



## RECORD OF PROCEEDING

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

**April 16, 2007**

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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 Barry Streeter  
Councilmember Bruce Geiger  
Councilmember Dan Hurt  
Councilmember Mike Casey  
Councilmember Mary K. Brown  
Councilmember Connie Fults

#### ABSENT

None

#### APPROVAL OF MINUTES

The minutes of the March 19, 2007, City Council meeting were submitted for approval. Councilmember Casey 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 introduced and welcomed Councilmembers-elect Lee Erickson (Ward II) and Bob Nation (Ward IV). He then thanked Councilmembers Barry Streeter (Ward II) and Mary Brown (Ward IV) for their dedicated service to the City. Both Councilmember Streeter and Councilmember Brown then shared their thoughts, as they reflected upon their respective terms-of-office. Councilmember Streeter served as a member of City Council for 12 years and Councilmember Brown served for 10 years.

## **SWEARING-IN CEREMONY**

The Honorable Richard K. Brunk, Jr., Municipal Judge, presided over the Swearing-In Ceremony. Sworn in were Councilmember Jane Durrell – Ward I, Councilmember-Elect Lee Erickson – Ward II, Councilmember Dan Hurt – Ward III and Councilmember-Elect Bob Nation – Ward IV.

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 Dan Hurt  
Councilmember Mike Casey  
Councilmember Bob Nation  
Councilmember Connie Fults

### **ABSENT**

None

Mayor Nations temporarily adjourned the meeting for those in attendance to attend the reception for the retiring Councilmembers and the newly-elected Councilmembers.

The meeting was reconvened 7:45 p.m.

## **COMMUNICATIONS AND PETITIONS**

Darcy Capstick and Ken Denson, Chairperson and Co-Chairperson of the Citizens Committee for the Environment, respectively, updated City Council regarding Committee activities planned for April and May, including the “Tree Day” event, planned for April 28.

Mike Doster, attorney for the petitioner, supported Bill No. 2528 (P.Z. 01-2007, Sentrus (17947 Chesterfield Airport Road).

Richard Weinstein, representing the petitioner, supported Bill No. 2528 (P.Z. 01-2007, Sentrus (17947 Chesterfield Airport Road)).

Ryan Schriber, representing the petitioner, supported Bill No. 2528 (P.Z. 01-2007, Sentrus (17947 Chesterfield Airport Road)).

## **COUNCIL COMMITTEE REPORTS**

### **Public Health and Safety Committee**

Councilmember Barry Flachsbart, Chairperson of the Public Health and Safety Committee, reported that Bill No. 2531 (Preparation for the possibility of “Avian Flu”) and Bill No. 2532 (Prohibits the parking of “tractor-trailers” or similar commercial trucks in residential areas) will be read for the first time under the “Legislation” portion of the agenda.

### **Public Works/Parks Committee**

Councilmember Dan Hurt, Chairperson of the Public Works/Parks Committee, reported that Bill No. 2524 (Pertains to the acceptance of public streets within the Villas at Ladue Bluffs) and Bill No. 2525 (Changes the name of Danna Center Drive to Long Road Crossing Drive) will be considered for adoption under the “Legislation” portion of the agenda.

### **Planning and Zoning Committee**

Councilmember Dan Hurt, Vice-Chairperson of the Planning and Zoning Committee, made a motion, seconded by Councilmember Flachsbart, to refer Bill No. 2527 (P.Z. 05-2005, Winter Wheat Place (Dollar Building Company)) to the Planning and Zoning Committee for further discussion and review. A voice vote was taken with a unanimous result and the motion was declared passed.

Councilmember Hurt next reported that Bill No. 2529 (P.Z. 04-2007, Butler Investment Partnership, LP (Saturn of West County/Long Road Crossing) and Bill No. 2530 (P.Z. 6-2007, Delmar Gardens Enterprises) will be read for the first time and Bill No. 2528 (P.Z. 01-2007, Sentrus (17947 Chesterfield Airport Road)) and Bill No. 2533 (Lot Split – St. Mary’s/McGee (Pacland Place)) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for April 19 at 5:30 p.m.

## **REPORT OF THE CITY ADMINISTRATOR**

City Administrator Mike Herring reported that bids were recently sought for annual sidewalk repairs funded by the 1/2 cent Sales Tax for Capital Improvements. Based upon a review of information provided to him by Deputy Director of Public Works/Assistant City Engineer Brian McGownd, he joined with him in recommending that City Council approve a contract with Stika Concrete Contracting Company, in an amount not to exceed \$204,350. Mr. Herring stated that even though the FY2007 Budget contains \$200,000 for this specific purpose, Staff is comfortable that savings will be realized elsewhere within the Capital Budget to more than cover this \$4,350 overage. Councilmember Casey made a motion, seconded by Councilmember Fults, to award a contract to Stika Concrete Contracting Company, in an amount not to exceed \$204,350. A voice vote was taken with a unanimous result and the motion was declared passed.

Mr. Herring next reported that Staff and the City's consultant have identified additional work (painting the competition pool and bath house floors, as well as the installation of "sky shooters"), that should be completed, prior to the opening of the Family Aquatic Center, in late-May. Darren Dunkle, Supt. of Parks, Recreation and Arts, recommends amending the current contract with Capri Pools, to cover this additional work. The cost for these additional repairs/improvements is fully-funded within the FY2007 Budget. Mr. Herring joined Mr. Dunkle in recommending a change order to the current contract with Capri Pool. Councilmember Casey made a motion, seconded by Councilmember Fults, to utilize funds that exist within the Parks Operating Budget for FY2007 to cover the \$23,029 total cost for this additional work and that City Council approve/authorize a change order, to the current contract with Capri Pool, totaling \$23,029. A voice vote was taken with a unanimous result and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for the placement of new plantings and/or the replacement of existing plantings in the medians located both north and south of I-64/Highway 40 on Olive/Clarkson. He noted that, before Staff sought bids this year, the Beautification Committee and the Public Works/Parks Committee made specific changes to the amount and type of plants to be purchased and planted. Having reviewed the information provided by Mr. Dunkle, Mr. Herring joined with him in recommending award of a contract to Farinella Nursery, in an amount not to exceed \$71,218.00. Mr. Herring noted that the total cost of \$71,218.00 is contained within the FY2007 budget for this purpose. Councilmember Casey made a motion, seconded by Councilmember Flachsbarth, to award a contract to Farinella Nursery, in an amount not to exceed \$71,218.00. A voice vote was taken with a unanimous result and the motion was declared passed.

## **CITY COUNCIL COMMITTEES – APRIL 16, 2007 – APRIL 7, 2008**

President Pro-Tem Connie Fults recommended the following City Council Committee assignments for the coming year:

Finance and Administration Committee – Councilmembers Durrell, Geiger (Chairperson), Hurt and Fults.

Planning and Zoning Committee - Councilmembers Durrell, Geiger, Hurt and Fults (Chairperson).

Public Health and Safety Committee – Councilmembers Flachsbart (Chairperson), Erickson, Casey and Nation.

Public Works/Parks Committee – Councilmembers Flachsbart, Erickson, Casey (Chairperson) and Nation.

A motion was made by Councilmember Fults, seconded by Councilmember Hurt, to approve the Committee assignments for 2007 – 2008. A voice vote was taken with a unanimous result and the motion was declared passed.

Mayor Nations announced that nominations were in order for the selection of President Pro-Tem. Councilmember Hurt nominated Councilmember Casey and the nomination was seconded by Councilmember Flachsbart. A motion was made by Flachsbart, seconded by Councilmember Hurt, to close nominations and select Councilmember Casey as President Pro Tem, by acclamation. A voice vote was taken with a unanimous result and the motion was declared passed.

## **LEGISLATION**

**BILL NO. 2524      PERTAINS TO THE ACCEPTANCE OF PUBLIC STREETS  
WITHIN VILLAS AT LADUE BLUFFS SUBDIVISION IN THE  
CITY OF CHESTERFIELD (SECOND READING - PUBLIC  
WORKS/PARKS COMMITTEE)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2524. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2524 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2524, with the following results: Ayes – Nation, Hurt, Geiger, Fults, Durrell, Casey, Erickson and Flachsbart. Nays - None. Whereupon, Mayor Nations declared Bill No.2524 approved, passed it and it became **ORDINANCE NO. 2343.**

**BILL NO. 2525      CHANGES THE NAME OF DANNA CENTER DRIVE TO LONG ROAD CROSSING DRIVE (SECOND READING - PUBLIC WORKS/PARKS COMMITTEE)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2525. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2525 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2525, with the following results: Ayes – Nation, Fults, Erickson, Hurt, Durrell, Casey, Flachsbart and Geiger Nays - None. Whereupon, Mayor Nations declared Bill No. 2525 approved, passed it and it became **ORDINANCE NO. 2344.**

**BILL NO. 2531      ADDS SECTIONS 11-10, 11-11 AND 11-12 TO CHAPTER 10 OF CHESTERFIELD CITY CODE, RELATING TO DISEASE AND DISEASE PREVENTION (FIRST READING - PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2531. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2531 was read for the first time.

**BILL NO. 2532      ADDS SECTION 18-107 TO CHAPTER 18, ARTICLE IV, OF THE CHESTERFIELD CITY CODE, RELATING TO THE PARKING OF TRUCKS (FIRST READING - PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2532. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2532 was read for the first time.

Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to suspend the rules to enable the second reading, at this meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2532. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2532 was read for the second time. A roll call vote was then taken for passage and approval of Bill No. 2532, with the following results: Ayes – Durrell, Erickson, Flachsbart, Hurt, Geiger, Fults, Nation and Casey. Nays - None. Whereupon, Mayor Nations declared Bill No. 2532 approved, passed it and it became **ORDINANCE NO. 2345.**

## **LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2528** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "M3" PLANNED INDUSTRIAL DISTRICT TO A "PI" PLANNING INDUSTRIAL DISTRICT, FOR A 23.45-ACRE TRACT OF LAND, LOCATED NORTH OF CHESTERFIELD AIRPORT ROAD, EAST OF GODDARD [P.Z. 01 - 2007, SENTRUS (17947 CHESTERFIELD AIRPORT ROAD)] **(FIRST AND SECOND READINGS; PLANNING COMMISSION RECOMMENDS APPROVAL; P&Z COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE ATTACHED "GREEN SHEET" AMENDMENT)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2528. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2528 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to amend Attachment A per the “green sheet” attached to the bill, which would eliminate “fast food restaurants”, as an allowable use, at this location. Mayor Nations called for a roll call vote on this item. Ayes – Flachsbart and Hurt. Nays – Geiger, Fults, Erickson, Durrell, Casey and Nation. Mayor Nations declared the motion failed.

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to suspend the rules, to enable the second reading of this proposed legislation, at this meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2528. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2528 was read for the second time. Councilmember Hurt made a motion, seconded by Councilmember Casey, to delete “Michael Doster” and replace those words with “Phase II Investments, LLC” in the first “Whereas” and in Section 3. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

A roll call vote was then taken, for passage and approval of Bill No. 2528, as amended, with the following results: Ayes – Nation, Hurt, Casey, Durrell, Erickson, Fults and Geiger. Nays – Flachsbart. Whereupon, Mayor Nations declared Bill No. 2528 approved, passed it and it became **ORDINANCE NO. 2346**.

Councilmember Hurt then made a motion for approval of the Site Development Concept Plan, for this development. The motion was seconded by Councilmember Casey. A

voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt next made a motion, seconded by Casey, for approval of the site development section plan, for this development. The motion was seconded by Councilmember Casey. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO. 2529** REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 2099 TO ALLOW FOR AN AMENDMENT TO THE PERMITTED USES FOR A "PC" PLANNED COMMERCIAL DISTRICT FOR A 22.995-ACRE TRACT OF LAND, LOCATED ON THE NORTH SIDE OF CHESTERFIELD AIRPORT ROAD, WEST OF LONG ROAD (P.Z. 14-2007, BUTLER INVESTMENT PARTNERSHIP, L.P. (SATURN OF WEST COUNTY/LONG ROAD CROSSING) **(FIRST READING; PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2529. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2529 was read for the first time.

**BILL NO. 2530** REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 2129 TO ALLOW FOR AN AMENDMENT TO THE BUILDING, PARKING/LOADING SPACE AND PARKING STRUCTURE SETBACKS IN A "PC" PLANNED COMMERCIAL DISTRICT, FOR AN 8.48-ACRE TRACT OF LAND, LOCATED ON THE NORTH SIDE OF NORTH OUTER FORTY ROAD AND SOUTH OF CONWAY ROAD (P.Z. 06-2007 - DELMAR GARDENS ENTERPRISES) **(FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2530. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2530 was read for the first time.

**BILL NO. 2533** PROVIDES FOR THE APPROVAL OF A LOT SPLIT FOR A TRACT OF LAND BEING ADJUSTED LOT 6A OF ST. MARY'S/McGEE BOUNDARY ADJUSTMENT PLAT, IN PART OF FRACTIONAL SECTION 18 TOWNSHIP 45 NORTH, RANGE 4 EAST, CITY OF CHESTERFIELD, SAINT LOUIS COUNTY, MISSOURI, FOR A 6.791 ACRE TRACT OF LAND ZONED "NU" NON-URBAN DISTRICT (ST. MARY'S/McGEE ADJUSTED LOT 6A-1499 PACLAND PLACE.) **(FIRST AND SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2533. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2533 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Nation, to suspend the rules for the second reading of Bill No. 2533. A voice vote was taken with an affirmative result and the motion was declared passed. Councilmember Geiger voted “No”. Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2533. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2533 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2533, with the following results: Ayes – Hurt, Durrell, Casey, Erickson, Flachsbart, Fults Nation and Geiger. Nays - None. Whereupon, Mayor Nations declared Bill No. 2533 approved, passed it and it became **ORDINANCE NO. 2347**.

### **ADJOURNMENT**

Prior to adjournment Councilmember Geiger questioned the cost of the April 3 election. Mr. Herring explained that election costs are distributed among those who have items on the ballot. In addition, there has been an additional cost to the Board of Election Commissioners, due to the use of new voting machines.

Mayor Nations adjourned the meeting at 9 p.m.

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Mayor John Nations

**ATTEST:**

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Martha L. DeMay, City Clerk