RECORD OF PROCEEDING

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

JUNE 6, 2011

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

Mayor Bruce Geiger, on behalf of himself, City Council and City Staff, paid tribute to Mr. Louis Sachs, who passed away on May 27, 2011, and extended sympathy to his family and the Sachs organization. Mayor Geiger said that Mr. Sachs was a true visionary who created Chesterfield Village, which includes Downtown Chesterfield. Mr. Sachs was instrumental in Chesterfield Mall being established in its present location and founded Chesterfield Arts in 1993. Among his many contributions, Mr. Sachs donated land for the future location of STAGES – St. Louis, the Jewish Community Center, the YMCA and for the future development of a "History and Genealogy Center" on Wild Horse Creek Road. He helped develop Faust Park and underwrote the Samuel C. Sachs branch of the St. Louis County Library.

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

A roll call was taken with the following results:

PRESENT	ABSENT
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	

APPROVAL OF MINUTES

The minutes of the May 16, 2011 City Council meeting were submitted for approval. Councilmember Grissom 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 Geiger congratulated the Parks and Recreation Staff on the successful Grand Opening of the Amphitheater, the "Talent Bash", the opening of the Family Aquatic Center, and the two concerts held at the Amphitheater.

Mayor Geiger congratulated Chesterfield Arts, the volunteers, and the students who worked on the "Make Your Mark" Mural Project on June 4th.

Mayor Geiger stated he had asked City Administrator Mike Herring to send letters to the Parks and Recreation staff to convey his appreciation for their tremendous work on these events.

Mayor Geiger invited everyone to attend the Chesterfield Chamber of Commerce "Concerts in the Park" at Faust Park on Tuesday, June 7, in celebration of the City's 23rd birthday. Mayor Geiger stated that the concert will begin at 7:00 p.m. and fireworks will take place after the concert.

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

COMMUNICATIONS AND PETITIONS

Mayor Geiger recognized Boy Scout Alex Radetic from Troop 631 in attendance.

Mr. John Drake, 962 Tara Oaks Drive, representing the Wild Horse Creek Road Association, expressed concern about the exterior design plans and economic sustainability of Mr. Rodney Henry's project, Bill No. 2832 [Chesterfield Senior Living (Plan Provisions, LLC)]. Mayor Geiger said that the Architectural Review Board will review this project from a residential viewpoint.

Ms. Renee Heney, 1513 Honey Locust Court, representing the Wild Horse Creek Road Association, spoke in support of Bill No. 2832 [Chesterfield Senior Living (Plan Provisions, LLC)]. City Attorney Rob Heggie asked Ms. Heney how this Association feels about the day care center and Ms. Heney responded that the residents have not complained about it. Ms. Heney said the day care center and the senior living center are compatible.

Mr. Bill Kosinski and Mrs. Jane Kosinski, 14319 Millbriar Circle, and Ms. Fengming Lu thanked Mayor Geiger for the proclamation for "Falun Dafa" Day on May 13th. They requested that City Council adopt a resolution in support of "Falun Gong." Mr. Kosinki provided handouts to the Mayor and Councilmembers regarding basic human rights in China. Mayor Geiger stated that he and the Councilmembers individually support their cause but the City does not endorse these types of issues. Mayor Geiger said he would further discuss this with the City Attorney and City Administrator.

APPOINTMENTS

Mayor Geiger nominated Ms. Laura Lueking from Ward II for appointment to the Planning Commission to fill the unexpired term of Mr. G. Elliot Grissom. Councilmember Grier made a motion, seconded by Councilmember Grissom, to approve this appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Ms. Lueking's term will expire June 3, 2014. Mayor Geiger recognized Mrs. Lueking in attendance.

Mayor Geiger next nominated Ms. Debbie Midgley from Ward III for appointment to the Planning 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. Ms. Midgley's four-year term will expire June 4, 2015.

Mayor Geiger next nominated Mr. Michael Watson from Ward II for re-appointment to the Planning Commission. Councilmember Grissom made a motion, seconded by Councilmember Grier, to approve this re-appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Watson's four-year term will expire June 18, 2015.

Mayor Geiger next nominated Mr. Steven Wuennenberg from Ward III for re-appointment to the Planning Commission. Councilmember Casey made a motion, seconded by Councilmember Logan, to approve this re-appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Wuennenberg's four-year term will expire June 4, 2015.

Mayor Geiger next nominated Mr. Barry Silver from Ward I for re-appointment to the Finance and Administration Citizens Advisory Committee. Councilmember Segal made a motion, seconded by Councilmember Casey, to approve this re-appointment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Silver's three-year term will expire June 15, 2014.

COUNCIL COMMITTEE REPORTS

Parks and Recreation Committee

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

Finance and Administration Committee

Councilmember Mike Casey, Chairperson of the Finance and Administration Committee, announced that the next meeting of this Committee has been scheduled for Monday, June 27, 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 Segal, to approve the recommendation to proceed with the "administrative hearing" process regarding Chesterfield Manor Nursing Home, 14001 Olive Blvd. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults stated that this Committee recommends approval of the request for a Conditional Use Permit (C.U.P.) for P.Z. 02-2011, Chesterfield Senior Living (Plan Provisions, LLC) and Councilmember Fults read the following two proposed "Green Sheet" Amendments:

3. The independent living or group home component of this development shall be accessory to the primary use of a nursing home.

    a. Occupancy of the building housing the nursing home units shall be granted prior to issuance of occupancy permits for the building housing the independent living or group home units.
    b. In the event that the primary use of the development as a nursing home ceases, independent living shall not be permitted.

4. The maximum building height for any structure within this development shall be 45 feet.

    a. The structure containing the nursing home units shall be limited to two (2) stories in height.
    b. The structure containing the independent living or group home units shall be limited to three (3) stories in height.

Councilmember Fults made a motion, seconded by Councilmember Logan to approve the "Green Sheet" amendments for P.Z. 02-2011, Chesterfield Senior Living (Plan Provisions, LLC). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults next made a motion, seconded by Councilmember Logan, to approve the request for the Conditional Use Permit (C.U.P.), as amended, for P.Z. 02-2011, Chesterfield Senior Living (Plan Provisions, LLC). Councilmember Nation stated that he intends to vote "No" on the request for the C.U.P. because he thinks the building is too large, relative to the acreage of the building site, which is inconsistent and incompatible with the surrounding area. He said he is also concerned with a potential precedent for this size building for future development in the area. Councilmember Fults stated that the C.U.P. with the use being residential and resulting in reduced traffic is basically what everyone has been working on for many years and that the precedent that will be set is the "E-1" Residential Estate District. City Administrator Herring stated that the recommendation brought forth by Councilmember Fults is the result of her voting to exercise "power of review" on this proposal. He said that the Planning/Public Works Committee of City Council met in a special public meeting to discuss this and voted 4-0 to recommend approval of the C.U.P. Councilmember Segal stated that Staff, along with the four members of the Planning/Public Works Committee and the eight members of the Planning Commission, voted in favor of the C.U.P. Councilmember Segal said the "E-1" zoning sets precedence and there is precedence throughout the City with senior living facilities abutting residential communities. He said that Mr. Henry's project of having a day care facility along with the senior living facility is very beneficial zoning at this time. A voice vote was taken with an affirmative result (6-1, Councilmember Nation voted "No") and the motion was declared passed.

Councilmember Fults next reported that Bill No. 2832 [P.Z. 11-2010, Chesterfield Senior Living (Plan Provisions, LLC)] will be considered for adoption under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Fults next reported that Bill No. 2836 (Provides for fines regarding traffic violations/speeding within construction or work zones) will be read for the first time under the "Legislation – Planning Commission" portion of the Agenda.

Councilmember Fults next reported that Bill No. 2837 (Vacates right-of-way for a portion of Maple Rise Path, within the Reserve at Chesterfield Village) 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 23, at 5:30 p.m.

REPORT FROM THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that bids were recently sought for the 2011 Sidewalk Replacement Project. 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 Amcon Municipal Concrete, in an amount-not-to-exceed $182,400. Funding will come from the Capital Improvements Sales Tax Fund and adequate funds exist within that fund to cover this entire amount. Councilmember Casey made a motion, seconded by Councilmember Nation, to award a contract to Amcon Municipal Concrete, in an amount-not-to-exceed $182,400. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next noted that Staff reported that Staff has recommended amending the original scope of work regarding the existing contract with Kuesel Construction, for improvements to Eberwein Park. The original scope of work needs to now reflect various MSD requirements, the construction of irrigation for the "dog park" area, as well as a "canine water station" and should include an additional $60,000 in funding, bringing the original contract award to a new total of $750,000. Director of Planning, Public Works and Parks Mike Geisel has affirmed that this "change order" will not require any additional appropriation of funds by City Council and is only an increase to the specific contract authorization.

Councilmember Casey made a motion, seconded by Councilmember Fults, to approve this change order with Kuesel Construction in the amount of $60,000 regarding Eberwein Park improvements. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

There was no new business.

LEGISLATION

There was no legislation.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2832 REPEALS CITY OF CHESTERFIELD ORDINANCE 2378 BY CHANGING THE ZONING OF A "PC" PLANNED COMMERCIAL DISTRICT WITH A "WH" OVERLAY TO AN "E-1" ESTATE ONE ACRE DISTRICT OF 8.04 ACRES IN SIZE LOCATED NORTH OF WILD HORSE CREEK ROAD AND WEST OF LONG ROAD (P.Z. 11-2010 CHESTERFIELD SENIOR LIVING {PLAN PROVISIONS, LLC}) **(SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Segal, for the second reading of Bill No. 2832. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2832 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2832 with the following results: Ayes – Logan, Segal, Casey, Fults, Grier, Grissom and Nation. Nays – None. Whereupon Mayor Geiger declared Bill No. 2832 approved, passed it and it became **ORDINANCE NO. 2653.**

BILL NO. 2836 ESTABLISHES ADDITIONAL FINES FOR MOVING TRAFFIC VIOLATIONS OR SPEEDING WITHIN A CONSTRUCTION ZONE OR WORK ZONE WITHIN THE CITY OF CHESTERFIELD **(FIRST READING – PLANNING & PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Grissom, for the first reading of Bill No. 2836. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2836 was read for the first time.

BILL NO. 2837 VACATES THE RIGHT-OF-WAY OF MAPLE RISE PATH AS DEPICTED ON THE EXHIBIT "A" OF THE RESERVE AT CHESTERFIELD VILLAGE – PLAT ONE, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 355, PAGES 726 THROUGH 728 OF THE ST. LOUIS COUNTY RECORDS, LOCATED IN U.S. SURVEY 415, TOWNSHIP 45 NORTH, RANGE 4 EAST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI. **(FIRST AND SECOND READINGS – PLANNING & PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Grissom, for the first reading of Bill No. 2837. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2837 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Logan, for the second reading of Bill No. 2837. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2837 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2837 with the following results: Ayes – Fults, Nation, Grissom, Logan, Segal, Grier and Casey. Nays – None. Whereupon Mayor Geiger declared Bill No. 2837 approved, passed it and it became **ORDINANCE NO. 2654.**

ADJOURNMENT

There being no further business to discuss, Mayor Geiger adjourned the meeting at 7:41 p.m.

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Mayor Bruce Geiger

ATTEST:

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Judith A. Naggiar, City Clerk