



RECORD OF PROCEEDING

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

May 5, 2008

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

Mayor Nations 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

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

ABSENT

Councilmember Dan Hurt

PRESENTATION

Mayor Nations recognized Mayor Matt Pirrello, City of Ellisville, who invited the Mayor, Councilmembers and Staff to attend the open house of the City of Ellisville's new public works facility on May 31. Mayor Pirrello extended thanks to the City of Chesterfield, on behalf of the Ellisville residents, for offering usage of the Chesterfield Family Aquatic Center during the construction of the new pool at the City of Ellisville. Mayor Pirrello next presented a Proclamation to the City of Chesterfield commemorating

the City's 20th anniversary and declaring June 1, 2008 as "City of Chesterfield" Day in the City of Ellisville.

Mayor Nations extended thanks, on behalf of himself and all Chesterfield residents, to Mayor Pirrello "for his friendship, his great work, and the proclamation which will be prominently displayed at City Hall."

APPROVAL OF MINUTES

The minutes of the April 23, 2008, City Council meeting were submitted for approval. Councilmember Erickson made a motion, seconded by Councilmember Durrell, 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 a memorial service in honor of Former Councilmember Jade Bute, who passed away in March, will be held at City Hall on Sunday, May 18, at 1:00 p.m.

Mayor Nations next wished a "Happy Birthday" to Councilmember Flachsbart on May 18.

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

Mayor Nations next recognized Martha Ott and Joe Gambino, who are Democratic candidates for the Missouri House of Representatives for the August 5, 2008 Primary Election.

COMMUNICATIONS AND PETITIONS

Mel Kosanchick, petitioner, stated he was available to answer questions on Bill No. 2638 (P.Z. 05-2008, Double Tree Inn) and Bill 2640 (Delmar Gardens Lot Split).

COUNCIL COMMITTEE REPORTS

Planning/ Public Works Committee

In the absence of Chairperson Dan Hurt, Councilmember Bruce Geiger, Vice-Chairperson of the Planning/Public Works Committee, reported that Bill No. 2631 (Rezoning) and Bill No. 2632 (PEU - P.Z. 44 and 44A -2007, Woods Mill Park Apartments), will be considered for adoption under the "Legislation – Planning Commission" portion of the Agenda.

A the request of the petitioner, Councilmember Geiger made a motion, seconded by Councilmember Flachsbart, to hold Bill No. 2633 (P.Z. 47-2007, Conway Pointe Office Building), until the May 19 City Council meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger next reported that Bill No. 2634 (P.Z. 03-2008, Chesterfield Valley Nursery) and Bill No. 2635 (P.Z. 06-2008, Spirit Valley Business Park) will be considered for adoption under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Geiger next reported that Bill No. 2638 (P.Z. 05-2008, Double Tree Inn) and Bill No. 2639 (Property Maintenance Code) will be read for the first time under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Geiger next reported that Bill No. 2640 (Delmar Gardens Lot Split) is scheduled for both first and second reading approval, under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Geiger made a motion, seconded by Councilmember Flachsbart, to approve Resolution 351 (Renames Chesterfield Airport Road). Councilmember Geiger explained that passage of this Resolution would initiate a public notice process, following which City Council would be able to rename this section of roadway to “South Outer Forty Road”. 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 scheduled for May 8 has been cancelled. The next regular meeting of this Committee has been scheduled for Thursday, May 22, at 5:30pm.

REPORT OF THE CITY ADMINISTATOR

City Administrator Mike Herring reported that bids were recently sought for annual sidewalk repair projects funded by the ½ cent sales tax for capital improvements. Based upon a review of the information provided by Brian McGownd, Public Works Director/City Engineer, Mr. Herring joined with him in recommending award of a contract to Amcon Municipal Concrete LLC, in an amount not to exceed \$225,000. Mr. Herring stated that the FY2008 budget provides funding in the amount of \$225,000 for sidewalk replacement/construction. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to award a contract to Amcon Municipal Concrete LLC in an amount not to exceed \$225,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed

NEW BUSINESS

Councilmember Connie Fults stated that she would like City Council to direct the City Administrator to write a letter to St. Louis County, requesting a “left turn arrow” at the intersection of Wild Horse Creek Road and Baxter Road, for southbound traffic on Baxter Road, wishing to head east on Wild Horse Creek Road. Councilmember Flachsbart suggested that this request be reviewed by the Public Health & Safety Committee. Mayor Nations inquired about the history of this request and Councilmember Fults responded that she had requested that Staff make an inquiry to St. Louis County and the County did not feel that a left turn arrow is currently warranted, at this location. Councilmember Nation stated, that as Chairperson of the Public Health & Safety Committee, he would place this item on the agenda of the next Committee meeting. City Administrator Mike Herring noted that Council policy would authorize letters of this nature to be sent if directed by either a Council Committee or by City Council itself. Councilmember Fults made a motion, seconded by Councilmember Casey, to direct the City Administrator to write a letter to St. Louis County and MoDOT, requesting a left-turn arrow, at the intersection of Wild Horse Creek Road, from southbound Baxter to eastbound Wild Horse Creek Road. Discussion ensued. A voice vote was taken on the motion with the following results: Ayes – Fults and Casey. Nays – Flachsbart, Durrell, Geiger, Erickson and Nation. Mayor Nations declared the motion failed. Mayor Nations directed Mr. Herring to place this item on the agenda of the next Public Health & Safety Committee meeting. Councilmember Geiger urged the members of the PH&S Committee to schedule a meeting of this Committee, as soon as possible. He further commented that if Councilmember Fults still wishes to pursue this matter and the PH&S Committee has not been able to schedule a meeting, prior to the May 19 City Council meeting, it should then be added to the May 19 City Council Agenda, for further discussion. There was general consensus in support of that suggestion.

Councilmember Casey extended compliments to the Citizens Committee for the Environment on the successful “Tree, Earth and Arbor Day” event, held April 26.

LEGISLATION – PLANNING COMMISSION

BILL NO 2631 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT, “FPNU” FLOOD PLAIN NON-URBAN DISTRICT, “R-3” RESIDENTIAL DISTRICT AND “FPR-3” FLOOD PLAIN RESIDENTIAL DISTRICT TO AN “R-6AA” RESIDENTIAL DISTRICT FOR A 16.7 ACRE TRACT OF LAND LOCATED AT THE INTERSECTION OF WOODS MILL RD. AND KINGSCROSS LN. (P.Z. 44-2007 WOODS MILL PARK APARTMENTS {542 KINGSCROSS LN}) **(SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Geiger made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2631. A voice vote was taken with a unanimous affirmative result

and the motion was declared passed. Bill No. 2631 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2631 with the following results: Ayes – Flachsbart, Erickson, Fults, Geiger, Casey, Nation and Durrell. Nays – None. Whereupon Mayor Nations declared Bill No. 2631 approved, passed it and it became **ORDINANCE NO. 2453.**

BILL NO 2632 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY ESTABLISHING A PLANNED ENVIRONMENT UNIT (PEU) SPECIAL PROCEDURE IN THE “R-6AA” RESIDENTIAL DISTRICT FOR A 16.7 ACRE TRACT OF LAND LOCATED AT THE INTERSECTION OF WOODS MILL RD. AND KINGSCROSS LN. (P.Z. 44a-2007 WOODS MILL PARK APARTMENTS {542 KINGSCROSS LN})
(SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Geiger made a motion, seconded by Councilmember Durrell, for a second reading of Bill No. 2632. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2632 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2632 with the following results: Ayes – Erickson, Nation, Casey, Durrell, Fults, Flachsbart and Geiger. Nays – None. Whereupon Mayor Nations declared Bill No. 2632 approved, passed it and it became **ORDINANCE NO. 2454.**

[Councilmember Flachsbart asked Mr. Herring to remind Staff that, should any changes be proposed for this existing development, and/or if a site plan is generated for review, that he wishes to exercise the Council’s “power of review”. Mr. Herring acknowledged the request and noted that he would forward same to the appropriate Staff.]

BILL NO 2634 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “NU” NON-URBAN DISTRICT TO AN “AG” AGRICULTURE DISTRICT FOR A 10.4 ACRE TRACT OF LAND LOCATED NORTH OF NORTH OUTER 40 ROAD APPROXIMATELY 6,600 FEET EAST OF THE INTERSECTION WITH BOONE’S CROSSING (P.Z. 03-2008 CHESTERFIELD VALLEY NURSERY {WALTER E. GRAELER}) **(SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Geiger made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2634. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2634 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2634 with the following results: Ayes – Nation, Geiger, Durrell, Casey, Fults, Erickson and Flachsbart. Nays – None. Whereupon Mayor Nations declared Bill No. 2634 approved, passed it and it became **ORDINANCE NO. 2455.**

BILL NO 2635 REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 2373 TO ALLOW FOR AN ADDITIONAL PERMITTED USE FOR A 52.89-ACRE TRACT OF LAND LOCATED SOUTH OF OLIVE STREET ROAD AND EAST OF WARDENBURG [P.Z. 06-2008 SPIRIT VALLEY BUSINESS PARK (SPIRIT VALLEY DEVELOPMENT LLC)] **(SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Geiger made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2635. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2635 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2635 with the following results: Ayes – Geiger, Erickson, Durrell, Nation, Casey and Fults. Nays – Flachsbart. Whereupon Mayor Nations declared Bill No. 2635 approved, passed it and it became **ORDINANCE NO. 2456.**

BILL NO 2638 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “C8” PLANNED COMMERCIAL DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR 23.98 ACRES OF LAND LOCATED 1,200 FEET WEST OF SWINGLEY RIDGE ROAD AND CHESTERFIELD PARKWAY (P.Z. 05-2008 DOUBLE TREE INN [ECCLESTONE ORGANIZATION]) **(FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2638. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2638 was read for the first time.

BILL NO 2639 ADOPTS THE PROPERTY MAINTENANCE CODE OF THE COUNTY OF SAINT LOUIS, MISSOURI, FOR INSPECTIONS REQUESTED BY THE CITY OF CHESTERFIELD TO BE PERFORMED BY THE COUNTY OF SAINT LOUIS, MISSOURI **(FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2639. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2639 was read for the first time.

BILL NO 2640 PROVIDES FOR THE APPROVAL OF A LOT SPLIT FOR DELMAR GARDENS SUBDIVISION, AN 8.477 ACRE TRACT

OF LAND ZONED “PC” PLANNED COMMERCIAL DISTRICT,
LOCATED AT 14805 NORTH OUTER FORTY, WEST OF THE
INTERSECTION OF CHESTERFIELD PARKWAY AND NORTH
OUTER FORTY. **(FIRST AND SECOND READINGS –
DEPARTMENT OF PLANNING/PUBLIC WORKS
RECOMMENDS APPROVAL)**

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2640. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2640 was read for the first time.

Councilmember Geiger made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2640. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2640 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2640 with the following results: Ayes – Erickson, Geiger, Casey, Durrell, Nation, Flachsbart and Fults. Nays – None. Whereupon Mayor Nations declared Bill No. 2640 approved, passed it and it became **ORDINANCE NO. 2457**.

ADJOURNMENT

Mayor Nations adjourned the meeting at 7:32 p.m.

Mayor John Nations

ATTEST:

Judith A. Naggia, City Clerk