RECORD OF PROCEEDING

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

March 6, 2006

The meeting was called to order at 7:10 p.m.

Cub Pack #569, Bear Den #5 from River Bend Elementary School led everyone in the Pledge of Allegiance: Billy Hague, Ryan Weber, Andrew Steinmann, Conner Black, Luke Niemeyer, James Wang, Daniel Choi, Ben South and John Denslow. Also in attendance was Troop Leader Jaye Hague.

Mayor Nations followed with a moment of silent prayer.

A roll call was taken with the following results:

PRESENT	ABSENT
Mayor John Nations	None
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	

APPROVAL OF MINUTES

The minutes of the February 22, 2006, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Geiger, to

approve the City Council minutes. A voice vote was taken with an affirmative result (Councilmember Streeter "abstained") and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor John Nations introduced City Administrator Michael Herring, who in turn, introduced the Maintenance Staff at City Hall: Les Siars, Maintenance Supervisor, Glenn Matter, Ass't Maintenance Supervisor, June Hodges, Jesse Littrell, John Mueller and Sam Oliva. Mr. Herring commented as to the wonderful job these men and women do on a daily basis to keep City Hall maintained. He noted that he continues to routinely receive compliments, from those who visit City Hall, regarding how well the building looks. Mayor Nations then pointed out that Building Attendant John Mueller is a member of the St. Louis Soccer Hall of Fame. Councilmember Streeter, on behalf of all members of City Council, thanked the Maintenance Staff. Mr. Herring next commented that Director of Public Works/City Engineer Mike Geisel was instrumental in hiring Les Siars, Building Maintenance Supervisor, while City Hall was still under construction. As a result, Mr. Siars was able to document the construction of the building, from the inside out.

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

COMMUNICATIONS AND PETITIONS

Stacey Morse, Executive Director a of Chesterfield Arts and Bud Hirsch, Treasurer of Chesterfield Arts, thanked the Mayor and City Council for their generous support of arts in Chesterfield.

Rick Clawson, architect with ACI-Boland, supported Bill No. 2425 (P.Z. 24-2005, Clock Tower Plaza).

Mike Doster, attorney for the petitioner, supported Bill No. 2430 (P.Z. 25-5000, Duke Realty, L.P. (St. John's Mercy Rehabilitative Facility).

Doug Shatto, Traffic Consultant, 1830 Craig Park Court, supported Bill No. 2430 (P.Z. 25-5000, Duke Realty, L.P. (St. John's Mercy Rehabilitative Facility).

George Stock, 257 Chesterfield Business Parkway, supported Bill No. 2425 (P.Z. 24-5000, Kommerz, LLC (Clock Tower Plaza).

Dan Wofsey, associated with Armstrong/Teasdale, One Metropolitan Square, supported the Justus Pointe at Chesterfield Village legislation.

Michael Watson, 1505 Walpole Drive, supported the Justus Pointe at Chesterfield Village legislation.

Councilmember Flacshbart made a motion, seconded by Councilmember Brown, to suspend the rules to address Resolution No. 327, at this time. A voice vote was taken

with a unanimous affirmative result and the motion was declared passed. Mayor Nations announced that this resolution authorizes/directs the City Administrator to sign a contract, between the City of Chesterfield and Chesterfield Arts, which provides for public art and art services, as detailed in the contract. Councilmember Brown made a motion, seconded by Councilmember Geiger, to adopt Resolution No. 327. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

APPOINTMENTS

Mayor Nations nominated for City Council consideration, the Honorable Richard K. Brunk for re-appointment as Chesterfield's Municipal Judge, for a four-year term, effective June 15, 2006. Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, to re-appoint the Honorable Richard K. Brunk, as Chesterfield's Municipal Judge, for a four-year term. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Judge Brunk's term will expire June 15, 2010.

Mayor Nations nominated for City Council consideration, Robert M. Heggie, to serve as Chesterfield's City Attorney, for a four-year term. Councilmember Streeter made a motion, seconded by Councilmember Durrell, to appoint Mr. Heggie to serve as City Attorney for a four-year term. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Heggie's term will expire June 15, 2010.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Jane Durrell, Chairperson of the Finance and Administration Committee, announced the next meeting of this Committee has been scheduled for March 8, 2006 at 5:30 p.m.

Councilmember Durrell announced that the Historical Commission will present a slide presentation on "Heroes, Villains, Native-Americans, Wars and Disasters" at 7:30 p.m. on Wednesday, March 8 in the Council Chambers.

Public Works/Parks Committee

Councilmember Barry Streeter, Chairperson of the Public Works/parks Committee, reported that Bill No. 2427 (Approves acceptance of streets in Westchester Manor Subdivision) will be read for the first time under the "Legislation" portion of the agenda.

Councilmember Streeter announced that the next meeting of this Committee has been scheduled for April 6 at 5:45 p.m.

Planning and Zoning Committee

Councilmember Mike Casey, Chairperson of the Planning and Zoning Committee, made a motion, seconded by Councilmember Geiger, to approve the amended site development concept and site development plans, landscape plans and architectural elevations for the proposed Justus Pointe at Chesterfield Village development. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to hold Bill No. 2428 (Sign Package for St. Louis Family Church) until the April 17, 2006 City Council meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Casey next reported that Bill No. 2429 (P.Z. 30-2005, Sharon Greenstein (2785 Kehrs Mill Road), Bill No. 2430 (P.Z. 25-2005, Duke Realty, L.P. (St. John's Mercy Rehabilitative Facility) and Bill No. 2431 (P.Z. 19-2005, City of Chesterfield (Various sections of the Zoning Ordinance) are scheduled to be read for the first time, under the "Legislation – Planning Commission" portion of the agenda. Bill No. 2424 (P.Z. 18-2005, City of Chesterfield (sign calculations), Bill No. 2425 (P.Z. 24-2005, Kommerz, LLC (Clock Tower Plaza) and Bill No. 2432 (Approves a record plat for Gascony Subdivision, located on Clayton Road, west of Schoettler Road) will be considered for adoption under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Casey announced that the next meeting of this Committee has been scheduled for March 9 at 5:30 p.m.

REPORT OF THE CITY ADMINISTATOR

City Administrator Mike Herring reported that bids were recently sought for various street reconstruction projects, city-wide. Having reviewed the information provided to him by Director of Public Works/City Engineer Mike Geisel, Mr. Herring joined with him in recommending award of a contract to R.V. Wagner, in an amount not to exceed $1,240,000.00, for street reconstruction projects in "Area A." Mr. Herring noted that adequate funding exists within the F.Y. 2006 Budget to cover this entire expense. Additionally, he noted that this work is funded entirely by proceeds from the one-half cent sales tax for capital improvements. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to R.V. Wagner, in an amount not to exceed $1,240,000.00, for street reconstruction projects in "Area A." A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for various street reconstruction projects. The "Area B" contract also includes work associated with the removal/replacement of (2) stormwater trench grates. Based upon his review of the information provided by Mr. Geisel, Mr. Herring joined with Mr. Geisel in recommending award of a contract to Amcon-Municipal Concrete, LLC, in an amount not to exceed $1,140,000.00. Mr. Herring noted that adequate funding exists within the F.Y. 2006 Budget to cover this entire expense and, additionally, that this work is funded entirely by proceeds from the one- half cent sales tax for capital improvements. Councilmember Streeter made a motion, seconded by Councilmember Flachsbart, to

award a contract to Amcon-Municipal Concrete, LLC, in an amount not to exceed $1,140,000.00. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for the purchase of (2) zero turn mowers, for use at the Chesterfield Valley Athletic Complex. Based upon review of the information provided to him by prepared by Superintendent of Parks, Recreation and Arts Darren Dunkle, Mr. Herring joined with Mr. Dunkle in recommending award of a contract to the John Deere Company, via Erb Turf Equipment, at a total purchase price of $21,239.84. Mr. Herring noted that the F.Y.2006 Budget contains an appropriation of $22,498.00 for this purpose. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to the John Deere Company, via Erb Turf Equipment, at a total purchase price of $21,239.84. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for the purchase of a utility tractor and mower, for use at the Chesterfield Valley Athletic Complex. Based upon review of the information provided to him by Mr. Dunkle, Mr. Herring joined with him in recommending award of a contract to the John Deere Company, via Erb Turf Equipment, at a total purchase price of $67,910.96. Mr. Herring noted that the F.Y. 2006 Budget contains an appropriation of $70,040.00 for this purpose. Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to award of a contract to the John Deere Company, via Erb Turf Equipment, at a total purchase price of $67,910.96. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported for the past several months that Mr. Geisel has tried to secure bids from qualified firms for the replacement of countertops at the concession areas, located within the Chesterfield Valley Athletic Complex (CVAC). The City finally received a bid, from Equipco, Inc. Mr. Herring joined with Mr. Geisel in recommending award of a contract with Equipco, Inc., for this project, at a total cost, not to exceed $16,814. The total amount of the expense will be covered by Proposition P bond funds. Mr. Herring noted that the City is required by the St. Louis County Health Dept. to complete this project before March 31, 2006. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to award a contract to Equipco, Inc., for this project, at a total cost, not to exceed $16,814. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

LEGISLATION

Bill No. 2427 PERTAINS TO THE ACCEPTANCE OF PUBLIC STREETS WITHIN WESTCHESTER MANOR SUBDIVISION**,** IN THE CITY OF CHESTERFIELD.

(FIRST READING – PUBLIC WORKS/PARKS COMMITTEE)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2427. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2427 was read for the first time.

BILL NO. 2424 AMENDS CITY OF CHESTERFIELD ZONING ORDINANCE SECTION 1003.168B REGULATING THE CALCULATION OF ATTACHED WALL SIGNS (P.Z. 18-2005, CITY OF CHESTERFIELD/SIGN CALCULATION) **(SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Casey made a motion, seconded by Councilmember Geiger, for a second reading of Bill No. 2424. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2424 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2424, with the following results: Ayes – Fults, Geiger, Flachsbart, Streeter, Brown, Hurt, Durrell and Casey. Nays - None. Whereupon, Mayor Nations declared Bill No. 2424 approved, passed it and it became **ORDINANCE NO. 2246.**

BILL NO. 2425 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A (C-8) PLANNED COMMERCIAL DISTRICT TO A (P-C) PLANNED COMMERCIAL DISTRICT FOR A 2.61 ACRE TRACT OF LAND LOCATED SOUTH OF CHESTERFIELD AIRPORT ROAD, NORTH OF EDISON AVENUE. (P.Z. 24-2005 KOMMERZ LLC – CLOCK TOWER PLAZA) **(SECOND READING – PLANNING COMMISSION RECOMMENDS DENIAL; PLANNING & ZONING COMMITTEE RECOMMENDS APPROVAL, AS AMENDED)**
(NOTE: PASSAGE OF BILL NO. 2425 WILL REQUIRE AN AFFIRMATIVE VOTE OF SIX (6) MEMBERS OF CITY COUNCIL.)

Councilmember Casey made a motion, seconded by Councilmember Fults, for a second reading of Bill No. 2425. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2425 was read for the second time. Mayor Nations noted that, because the Planning Commission had voted to recommend DENIAL, a super majority of City Council (six affirmative votes) would be required to pass this proposed legislation. A roll call vote was taken for passage and approval of Bill No. 2425, with the following results: Ayes – Geiger, Fults, Hurt, Brown, Durrell, Streeter, Flachsbart and Casey. Nays - None. Whereupon, Mayor Nations declared Bill No. 2425 approved, passed it and it became **ORDINANCE NO. 2247.**

BILL NO. 2429 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "NU" NON-URBAN DISTRICT TO "R-4" RESIDENCE

DISTRICT, FOR A 1.01 ACRE TRACT OF LAND LOCATED WEST OF KEHRS MILL ROAD AND SOUTH OF COVENTRY FARM (P.Z. 30-2005, SHARON GREENSTEIN (2785 KEHRS MILL ROAD) **(FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Casey made a motion, seconded by Councilmember Fults, for the first reading of Bill No. 2429. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2429 was read for the first time.

BILL NO. 2430 REPEALS CITY OF CHESTERFIELD ORDINANCE 1669 AND REPLACES IT WITH AN ORDINANCE PERMITTING HOSPITAL USE AND VARIOUS CHANGES TO SETBACK REQUIREMENTS DUE TO A REVISED PRELIMINARY PLAN FOR A PLANNED COMMERCIAL DISTRICT FOR A 6.048 ACRE TRACT OF LAND, LOCATED NORTH OF NORTH OUTER FORTY ROAD, EAST OF THE INTERSECTION OF CHESTERFIELD PARKWAY EAST, SOUTH OF CONWAY ROAD (P.Z. 25-2005, DUKE REALTY/ST. JOHN'S MERCY REHABILITATIVE FACILITY) **(FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Casey made a motion, seconded by Councilmember Fults, for the first reading of Bill No. 2430. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2430 was read for the first time.

BILL NO. 2431 CHANGES AND DELETES PORTIONS OF SECTION 1003.141 (MUSEUM AND ARTS AREA) AND SECTION 1003.126A (RESIDENTIAL TEAR-DOWNS) OF THE CITY OF CHESTERFIELD ZONING ORDINANCE AND ADDING SECTION 1003.126B (RESIDENTIAL ADDITIONS) (P.Z. 19-2005, CITY OF CHESTERFIELD - VARIOUS SECTIONS OF ZONING ORDINANCE) **(FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE ATTACHED "GREEN SHEET")**

Councilmember Casey made a motion, seconded by Councilmember Fults, for the first reading of Bill No. 2431. A voice vote was taken, with a unanimous affirmative result, and the motion was declared passed. Councilmember Casey made a motion, seconded by Councilmember Brown, to approve the proposed amendments, contained within the "green sheet". A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2431 was read for the first time, as amended.

BILL NO. 2432 PROVIDES FOR THE APPROVAL OF A RECORD PLAT FOR GASCONY SUBDIVISON, A 3.74 ACRE TRACT OF LAND, ZONED "R-3" RESIDENTIAL, LOCATED ON CLAYTON

ROAD, WEST OF SCHOETTLER ROAD **(FIRST AND SECOND READINGS - PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Casey made a motion, seconded by Councilmember Fults, for the first reading of Bill No. 2432. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2432 was read for the first time.

Councilmember Casey made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 2432. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2432 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2432, with the following results: Ayes – Geiger, Fults, Hurt, Durrell, Casey, Streeter, Flachsbart and Brown. Nays - None. Whereupon, Mayor Nations declared Bill No. 2432 approved, passed it and it became **ORDINANCE NO. 2248.**

ADJOURNMENT

Mayor Nations adjourned the meeting at 7:50 p.m.

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Mayor John Nations

ATTEST:

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Martha L. DeMay, City Clerk