



RECORD OF PROCEEDING

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

AUGUST 3, 2009

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

Boy Scout David Pruitt led everyone in the Pledge of Allegiance and Mayor Nations followed with a moment of silent prayer.

A roll call was taken with the following results:

PRESENT

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

ABSENT

Councilmember Randy Logan

APPROVAL OF MINUTES

The minutes of the July 20, 2009, City Council meeting were submitted for approval. Councilmember Erickson made a motion, seconded by Councilmember Nation, 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

Mr. Thomas K. Walker, representing Retail Realty Group, spoke in support of Bill No. 2740 [P.Z. 05-2009 - River Crossing (Lot C, Holiday Inn & Suites)].

Mr. John Pfaff, representing Pfaff Partnership, spoke in support of Bill No. 2740 [P.Z. 05-2009 - River Crossing (Lot C, Holiday Inn & Suites)]. Mr. Pfaff provided copies of the architectural elevations and square footage diagrams to Mayor Nations and the Councilmembers.

APPOINTMENTS

There were no appointments.

INTRODUCTORY REMARKS

Mayor Nations thanked Councilmember Mike Casey for chairing the July 20 City Council meeting during his absence.

Mayor Nations announced that the City has acquired a key piece of land, known as the Eberwein Farm, for use as a City park and that City Council has approved an ordinance in Executive Session to authorize Parks Bond funds for the purchase of this land. Councilmember Geiger thanked Mayor Nations and City Attorney Rob Heggie for their efforts on the acquisition of the Eberwein property.

COUNCIL COMMITTEE REPORTS

Public Health & Safety Committee

Councilmember Barry Flachsbar, Chairperson of the Public Health & Safety Committee, reported that Bill No. 2731 (relates to the unlawful use of credit or debit cards) and Bill No. 2732 (amends hours for Sunday liquor sales, consistent with State and County laws) will be considered for adoption under the "Legislation" portion of the Agenda.

Finance and Administration Committee

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee, made a motion, seconded by Councilmember Casey, to approve the Proposed City Council meeting schedule for 2010. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger made a motion, seconded by Councilmember Segal, to approve the recommendation to approve/accept the FY2008 Audit/Comprehensive Annual Report. 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 Monday, August 24, at 5:30 p.m.

Parks and Recreation Committee

Councilmember Mike Casey, Chairperson of the Parks and Recreation Committee, reported that Bill No. 2729 (approves amendments to "Parks Rules and Regulations") will be considered for adoption under the "Legislation" portion of the Agenda.

Councilmember Casey announced that the next meeting of this Committee has been scheduled for Monday, August 31, at 5:30 p.m.

Planning/Public Works Committee

Councilmember Connie Fults, Chairperson of the Planning/Public Works Committee, made a motion, seconded by Councilmember Flachsbart, to approve a transfer of \$7,500 from General Fund Fund Reserves to cover the costs associated with the Historical Commission creating an oral history of the City of Chesterfield. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mayor Nations stated that he is pleased that the Historical Commission is recording the history of the City on CD's.

Councilmember Fults reported that Bill No. 2739 (amends Ordinance No. 2370 re: "Open House" signs) and Bill No. 2740 [P.Z. 05-2009 – River Crossing (Lot C, Holiday Inn & Suites)] will be read for the first time under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Fults next reported that Bill No. 2733 (changes the name of Longwood View Court and Woodland View Lane to Fick Farm Road) and Bill No. 2734 (authorizes City Administrator to execute contract with MoDOT re: Monarch-Chesterfield Levee Trail) will be considered for adoption under the "Legislation" portion of the Agenda.

Councilmember Fults next reported that Bill No. 2735 [P.Z. 26-2008, Chesterfield Village Parcels C-119 and C-148 (Chesterfield Village, Inc.)], Bill No. 2736 [P.Z. 07-2009 - Stallone Pointe (Conway Pointe, LLC)], Bill No. 2737 [P.Z. 03-2009 - Four Seasons, Lot 3, Plat 6 (Schuyler Corp.)] and Bill No. 2738 [P.Z. 06-2009, Villages of Kendall Bluff, Villages B&C (Partial) (Fischer & Frichtel, Inc.)] will be considered for adoption under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for Thursday, August 6, at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

There was no Report of the City Administrator.

NEW BUSINESS

There was no New Business.

LEGISLATION

BILL NO. 2729 AMENDS CITY OF CHESTERFIELD ORDINANCE NO. 2441 BY DELETING THE CURRENT RULES AND REGULATIONS AND ADOPTING THE ATTACHED PARKS RULES AND REGULATIONS (**SECOND READING - PARKS AND RECREATION COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Casey made a motion, seconded by Councilmember Fults, for the second reading of Bill No. 2729. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2729 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2729 with the following results: Ayes – Casey, Segal, Fults, Geiger, Erickson, Nation and Flachsbart. Nays – None. Whereupon Mayor Nations declared Bill No. 2729 approved, passed it and it became **ORDINANCE NO. 2552**.

BILL NO. 2731 ADOPTS A NEW SECTION 21-69 OF THE CODE OF ORDINANCES OF THE CITY OF CHESTERFIELD, MISSOURI, RELATING TO UNLAWFUL USE OF A CREDIT CARD OR DEBIT CARD (**SECOND READING - PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, for the second reading of Bill No. 2731. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2731 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2731 with the following results: Ayes – Flachsbart, Erickson, Nation, Fults, Geiger, Segal and Casey. Nays – None. Whereupon Mayor Nations declared Bill No. 2731 approved, passed it and it became **ORDINANCE NO. 2553**.

BILL NO. 2732 PROVIDES FOR REVISION OF SECTION 4-7 OF THE CITY CODE PERTAINING TO THE SALES OF INTOXICATING LIQUORS ON SUNDAYS (**SECOND READING - PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2732. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2732 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2732 with the following results: Ayes – Erickson, Segal, Flachsbart, Fults, Casey and Geiger. Nays –

Nation. Whereupon Mayor Nations declared Bill No. 2732 approved, passed it and it became **ORDINANCE NO. 2554.**

BILL NO. 2733 CHANGES THE NAME OF LONGWOOD VIEW COURT AND WOODLAND VIEW LANE TO FICK FARM ROAD (**SECOND READING – PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2733. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2733 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2733 with the following results: Ayes – Segal, Flachsbart, Nation, Erickson, Fults, Geiger and Casey. Nays – None. Whereupon Mayor Nations declared Bill No. 2733 approved, passed it and it became **ORDINANCE NO. 2555.**

BILL NO. 2734 AUTHORIZES THE CITY ADMINISTRATOR TO EXECUTE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION LICENSE AGREEMENTS REGARDING THE CONSTRUCTION OF THE MONARCH CHESTERFIELD LEVEE TRAIL WITHIN THE RIGHT OF WAY OF STATE ROUTE 40 (**SECOND READING – PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2734. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2734 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2734 with the following results: Ayes – Fults, Nation, Segal, Geiger, Casey, Flachsbart and Erickson. Nays – None. Whereupon Mayor Nations declared Bill No. 2734 approved, passed it and it became **ORDINANCE NO. 2556.**

LEGISLATION – PLANNING COMMISSION

BILL NO. 2735 REPEALS ORDINANCE 1170 OF THE CITY OF CHESTERFIELD AND ORDINANCE 13,759 OF ST. LOUIS COUNTY BY CHANGING THE LEGAL DESCRIPTION IN A “C8” PLANNED COMMERCIAL DISTRICT FOR A 10.895 AND A 3.038 ACRE TRACTS OF LAND LOCATED ON THE SOUTHEAST AND SOUTHWEST CORNERS OF THE WILD HORSE CREEK ROAD AND BAXTER ROAD INTERSECTION [P.Z. 26-2008 CHESTERFIELD VILLAGE PARCELS C-119 & C-140 (CHESTERFIELD VILLAGE, INC)] (**SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, AS AMENDED**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2735. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2735 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2735 with the following results: Ayes – Nation, Erickson, Fults, Flachsbart, Segal, Casey and Geiger. Nays – None. Whereupon Mayor Nations declared Bill No. 2735 approved, passed it and it became **ORDINANCE NO. 2557.**

BILL NO. 2736 REPEALS ORDINANCE 2500 OF THE CITY OF CHESTERFIELD BY CHANGING THE REQUIRED CONWAY ROAD RIGHT OF WAY IMPROVEMENT IN A “PC” PLANNED COMMERCIAL DISTRICT FOR A 0.68 ACRE TRACT OF LAND LOCATED WEST OF THE CHESTERFIELD PARKWAY AND CONWAY ROAD INTERSECTION [P.Z. 07-2009 STALLONE POINTE (CONWAY POINTE LLC)] (**SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Geiger, for the second reading of Bill No. 2736. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2736 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2736 with the following results: Ayes – Fults, Casey, Geiger, Erickson, Segal, Flachsbart and Nation. Nays – None. Whereupon Mayor Nations declared Bill No. 2736 approved, passed it and it became **ORDINANCE NO. 2558.**

BILL NO. 2737 REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 2297 AND REPLACES IT WITH A NEW ORDINANCE THAT AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES FOR A “C8” PLANNED COMMERCIAL DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 2.35-ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF OLIVE BOULEVARD, DIRECTLY ACROSS FROM THE INTERSECTION OF OLIVE BOULEVARD AND RIVER VALLEY DRIVE. (P.Z. 03-2009 FOUR SEASONS, LOT 3, PLAT 6/SCHUYLER CORPORATION) (**SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, AS AMENDED**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2737. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2737 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2737 with the following results: Ayes – Geiger, Nation, Fults, Erickson, Casey, Segal and Flachsbart. Nays –

None. Whereupon Mayor Nations declared Bill No. 2737 approved, passed it and it became **ORDINANCE NO. 2559.**

BILL NO. 2738 REPEALS CITY OF CHESTERFIELD ORDINANCE 2133 AND REPLACES IT WITH A NEW ORDINANCE TO ALLOW FOR CHANGES TO THE PERMITTED USES FOR A 63.8 ACRE TRACT OF LAND ZONED “R1A” RESIDENCE DISTRICT WITH A PLANNED ENVIRONMENTAL UNIT (PEU) LOCATED ON THE NORTH SIDE OF OLIVE BOULEVARD, EAST OF CORDOVAN COMMONS PARKWAY AND WEST OF OLD RIVERWOODS LANE (P.Z. 06-2009 VILLAGES OF KENDALL BLUFF, VILLAGES B & C (PARTIAL) {FISCHER & FRICHTEL INC.}) (**SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2738. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2738 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2738 with the following results: Ayes – Geiger, Flachsbarth, Nation, Fults, Casey, Erickson and Segal. Nays – None. Whereupon Mayor Nations declared Bill No. 2738 approved, passed it and it became **ORDINANCE NO. 2560.**

BILL NO. 2739 REPEALS SECTION 2.5-4 PERTAINING TO OFF PREMISE RESIDENTIAL REAL ESTATE OPEN HOUSE DIRECTIONAL SIGNS; AND TO ESTABLISH NEW RULES FOR THE REGULATION AND PLACEMENT OF RESIDENTIAL REAL ESTATE OPEN HOUSE SIGNS WITHIN THE CITY OF CHESTERFIELD, MISSOURI (**FIRST READING - PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Geiger, for the first reading of Bill No. 2739. A voice vote was taken with an affirmative result (6-0-1 – Councilmember Nation abstained) and the motion was declared passed. Bill No. 2739 was read for the first time.

BILL NO. 2740 REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 2469 AND REPLACES IT WITH A NEW ORDINANCE WITH AMENDMENTS RELATIVE TO OVERALL OPENSOURCE, MAXIMUM BUILDING SQUARE FOOTAGE AND BUILDING HEIGHT IN RIVER CROSSINGS, A “PC” PLANNED COMMERCIAL DISTRICT-ZONED DEVELOPMENT LOCATED ON THE NORTH SIDE OF CHESTERFIELD AIRPORT ROAD, AT ITS INTERSECTION WITH ARNAGE BOULEVARD. (P.Z. 05-2009 RIVER CROSSINGS/LOT C,

**HOLIDAY INN AND SUITES) (FIRST READING - PLANNING
COMMISSION RECOMMENDS APPROVAL;
PLANNING/PUBLIC WORKS COMMITTEE
RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS
DETAILED IN THE ENCLOSED "GREEN" SHEET)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2740. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2740 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, to amend Bill No. 2740, pursuant to the “green” sheet attached. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

ADJOURNMENT

Mayor Nations adjourned the meeting at 7:31 p.m.

Mayor John Nations

ATTEST:

Judith A. Naggiar, City Clerk