



RECORD OF PROCEEDING

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

JULY 19, 2010

The meeting was called to order at 7:05 p.m.

Boy Scout Alex Ke, who is a member of Troop 631 from Parkway Central Middle School, led everyone in the Pledge of Allegiance and Mayor Nations followed with a moment of silent prayer.

PRESENTATIONS

Mayor Nations presented a proclamation to Ms. Victoria Wright, a 13-year-old who resides with her family, in Chesterfield, in recognition of her many talents. Mayor Nations commended Ms. Wright on representing Chesterfield and Missouri with her artwork, which is now on a national tour and for her many other accomplishments, including various awards that she has won, as a result of her participation in Special Olympics.

Mayor Nations recognized Ms. Alice Fugate, Chairperson of the Landmarks Preservation Commission and asked that she assist him in the presentation of the 2010 "Leonard Blake - Chesterfield Ancient History Award". This year's recipient, Mr. Stan Dampier, was then presented with this award, in honor of his discovery and excavation of a site within the Chesterfield Valley, which now bears his name.

ROLL CALL

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 Randy Logan
Councilmember Bob Nation
Councilmember Connie Fults

APPROVAL OF MINUTES

The minutes of the June 21, 2010 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.

INTRODUCTORY REMARKS

Mayor Nations announced that the next meeting of City Council has been scheduled for Monday, August 2, at 7 p.m.

Mayor Nations extended his appreciation and congratulations to Chief of Police Ray Johnson and the Police Department, the Parks and Recreation Department and the Planning/Public Works Department for their efforts on the City's Fourth of July celebration. Councilmember Flachsbart stated that the pacing of the fireworks was spectacular. City Administrator Mike Herring stated that Staff spent a tremendous amount of time with the fireworks contractor, following last year's event, regarding ways that this year's event could be improved. Mayor Nations asked Mr. Herring to please communicate to Staff that he and all of City Council appreciate their efforts.

COMMUNICATIONS AND PETITIONS

Mr. Mike Doster, attorney for the petitioner, stated he was available to answer questions related to proposed Bill No. 2794 (P.Z 04-2010, Chesterfield Blue Valley).

APPOINTMENTS

Mayor Nations nominated Mr. Robert C. Meier for appointment to the Police Personnel Board. Councilmember Casey made a motion, seconded by Councilmember Logan, to approve this appointment. Councilmember Nation, Chairperson of the Public Health & Safety Committee, stated that this Committee voted 4-0 to endorse the recommendation to appoint Mr. Meier to the Police Personnel Board. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Meier's three year term will expire August 15, 2013.

Mayor Nations next nominated Mr. Bud Gruchalla for re-appointment to the Architectural Review Board. Councilmember Segal made a motion, seconded by Councilmember Flachsbart, to approve this appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Gruchalla's two-year term will expire August 29, 2011.

Mayor Nations next nominated Mr. Todd Williams for re-appointment to the Landmarks Preservation Commission. Councilmember Logan made a motion, seconded by Councilmember Casey, to approve this appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Williams' three-year term will expire June 30, 2013.

Mayor Nations next nominated Ms. Melissa Heberle for appointment to the Board of Adjustment. Councilmember Flachsbart made a motion, seconded by Councilmember Segal, to approve this appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Ms. Heberle's five-year term will expire June 1, 2015.

COUNCIL COMMITTEE REPORTS

Planning/Public Works Committee

Councilmember Matt Segal, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2794 (P.Z. 04-2010, Chesterfield Blue Valley) will be considered for adoption under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Segal next made a motion, seconded by Councilmember Flachsbart, to approve **T.S.P. 18-2010** [Clearwire US, LLC (Wildhorse Springs)]. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Segal next reported that Bill No. 2797 (Amendment to Zoning Ordinance, Pertaining to Signage for Outdoor Public Art and Public Art Displays) and Bill No. 2798 [P.Z. 05-2010, 414 North Eatherton (Mark Antonacci)] will be read for the first time under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Segal next made a motion, seconded by Councilmember Casey, to approve **T.S.P. 20-2010** [Clearwire US, LLC (14550 S. Outer 40 Road)]. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Segal next made a motion, seconded by Councilmember Flachsbart, to authorize escrow attachment and related budget transfer/contract change order in the amount of \$12,000 for Justus Pointe. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Segal next reported that Bill No. 2799 (Approves Lot Split - Wilson Bluffs, Lot 2) is scheduled for both first and second reading approval, under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Segal announced that the next meeting of this Committee has been scheduled for Thursday, July 22, at 5:30 p.m.

[Mayor Nations recognized Mr. Robert Meier in attendance at tonight’s meeting and thanked him for his willingness to serve on the Police Personnel Board.

Mayor Nations next recognized Mr. Dan Gosen, who will be the new State Representative in the 84th District. Mayor Nations stated that Mr. Gosen is unopposed in the Republican Primary and will be unopposed in the General Election.

Mayor Nations next recognized Assistant City Administrator for Community Services and Economic Development Mrs. Libbey Malberg-Tucker. Mrs. Malberg-Tucker introduced Ms. Jessica Basset who is interning in her department this summer and is working on her Masters Degree at Washington University.]

Public Health & Safety Committee

Councilmember Bob Nation, Chairperson of the Public Health & Safety Committee, reported that Bill No. 2796 (Amends Ordinance No. 2576, Regarding seatbelts) will be read for the first time under the “Legislation” portion of the Agenda.

Councilmember Nation next made a motion, seconded by Councilmember Geiger, to authorize Chief Johnson to seek grant funding for the remainder of this year and 2011, to

cover all costs associated with establishing/operating DWI Sobriety Checkpoints at various locations within the City. Discussion followed. Councilmember Erickson stated that, while he clearly understand the many problems associated with DWI's, he intends to vote "No". Mayor Nations thanked Chief Johnson for his professionalism and concern for the safety of Chesterfield residents, by bringing this proposal forward. In response to various questions, Chief Johnson confirmed the following: If grant funding is secured, it would cover the operation of these "checkpoints" for the remainder of 2010 and throughout 2010; the criteria for conducting a sobriety checkpoint have long been established by the State and if there is a traffic back-up, the cars will be passed on through until the back-up is cleared; initially the City plans to utilize 50% of the manpower from St. Louis County and this will allow the Chesterfield officers some exposure and experience in conducting the sobriety checkpoints; the City will wait for grant approval before establishing sobriety checkpoints; a special order is prepared, drafted and approved by himself, through the Command Staff, specifying exactly the times, location, the frequency and the number of vehicles that will be stopped - there is no deviation from this; sobriety checkpoints are not typically set up at an intersection and that checkpoints are set up on a stretch of heavily traveled roadway; these checkpoints are very controlled scenarios, with the manner of operations set by the Missouri Department of Highway Safety; sobriety checkpoints are very effective in removing intoxicated drivers from the road and sending a message to the community that driving intoxicated will not be tolerated in the City. A voice vote was taken with an affirmative result (7-1-0 – Councilmember Erickson voted "No") and the motion was declared passed.

Councilmember Nation reported that the next meeting of this Committee has not yet been scheduled.

REPORT FROM THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that Staff has negotiated an expanded scope of work with EDSI, Inc., for consulting services regarding the design of water quality improvements at the Chesterfield Valley Athletic Complex, in an amount-not-to-exceed \$42,000. Based upon a review of the information provided by Public Works Director/City Engineer Brian McGownd, Mr. Herring joined with him in recommending approval of this contract amendment. This entire amount will be funded by Parks Bond Funds. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to approve this recommendation. Mayor Nations stated that he is very pleased with the City's good partnership with EDSI, which is a Chesterfield-based firm. 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 Phase One of the Riparian Trail. Based upon a review of the information provided by Principal Engineer Susan Mueller, Mr. Herring joined with her in recommending award of a contract to Ideal Landscape Construction, in an amount-not-to-exceed \$750,000. This entire amount is funded with Parks Bond Funds. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to Ideal Landscape Construction, in an amount-not-to-exceed \$750,000. 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 2796 AMENDS ORDINANCES 51 AND 2576 OF THE CITY OF CHESTERFIELD, RELATING TO SEATBELTS BEING WORN WHILE RIDING IN A MOTOR VEHICLE (**FIRST READING; PUBLIC HEALTH AND SAFETY RECOMMENDS APPROVAL**)

Councilmember Nation made a motion, seconded by Councilmember Logan, for the first reading of Bill No. 2796. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2796 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO 2794 REPEALS CITY OF CHESTERFIELD ORDINANCE 2443 AND AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “PC” PLANNED COMMERCIAL DISTRICT AND “NU” NON-URBAN DISTRICT FOR A 137.606 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF OLIVE STREET ROAD, WEST OF ITS INTERSECTION WITH CHESTERFIELD AIRPORT ROAD. (P.Z. 04-2010 CHESTERFIELD BLUE VALLEY/CHESTERFIELD BLUE VALLEY, LLC) (**SECOND READING; PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Segal made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2794. A voice vote was taken with a unanimous affirmative

result and the motion was declared passed. Bill No. 2794 was read for the second time. Councilmember Segal stated for the record that he wants to include Exhibit A, the July 12, 2010 letter written by Director of Planning and Public Works Mike Geisel to Chesterfield Blue Valley, LLC, as an attachment to Bill No. 2794. A roll call vote was taken for the passage and approval of Bill No. 2794 with the following results: Ayes – Geiger, Casey, Logan, Fults, Nation, Erickson and Segal. Nays - Flachsbart. Whereupon Mayor Nations declared Bill No. 2794 approved, passed it and it became **ORDINANCE NO. 2612.**

BILL NO 2797 REPEALS CITY OF CHESTERFIELD ZONING ORDINANCE SECTION 1003.168.C.6 RELATED TO PERMANENT SIGNS AND REPLACES IT WITH A NEW SECTION TO ESTABLISH CRITERIA FOR SIGNAGE FOR OUTDOOR PUBLIC ARTWORK AND PUBLIC ART DISPLAYS. **(FIRST READING; DEPT OF PLANNING/PUBLIC WORKS RECOMMENDS APPROVAL)**

Councilmember Segal made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2797. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2797 was read for the first time.

BILL NO 2798 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “NU” NON-URBAN DISTRICT TO AN “LI” LIGHT INDUSTRIAL DISTRICT FOR A 2.903 ACRE TRACT OF LAND LOCATED 1/3 OF A MILE SOUTHEAST OF THE INTERSECTION OF WINGS CORPORATE DRIVE AND NORTH EATHERTON ROAD (P.Z. 05-2010 414 N. EATHERTON {MARK ANTONACCI}) **(FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Segal made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2798. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2798 was read for the first time.

BILL NO 2799 REPEALS ORDINANCE 2583 AND PROVIDES FOR THE APPROVAL OF A LOT SPLIT FOR A 5.23 ACRE TRACT OF LAND ZONED E-ONE ACRE BEING IN THE SOUTH PART OF THE SOUTHWEST ONE QUARTER OF THE NORTHWEST ONE QUARTER OF THE SECTION 16, IN TOWNSHIP 45 NORTH, RANGE 4 EAST, CITY OF CHESTERFIELD, ST.

LOUIS COUNTY, MISSOURI, LOCATED AT 1717 WILSON
ROAD. (WILSON BLUFFS) **(FIRST AND SECOND
READINGS; DEPT OF PLANNING/PUBLIC WORKS
RECOMMENDS APPROVAL)**

Councilmember Segal made a motion, seconded by Councilmember Logan, for the first reading of Bill No. 2799. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2799 was read for the first time.

Councilmember Segal made a motion, seconded by Councilmember Logan, for the second reading of Bill No. 2799. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2799 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2799 with the following results: Ayes – Nation, Logan, Geiger, Erickson, Casey, Segal, Fults and Flachsbart. Nays - None. Whereupon Mayor Nations declared Bill No. 2799 approved, passed it and it became **ORDINANCE NO. 2613.**

ADDITIONAL REMARKS

Mayor Nations thanked Mr. Robert Meier for his willingness to serve the City on the Police Personnel Board. Mayor Nations also thanked Alex Ke for leading everyone in the Pledge of Allegiance and thanked Alex's father for volunteering for the Scouts.

ADJOURNMENT

Mayor Nations adjourned the meeting at 7:44 p.m.

Mayor John Nations

ATTEST:

Judith A. Naggia, City Clerk

