracting for a project to construct a spillway bridge, which would link the walking paths around the lake located behind the Amphitheater within Central Park. Based upon review of information provided by Public Works Director/City Engineer Jim Eckrich, Mr. Herring joined with him in recommending award of a contract to XL Contracting in an amount not to exceed $77,870. Total cost of the spillway bridge will be approximately $100,000. Councilmember Flachsbart made a motion, seconded by Councilmember Grissom, to award a contract to XL Contracting in an amount not to exceed $77,870. 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. 2933 AUTHORIZES THE CITY ADMINISTRATOR TO EXECUTE A SURFACE TRANSPORTATION PROGRAM AGREEMENT WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION REGARDING THE RECONSTRUCTION OF LADUE ROAD FROM OLIVE BLVD TO ROUTE 141 **(SECOND READING; PLANNING/PUBLIC WORKS COMMITTEE)**

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, for the second reading of Bill No. 2933. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2933 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2933 with the following results: Ayes – Greenwood, Hurt, Fults, Grier, Grissom, Casey, DeGroot and Flachsbart. Nays – None. Whereupon Mayor Nation declared Bill No. 2933 approved, passed it and it became **ORDINANCE NO. 2750.**

BILL NO. 2934 AUTHORIZES THE CITY ADMINISTRATOR TO EXECUTE A SURFACE TRANSPORTATION PROGRAM AGREEMENT

WITH THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR RECONSTRUCTION OF SOUTH GREENTRAILS DRIVE FROM LADUE ROAD TO WHITE ROAD **(SECOND READING; PLANNING/PUBLIC WORKS COMMITTEE)**

Councilmember Fults made a motion, seconded by Councilmember Greenwood, for the second reading of Bill No. 2934. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2934 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2934 with the following results: Ayes – Casey, Grissom, Fults, Grier, DeGroot, Hurt, Greenwood and Flachsbart. Nays – None. Whereupon Mayor Nation declared Bill No. 2934 approved, passed it and it became **ORDINANCE NO. 2751.**

BILL NO. 2935 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 Casey made a motion, seconded by Councilmember Grissom, for the second reading of Bill No. 2935. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2935 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2935 with the following results: Ayes – Fults, Grissom, Hurt, Casey, Greenwood, DeGroot, Grier and Flachsbart. Nays – None. Whereupon Mayor Nation declared Bill No. 2935 approved, passed it and it became **ORDINANCE NO. 2752.**

BILL NO. 2936 FIXES THE RATE OF TAXATION FOR THE YEAR 2013 AND LEVIES A TAX ON ALL REAL AND PERSONAL PROPERTY MADE TAXABLE BY THE LAW WITHIN THE CORPORATE LIMITS OF THE CITY OF CHESTERFIELD, MISSOURI, FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE GENERAL OBLIGATION BOND ISSUE FOR PARKS; EFFECTIVE WHEN (**FIRST READING**; **FINANCE AND ADMINISTRATION COMMITTEE)**

Councilmember Casey made a motion, seconded by Councilmember Greenwood, for the first reading of Bill No. 2936. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2936 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2932 REPEALS ST. LOUIS COUNTY ORDINANCES 10,355 AND 10,765 AND CITY OF CHESTERFIELD ORDINANCE 2334 TO CONSOLIDATE AN AREA COVERED UNDER AN “M-3”

PLANNED INDUSTRIAL DISTRICT AND A "PC" PLANNED COMMERCIAL DISTRICT INTO A SINGLE "PC" PLANNED COMMERCIAL DISTRICT FOR A 10.94 ACRE AREA OF LAND LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF LONG ROAD AND EDISON AVENUE (P.Z. 05-2013 MONARCH CENTER {JLA DEVELOPMENT, LLC} 17U120210 AND 17U120100). **(SECOND READING; PLANNING/PUBLIC WORKS COMMITTEE VOTED 2-2 TO RECOMMEND APROVAL; BLUE SHEET AMENDMENTS; GREEN SHEET AMENDMENTS)**

Councilmember Fults made a motion, seconded by Councilmember DeGroot, for the second reading of Bill No. 2932. A voice vote was taken with an affirmative result (Councilmember Flachsbart voted No) and the motion was declared passed. Bill No. 2932 was read for the second time.

Councilmember Fults made a motion, seconded by Councilmember DeGroot, to approve green sheet amendment #1 by adding the following language to Section I. Specific Criteria, C. Setbacks 2 on Page 3 of 17:

> "In the event that the ATM shown on the Preliminary Plan is constructed, substantial landscaping shall be installed to buffer the structure from the public rights-of-way. All landscaping shall be included on the landscape plan and approved by the City of Chesterfield."

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

Councilmember Fults made a motion, seconded by Councilmember DeGroot, to approve green sheet amendment #2 by changing Section I. Specific Criteria, A. Permitted Uses 1.c on Page 4 of 17 to increase the required setback from the western boundary of the "PC" District from fifty (50) feet to sixty (60) feet. A voice vote was taken with an affirmative result (Councilmembers Flachsbart and Greenwood voted No) and the motion was declared passed.

Councilmember Fults made a motion, seconded by Councilmember DeGroot, to approve blue sheet amendment #1 by adding the following language to Section I. Access/Access Management, page 6 (item 1a):

> "In the event that the westernmost site develops with a convenience store and gas station, in general conformance with Exhibits A and B, the westernmost access point from Edison Avenue shall be restricted to a right in/right out access only."

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

Councilmember Fults made a motion, seconded by Councilmember DeGroot, to approve blue sheet amendment #2 by adding the following language to Section I. Access/Access Management, page 7:

> "During site development section plan review of the westernmost lot of this development, William S. Kirchoff and Sandra A. Kirchoff, husband and wife, or their successors in title, shall provide written documentation to the City consenting to a restricted access point along Edison Avenue as described in item number 1a. above and waiving other access rights with respect to the westernmost access point, as granted pursuant to the May 15, 2001 Roadway Agreement, upon approval of said site development section plan."

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

Councilmember Fults made a motion, seconded by Councilmember DeGroot, to approve blue sheet amendment #3 by adding the following language to Section P. Miscellaneous, page 10:

> "Neither the Preliminary Plan (Exhibit A) nor the Access Plan (Exhibit B) attached hereto imply approval of any site development concept plan or site development section plan."

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. 2932 with the following results: Ayes – Grier, Grissom, Casey, DeGroot and Fults. Nays – Hurt, Flachsbart and Greenwood. Whereupon Mayor Nation declared Bill No. 2932 approved, passed it and it became **ORDINANCE NO. 2753.**

BILL NO. 2937 REPEALS THE ZONING ORDINANCE 7014 OF ST. LOUIS COUNTY BY CHANGING THE BOUNDARIES OF AN "M-3" PLANNED INDUSTRIAL DISTRICT TO A "PC" PLANNED COMMERCIAL DISTRICT FOR A 0.709 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF CHESTERFIELD AIRPORT RD. APPROXIMATLEY 1,000 FEET EAST OF CHESTERFIELD COMMONS DR. (P.Z. 08-2013 16889 CHESTERFIELD AIRPORT RD., {TIMOTHY MEYER} 17T230189). **(FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE ATTACHED GREEN SHEET AMENDMENT)**

Councilmember Fults made a motion, seconded by Councilmember DeGroot, for the first reading of Bill No. 2937. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2937 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember DeGroot, to approve green sheet amendment #1 by adding the following language to Section I. Specific Criteria, A. Permitted Uses, 2. Hours of Operation, page 1:

> "Hours of operation for retail uses shall be limited to 6 a.m. to 11 p.m. Retail uses may be expanded for Thanksgiving Day and the day after Thanksgiving upon review and approval of a Special Activities Permit, signed by the property owner and submitted to the City of Chesterfield at least seven (7) business days in advance of said holiday."

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

BILL NO. 2938 AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "NU" NON-URBAN DISTRICT TO A "PI" PLANNED INDUSTRIAL DISTRICT FOR A 3.043 ACRE TRACT OF LAND LOCATED APPROXIMATELY 550 FEET SOUTHEAST OF THE INTERSECTION OF WINGS CORPORATE DRIVE AND NORTH EATHERTON ROAD. (P.Z. 11-2013 346 N. EATHERTON RD. {CHESTERFIELD LAWNS AND LANDSCAPES} 18W430024). **(FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember DeGroot, for the first reading of Bill No. 2938. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2938 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to approve amendment #1 by changing Section I. Access/Access Management, Paragraph 1 to read "Provide cross access easement(s) . . . to the north, south and east as directed by the City of Chesterfield." A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to approve amendment #2 by adding the following sentence to the end of Section I. Access/Access Management, Paragraph 1:

> "If access to the north is constructed, existing points of access off Eatherton Road may be eliminated as directed by the City of Chesterfield."

A voice vote was taken with an affirmative result (Councilmember Casey voted No) and the motion was declared passed.

ADJOURNMENT

There being no further business to discuss, Mayor Nation adjourned the meeting at 7:48 p.m.

Mayor Bob Nation

ATTEST:

Vickie J. Hass, City Clerk