RECORD OF PROCEEDING

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

JUNE 15, 2009

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

Cory O'Connor, who is a member of Boy Scout Troop #597, led everyone in the Pledge of Allegiance and Mayor Nations followed with a moment of silent prayer. Mayor Nations recognized Cory's father, Craig O'Connor, in attendance and expressed his appreciation to Mr. O'Connor for the work he does as a Scout leader.

A roll call was taken with the following results:

PRESENT	ABSENT
Mayor John Nations	None
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 1, 2009, City Council meeting were submitted for approval. Councilmember Erickson made a motion, seconded by Councilmember Geiger, 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. Tim Engelmeyer, Prosecuting Attorney for the City, introduced himself to the newly elected Councilmembers and thanked Mayor Nations and the City Councilmembers for re-appointing him to serve another four-year term as Prosecuting Attorney. Mr. Engelmeyer provided a status report on the staffing and reported that 2008 was a record year in the number of cases handled and the amount of fines collected through the Municipal Court. Mr. Engelmeyer commended the Police Officers for doing their jobs and City Administrator Mike Herring for recommending and City Council for supporting the addition of a 4:00 p.m. "Housing Docket". Mr. Engelmeyer stated that he has worked with Chief Johnson during the past several years on a program to assist some charitable organizations and the City, through the Municipal Court system, has donated over $106,000 to Backstoppers and over $18,000 to the Major Case Squad. Mr. Engelmeyer, on behalf of the Municipal Court, the Police Department, and the Prosecutor's office, expressed his appreciation to Mayor Nations and the City Councilmembers for their support. Mayor Nations thanked Mr. Engelmeyer for doing a tremendous job as Prosecuting Attorney for the City. As Chairperson of the Public Health and Safety Committee, Councilmember Flachsbart expressed his appreciation to Mr. Engelmeyer for his many efforts, as well.

Mr. Joe Phillips, representing Piros Signs, spoke on behalf of several service stations in the City who are requesting that the City amend its sign ordinance to permit electronic gas price signs.

Ms. Stacey Morse, Executive Director of Chesterfield Arts, provided an overview of the activities and events Chesterfield Arts provides to the community. Ms. Morse announced that Chesterfield Arts will host a special VIP gala and unveiling of "The Awakening" sculpture on October 9, and the community unveiling will be on October 10. Mayor Nations expressed his appreciation to Ms. Morse and the Board members of Chesterfield Arts for the work they perform. Councilmember Geiger, who is a liaison to Chesterfield Arts, stated that Chesterfield Arts is a dynamic group of people and feels that this is a great opportunity for the City to partner with Chesterfield Arts by bringing "The Awakening" sculpture to the City of Chesterfield.

Ms. Demmy Steppe, who resides at 2209 Stonegate Manor Court and is a trustee of Stonebriar Subdivision, spoke in opposition to the City of Ballwin's proposed commercial development at Kehrs Mill Road and Clarkson Road and asked the Mayor and City Councilmembers to take a formal position, in opposition to that development.

Mr. John Bezdichek, who resides at 15923 Picardy Crest Court and is a trustee of Picardy Subdivision, spoke in opposition to the City of Ballwin's proposed commercial development at Kehrs Mill Road and Clarkson Road and also asked the Mayor and City Councilmembers to take a formal position, in opposition to that development.

Mayor Nations reported that he has met several times with the Mayor of Ballwin regarding their proposed commercial development. Mayor Nations stated that many

Chesterfield residents will be negatively impacted by this proposed development; unfortunately, it will ultimately be approved or rejected by the City of Ballwin. Mayor Nations stated he does not feel that this proposed development is an appropriate use for that site. Mayor Nations stated he is well aware of all of the issues related to this proposed development and that the City Council is sympathetic to the view of the City of Chesterfield residents who will be affected.

Councilmember Nation stated he intends to propose, under "New Business," that City Council consider adopting a Resolution, urging the City of Ballwin not to approve the proposed commercial development at Kehrs Mill Road and Clarkson Road. Mayor Nations stated that "over time, cities have generally refrained from an official vote on a proposal in another city." Mayor Nations further stated that "if the Council feels this is a situation that is egregious enough that it warrants that type of action, then that might very well be the case." Mayor Nations stated that it is his responsibility as Mayor to remind the Council that the City has done a lot of things "that have been controversial over the years and have not always been supported by our neighbors." Mayor Nations stated that cities "generally refrain from formal votes on things happening in other cities" but that does not affect the individual efforts the City makes with other cities to accommodate the wishes of our residents, because the City's ultimate responsibility is to the residents of the City of Chesterfield.

Councilmember Geiger made a motion, seconded by Councilmember Casey, to suspend the rules to move to "New Business", to enable consideration of a contribution to Chesterfield Arts, in support of the unveiling of "The Awakening". A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

Councilmember Bruce Geiger, Chairperson of the Finance & Administration Committee, made a motion, seconded by Councilmember Casey, to approve a recommendation to transfer $25,000 from General Fund Fund Reserves for a one-time contribution to Chesterfield Arts, in support of the unveiling of "The Awakening." Councilmember Erickson stated that this could be just the "beginning" of sponsored partnerships involving the Arts and that the Parks and Recreation Committee will discuss this at its June 23 meeting. Councilmember Logan stated that he feels these funds should not be restricted to just the installation and/or unveiling and should be available for use by Chesterfield Arts as they determine appropriate for events associated with "The Awakening", including the traveling display of other artwork by J. Seward Johnson, the installation and gala. Councilmember Geiger and Councilmember Casey agreed with Councilmember Logan's suggestion and the motion was amended accordingly. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Nations announced that City Hall will be closed Friday, July 3, in observance of the Independence Day holiday.

Mayor Nations invited everyone to attend the 4th of July Celebration at Chesterfield Mall.

Mayor Nations announced that the next meeting of City Council has been scheduled for Monday, July 20, at 7 p.m.

Mayor Nations recognized Former Councilmember Mary Brown in attendance at tonight's meeting.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee, announced that the next meeting of this Committee has been scheduled for Monday, June 22, at 5:30 p.m.

Parks and Recreation Committee

Councilmember Mike Casey, Chairperson of the Parks and Recreation Committee, announced that the next meeting of this Committee has been scheduled for Thursday, June 25, at 5:30 p.m.

Planning/Public Works Committee

Councilmember Connie Fults, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2707 [P.Z. 17-2008, Clarkson Wilson Centre (2 Clarkson Wilson Centre)] will be considered for adoption under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Fults next reported that Bill No. 2711 (Approves the installation of three fire hydrants) is scheduled for both first and second reading approval, under the "Legislation" portion of the Agenda.

Councilmember Fults next reported that Bill No. 2712 (Approval of record plat for Precision Plaza) is scheduled for both first and second reading approval, under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for Thursday, June 18, at 5:30 p.m.

[Mayor Nations provided an explanation of how business is conducted at a City Council meeting to Scout Cory O'Connor.]

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that bids were recently sought for another project associated with Phase Two of the Parks Plan. Mr. Herring stated that this work will be financed, primarily, with transfers from Fund Reserves, from both the General Fund ($1,157,005) and the Parks Sales Tax Fund ($1,103,885), totaling $2,260,890 and that the use of these Fund Reserves was previously approved by City Council. Based upon a review of the information provided by Director of Planning/Public Works Mike Geisel, Mr. Herring joined with him in recommending award of a contract to Frederich Construction, in an amount not to exceed $2,320,717.25, for work associated with the construction of the "F" Athletic Fields, at the CVAC. Councilmember Flachsbart made a motion, seconded by Councilmember Logan, to award a contract to Frederich Construction, in an amount not to exceed $2,320,717.25. A voice vote was taken, with a unanimous affirmative result, and the motion was declared passed.

ADDITIONAL NEW BUSINESS

Councilmember Barry Flachsbart, Chairperson of the Public Health and Safety Committee, announced that the next meeting of this Committee has been scheduled for Monday, July 13, at 7:30 a.m.

Councilmember Nation made a motion, seconded by Councilmember Fults, that the City prepare a Resolution opposing the proposed Schnuck's development, at the corner of Kehrs Mill and Clarkson Road, in the City of Ballwin. Councilmember Nation stated that, based upon the City of Ballwin's Comprehensive Plan and the proximity of two schools, adopted such a Resolution is the responsible thing for the City Council to do. Mayor Nations stated that under Missouri law, a Board of Aldermen or a City Council is not constrained by a "Comprehensive Plan" since the "Comprehensive Plan" is the plan of the Planning Commission. Mayor Nations suggested that Councilmember Nation should introduce a Resolution that opposes the proposed development, simply because it is not appropriate for that site. Discussion ensued regarding the impact of this development on the Chesterfield residents and the content of the proposed Resolution. Councilmember Segal stated for the record that "he does not feel it is our place to tell the City of Ballwin what to do", especially in light of the Mayor's previous comments, noting that Chesterfield has not previously taken such formal action. Councilmember Geiger stated that he is not sure that a Resolution is the right approach and feels it would be more effective if the Mayor and the Councilmembers from Wards 3 and 4 stated their opposition to this proposed development. Discussion ensued regarding the best approach to oppose the proposed development. Mayor Nations read the proposed language of the Resolution that City Attorney Rob Heggie developed. Discussion ensued regarding the potential outcome of the proposed Resolution. Mayor Nations read the proposed Resolution for a second time. A roll call vote was taken for the passage and approval of this motion for the proposed Resolution No. 359 with the following results: Ayes – Nation, Logan, Flachsbart, Casey, Geiger, Erickson and Fults. Nays – Segal. Whereupon Mayor Nations declared the motion for approval of Resolution No. 359 as passed.

LEGISLATION

BILL NO. 2711 APPROVES THE INSTALLATION OF THREE FIRE HYDRANTS ON VETERAN'S PLACE DRIVE (FORMERLY KNOWN AS CENTRAL PARK ROAD) LOCATED WITHIN THE CITY OF CHESTERFIELD **(FIRST AND SECOND READINGS; PLANNING/PUBLIC WORKS COMMITTEE)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2711. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2711 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2711. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2711 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2711 with the following results: Ayes – Nation, Erickson, Geiger, Flachsbart, Fults, Segal, Logan and Casey. Nays – None. Whereupon Mayor Nations declared Bill No. 2711 approved, passed it and it became **ORDINANCE NO. 2546.**

LEGISLATION – PLANNING COMMISSION

BILL NO. 2707 REPEALS ST. LOUIS COUNTY ORDINANCE NUMBER 13,903 AND CITY OF CHESTERFIELD ORDINANCE NUMBER 1117 AND REPLACES IT WITH A NEW ORDINANCE THAT CONSOLIDATES THE GOVERNING CONDITIONS OF BOTH AND 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 A 5.45-ACRE TRACT OF LAND LOCATED ON THE EAST SIDE OF CLARKSON ROAD AND SOUTH OF CLARKSON WOODS DRIVE [P.Z. 17-2008 CLARKSON WILSON CENTRE (2 CLARKSON WILSON CTR.)] **(SECOND READING; PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, AS AMENDED)**

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, for the second reading of Bill No. 2707. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2707 was read for the second time. Councilmember Fults thanked the residents, the developer and the management for their work on getting issues resolved. A roll call vote was taken for the passage and approval of Bill No. 2707 with the following results: Ayes – Flachsbart, Segal, Erickson, Logan,

Fults, Nation, Geiger and Casey. Nays – None. Whereupon Mayor Nations declared Bill No. 2707 approved, passed it and it became **ORDINANCE NO. 2547.**

BILL NO. 2712 PROVIDES FOR THE APPROVAL OF A RECORD PLAT FOR PRECISION PLAZA, A 14.28 ACRE TRACT OF LAND ZONED "PI", PLANNED INDUSTRIAL DISTRICT, LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF WINGS CORPORATE DRIVE AND EATHERTON ROAD **(FIRST AND SECOND READINGS; PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2712. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2712 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2712. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2712 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2712 with the following results: Ayes – Erickson, Logan, Flachsbart, Nation, Fults, Geiger, Segal and Casey. Nays – None. Whereupon Mayor Nations declared Bill No. 2712 approved, passed it and it became **ORDINANCE NO. 2548.**

ADJOURNMENT

Mayor Nations adjourned the meeting at 8:26 p.m.

_____
Mayor John Nations

ATTEST:

_____
Judith A. Naggiar, City Clerk