



RECORD OF PROCEEDING

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

APRIL 22, 2015

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

Mayor Bob Nation 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

ABSENT

Mayor Bob Nation
Councilmember Barry Flachsbart
Councilmember Nancy Greenwood
Councilmember Derek Grier
Councilmember G. Elliot Grissom
Councilmember Mike Casey
Councilmember Dan Hurt
Councilmember Bruce DeGroot
Councilmember Connie Fults

APPROVAL OF MINUTES

The minutes of the March 16, 2015 City Council meeting were submitted for approval. Councilmember Grier made a motion, seconded by Councilmember Grissom, 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 Nation announced that the next meeting of City Council has been scheduled for Monday, May 4, at 7 p.m.

SWEARING-IN CEREMONY

Mayor Nation recognized the Honorable Richard K. Brunk, Jr., Municipal Judge. Judge Brunk then conducted the Swearing-In Ceremony for: Councilmember Nancy Greenwood-Ward I; Councilmember-Elect Bridget Nations-Ward II; Councilmember Dan Hurt-Ward III; and Councilmember Bruce DeGroot-Ward IV.

ROLL CALL

A roll call was then re-taken, with the following results:

PRESENT

ABSENT

Mayor Bob Nation
Councilmember Barry Flachsbart
Councilmember Nancy Greenwood
Councilmember Bridget Nations
Councilmember G. Elliot Grissom
Councilmember Mike Casey
Councilmember Dan Hurt
Councilmember Bruce DeGroot
Councilmember Connie Fults

PRESENTATION

Mayor Bob Nation presented former-Councilmember Derek Grier with a plaque commemorating his service as Councilmember from Ward II, from April 20, 2011 – April 22, 2015.

Mayor Nation next presented Rob Heggie with a plaque commemorating his service as City Attorney, from November, 2005 – April, 2015.

TEMPORARY ADJOURNMENT – RECEPTION

Mayor Nation temporarily adjourned the meeting at 7:29 p.m., for those in attendance to attend a reception for the newly-elected and re-elected officials.

The meeting was reconvened at 7:58 p.m.

COMMUNICATIONS AND PETITIONS

Mr. Dean Wolfe, Wolfe Properties LLC, 7711 Bonhomme Avenue, Clayton, stated he was available to answer questions related to Bill No. 3029 (Approves Boundary Adjustment Plat – 18061 and 18053 Wild Horse Creek Road).

Mr. Mike Doster, DosterUllom, LLC, 16090 Swingley Ridge, stated he was available to answer questions related to Bill No. 3024 (P.Z. 17-2014, Steve W. Wallace [H.V. Real Estate Corp.]).

APPOINTMENTS

Mayor Nation stated his intention to nominate Harry O'Rourke to serve as Interim City Attorney, filling the unexpired term of Rob Heggie. Mr. Heggie has been appointed by Governor Jay Nixon to serve as an Associate Circuit Court Judge for St. Louis County. Councilmember Flachsbart made a motion, seconded by Councilmember Grissom, to adopt Resolution No. 411, which would appoint Mr. O'Rourke as Interim City Attorney.

Councilmember DeGroot made a motion to table this Resolution, citing a need to review Mr. O'Rourke's qualifications. There was no second to the motion and Mayor Nation declared the motion failed.

After much discussion and debate, a roll call vote was taken for the passage and approval of Resolution No. 411 with the following results: Ayes – Casey, Hurt, Flachsbart, Fults, Greenwood, Nations and Grissom. Nays – DeGroot. Whereupon Mayor Nation declared Resolution No. 411 passed.

Following passage of Resolution No. 411, Councilmember Flachsbart made a motion, seconded by Councilmember Greenwood, to schedule an Executive Session prior to the May 4 City Council meeting, to discuss the appointment of Mr. O'Rourke, the current compensation for the City Attorney and any other related issues. A roll call vote was taken with the following results: Ayes – Greenwood, DeGroot, Grissom, Fults, Flachsbart, Nations, Casey and Hurt. Nays – None. Mayor Nation declared the motion passed.

COUNCIL COMMITTEE REPORTS

Planning/Public Works Committee

Councilmember Dan Hurt, Chairperson of the Planning/Public Works Committee, made a motion, seconded by Councilmember Casey, to hold Bill No. 3021 (P.Z. 11-2014 – THF Chesterfield Development LLC [The Commons]), at the request of the petitioner, until the May 4 City Council meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt reported that Bill No. 3024 (P.Z. 17-2014, Steve W. Wallace [H.V. Real Estate Corp.]) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Hurt reported that Bill No. 3025 (P.Z. 01-2015 – Barat Academy Foundation [17831, 17815 and 17803 Wild Horse Creek Road]) will be read for the first time under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Hurt reported that Bill No. 3026 (Authorizes/Approves Participation in Green Community Program) will be read for the first time under the “Legislation” portion of the agenda.

Councilmember Hurt reported that Bill No. 3027 (Approves Boundary Adjustment Plat – Chesterfield Blue Valley, Lots 1G and 1H) is scheduled for both first and second reading approval, under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Hurt reported that Bill No. 3028 (Approves Vacation of Easements – Silver Maple Farms [Petropolis]) is scheduled for both first and second reading approval, under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Hurt reported that Bill No. 3029 (Approves Boundary Adjustment Plat – 18061 and 18053 Wild Horse Creek Road) is scheduled for both first and second reading approval, under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Hurt reported that Bill No. 3030 (Approves Boundary Adjustment Plat – 17751 and 17719 Wild Horse Creek Road) is scheduled for both first and second reading approval, under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for Thursday, April 23, at 5:30 p.m.

REPORT FROM THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that Staff is recommending award of a contract for Construction Testing/Inspection Services for the 2015 capital construction season. Based upon review of information provided by Public Works Director/City Engineer Jim Eckrich, Mr. Herring joined with him in recommending award of a contract to Geotechnology, Incorporated in an amount not to exceed \$105,000. Mr. Herring noted that adequate funds exist within the FY2015 Budget to cover this entire expense. Councilmember Flachsbart made a motion, seconded by Councilmember Greenwood, to approve this recommendation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Mayor Nation announced his intention to exercise his authority as Mayor to assign Councilmembers to the four committees of Council, as well as designate a chair for each committee. He cited Ordinance No. 12, which was approved by City Council on June 1, 1988, as giving him authority to make these decisions unilaterally. He then announced the following City Council Committee assignments:

FINANCE AND ADMINISTRATION COMMITTEE

Councilmember Barry Flachsbart, Ward I - **CHAIRPERSON**

Councilmember Elliot Grissom, Ward II

Councilmember Dan Hurt, Ward III

Councilmember Bruce DeGroot, Ward IV

PARKS AND RECREATION COMMITTEE

Councilmember Mike Casey, Ward III - **CHAIRPERSON**

Councilmember Barry Flachsbart, Ward I

Councilmember Bridget Nations, Ward II

Councilmember Bruce DeGroot, Ward IV

PLANNING AND PUBLIC WORKS COMMITTEE

Councilmember Connie Fults, Ward IV - **CHAIRPERSON**

Councilmember Nancy Greenwood, Ward I

Councilmember Bridget Nations, Ward II

Councilmember Dan Hurt, Ward III

PUBLIC HEALTH AND SAFETY COMMITTEE

Councilmember Elliot Grissom, Ward II - **CHAIRPERSON**

Councilmember Nancy Greenwood, Ward I

Councilmember Mike Casey, Ward III

Councilmember Connie Fults, Ward IV

Councilmember Grissom made a motion to direct the City Attorney to prepare an ordinance, for consideration at the May 4 City Council meeting, which would amend Ordinance No. 12 to re-establish the informal policy which had been followed by City Council for twenty-five years regarding the process by which committee assignments and Chairpersons are determined, as coordinated by the President Pro Tem of City Council.

Mayor Nation declared the motion to be out-of-order. Councilmember Fults made a motion, seconded by Councilmember Grissom, to overturn the Mayor's determination that Councilmember Grissom's original motion was out-of-order. A roll call vote was taken with the following results: Ayes – Grissom, Fults, Nations and DeGroot. Nays – Casey, Flachsbart, Greenwood and Hurt. Mayor Nation voted "No" to break the tie, and declared the motion failed.

Councilmember Grissom then made a motion, seconded by Councilmember Hurt, to add an item under “New Business” for the May 4 City Council agenda. Councilmember Grissom will make a motion, at the May 4 City Council meeting, to direct the City Attorney to draft language to amend Ordinance No. 12 and bring it back to Council for consideration. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mayor Nation opened the floor for nominations of individuals to serve as President Pro Tem. Councilmember Grissom nominated Councilmember Fults. Councilmember Flachsbart nominated Councilmember Casey. Councilmember Grissom made a motion, seconded by Councilmember Nations, to close nominations for President Pro Tem. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Ballots were distributed and each Councilmember voted. After the ballots were counted by City Attorney O’Rourke and witnessed by City Clerk Vickie Hass, Mr. O’Rourke announced that Councilmember Fults has been selected to serve as President Pro Tem by a vote of 5-3.

LEGISLATION

BILL NO. 3026 ESTABLISHES A GREEN COMMUNITY PROGRAM;
DESCRIBING THE PROJECTS AND PROGRAMS
AUTHORIZED TO BE FUNDED BY THE PROGRAM; AND
PROVIDING OTHER MATTERS RELATING THERETO.
**(FIRST READING; PLANNING AND PUBLIC WORKS
COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember DeGroot, for the first reading of Bill No. 3026. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3026 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 3024 REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER
1328 TO MODIFY DEVELOPMENT CONDITIONS AND ADD
LAND USES FOR A 2.93 ACRE TRACT OF LAND, MORE OR
LESS, ZONED C8, PLANNED COMMERCIAL LOCATED
SOUTHEAST OF THE INTERSECTION OF CHESTERFIELD
AIRPORT ROAD AND LONG ROAD {P.Z. 17-2014 STEVE W
WALLACE (H.V. REAL ESTATE CORP.) 17U140441,
17U140450, 17U140461 & 17U140472} **(SECOND READING;
PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 3024. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3024 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3024 with the following

results: Ayes – Casey, Hurt, Grissom, Greenwood, DeGroot, Fults and Nations. Nays – Flachsbart. Whereupon Mayor Nation declared Bill No. 3024 approved, passed it and it became **ORDINANCE NO. 2841.**

BILL NO. 3025 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “LLR” LARGE LOT RESIDENTIAL DISTRICT AND AN “NU” NON-URBAN DISTRICT TO A NEW “LLR” LARGE LOT RESIDENTIAL DISTRICT FOR A 35.097 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF WILD HORSE CREEK ROAD WEST OF ITS INTERSECTION OF GREYSTONE MANOR PARKWAY AND EAST OF ITS INTERSECTION WITH TARA OAKS DRIVE (P.Z. 01-2015 BARAT ACADEMY FOUNDATION [17831, 17815, 17803 WILD HORSE CREEK ROAD] – 18V130099, 18V140098, 18V140065) **(FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 3025. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3025 was read for the first time.

BILL NO. 3027 PROVIDES FOR THE APPROVAL OF A BOUNDARY ADJUSTMENT PLAT FOR LOTS 1G AND 1H OF CHESTERFIELD BLUE VALLEY FOR A 10.333 ACRE TRACT OF LAND ZONED “PC” PLANNED COMMERCIAL DISTRICT LOCATED AT 18481 AND 18497 OUTLET BOULEVARD (17W540133 AND 17W540122) **(FIRST AND SECOND READINGS; DEPT. OF PUBLIC SERVICES RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 3027. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3027 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Grissom, for the second reading of Bill No. 3027. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3027 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3027 with the following results: Ayes – Greenwood, DeGroot, Fults, Hurt, Grissom, Casey, Flachsbart and Nations. Nays – None. Whereupon Mayor Nation declared Bill No. 3027 approved, passed it and it became **ORDINANCE NO. 2842.**

BILL NO. 3028 VACATES INGRESS/EGRESS AND STORM WATER CONTROL EASEMENTS ON LOT 1 OF SILVER MAPLE FARMS SUBDIVISION AS RECORDED IN BOOK 7985, PAGE

424 AND BOOK 8197, PAGE 2219 OF THE ST. LOUIS COUNTY
RECORDS, CITY OF CHESTERFIELD, ST. LOUIS COUNTY,
MISSOURI **(FIRST AND SECOND READINGS; DEPT. OF
PUBLIC SERVICES RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 3028. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3028 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Greenwood, for the second reading of Bill No. 3028. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3028 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3028 with the following results: Ayes – Fults, Greenwood, Grissom, Nations, Casey, DeGroot, Hurt and Flachsbart. Nays – None. Whereupon Mayor Nation declared Bill No. 3028 approved, passed it and it became **ORDINANCE NO. 2843.**

**BILL NO. 3029 PROVIDES FOR THE APPROVAL OF A BOUNDARY
ADJUSTMENT PLAT FOR 18061 & 18053 WILD HORSE
CREEK ROAD FOR A 7.43 ACRE TRACT OF LAND ZONED
“NU” NON-URBAN DISTRICT AND LOCATED NORTH OF
WILD HORSE CREEK ROAD AND WEST OF KEYSTONE
TRAIL DRIVE (19W630193, 19W630203) (FIRST AND
SECOND READINGS; DEPT. OF PUBLIC SERVICES
RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 3029. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3029 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember DeGroot, for the second reading of Bill No. 3029. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3029 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3029 with the following results: Ayes – Nations, Fults, Hurt, Greenwood, Flachsbart, DeGroot, Grissom and Casey. Nays – None. Whereupon Mayor Nation declared Bill No. 3029 approved, passed it and it became **ORDINANCE NO. 2844.**

**BILL NO. 3030 PROVIDES FOR THE APPROVAL OF A BOUNDARY
ADJUSTMENT PLAT FOR 17751 & 17719 WILD HORSE
CREEK ROAD FOR A 23.18 ACRE TRACT OF LAND ZONED
“NU” NON-URBAN DISTRICT AND “E ½ AC” ESTATE
DISTRICT WITH A “WH” WILD HORSE CREEK ROAD
OVERLAY DISTRICT LOCATED NORTH OF WILD HORSE
CREEK ROAD AND WEST OF ITS INTERSECTION OF LONG
ROAD AND EAST OF ITS INTERSECTION WITH SAVONNE**

COURT (18V510105, 18V230342) **(FIRST AND SECOND
READINGS; DEPT. OF PUBLIC SERVICES RECOMMENDS
APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 3030. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3030 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Nations, for the second reading of Bill No. 3030. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 3030 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 3030 with the following results: Ayes – Flachsbart, Nations, Grissom, Fults, Casey, DeGroot, Greenwood and Hurt. Nays – None. Whereupon Mayor Nation declared Bill No. 3030 approved, passed it and it became **ORDINANCE NO. 2845**.

ADJOURNMENT

There being no further business to discuss, Mayor Nation adjourned the meeting at 9:10 p.m.

Mayor Bob Nation

ATTEST:

Vickie J. Hass, City Clerk