



RECORD OF PROCEEDING

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

MARCH 1, 2010

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

Boy Scout Troop #601 from Chesterfield Elementary led everyone in the Pledge of Allegiance. Mayor Nations followed with a moment of silent prayer. Mayor Nations recognized and thanked: Chris Walsh, Tyler Nuckolls, Leutheri Gialouris, Jack Theobald, Will Burke and Dan Walsh for their participation in this opening ceremony. Also in attendance was Scout Leader Patrick Burke. Mayor Nations presented a Proclamation to Boy Scout Troop #601, commemorating their participation.

PRESENTATION

Mayor Nations recognized Mr. Les Siars, Building Maintenance Supervisor, and Director of Planning/Public Works Mike Geisel. Noting that Mr. Siars was hired on July 2, 2001, as the City's first Building Maintenance Supervisor, Mayor Nations expressed his appreciation to Mr. Siars for his dedication and excellent service to the City. Next, Mr. Geisel provided an overview of Mr. Siars' career with the City and expressed his personal appreciation for all that Mr. Siars has done for the City, during his tenure. Mayor Nations presented a proclamation to Mr. Siars in commemoration of his years of dedicated service to the City and extended his best wishes to Mr. Siars on his March 5 retirement. Mr. Siars expressed his appreciation to Mayor Nations, City Councilmembers, City Administrator Mike Herring, Director of Planning/Public Works Mike Geisel, Public Works Director/City Engineer Brian McGownd and the Building Maintenance Staff for their support through the years.

Mayor Nations recognized former City Clerk Marty DeMay in attendance at tonight's meeting.

ROLL CALL

A roll call was taken with the following results:

PRESENT

Mayor John Nations
Councilmember Barry Flachsbart
Councilmember Matt Segal
Councilmember Bruce Geiger
Councilmember Lee Erickson
Councilmember Mike Casey
Councilmember Randy Logan
Councilmember Connie Fults

ABSENT

Councilmember Bob Nation

APPROVAL OF MINUTES

The minutes of the February 1, 2010, City Council meeting were submitted for approval. Councilmember Erickson made a motion, seconded by Councilmember Geiger, to approve the City Council minutes. Councilmember Segal made a motion, seconded by Councilmember Flachsbart, to amend the minutes on Page 4, second paragraph, under NEW BUSINESS to read as follows: "Councilmember Segal made a motion, seconded by Councilmember Flachsbart, to authorize/direct Mayor Nations and President Pro Tem Casey to prepare, sign and send a letter to the Parkway School District, requesting relocation of the MRF, behind and adjacent to the Parkway Central High School, no later than June 1, 2010 and consider outsourcing the collection and processing of these materials." A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A voice vote was taken to approve the City Council minutes, as amended, with a unanimous affirmative result and the motion was declared passed.

COMMUNICATIONS AND PETITIONS

Mr. Harvey Ferdman, who resides at 671 Clovertrail Drive, stated his concerns about the lack of sidewalks along Highway 141 and feels that this is unsafe. Mr. Ferdman requested that the City consider installing sidewalks on Highway 141 from Parkway Central to Olive Blvd. He noted that construction plans, for the new Highway 141, are to install sidewalks only from Parkway Central to Ladue Road. Mr. Ferdman provided photos of Highway 141 that depicted his safety concerns regarding the lack of sidewalks. Mayor Nations point out that Woods Mill/Highway 141 is currently a State Road and will, upon completion of the new Highway 141, be transferred to St. Louis County. Mayor Nations also noted that the City had previously investigated this the costs to install a sidewalk, on just one side of Highway 141, would be substantial. He also noted that there were problems with a lack of available right-of-way.

INTRODUCTORY REMARKS

Mayor Nations announced that the next meeting of City Council has been scheduled for Monday, March 15, at 7 p.m.

Mayor Nations wished a *Happy Birthday* to Councilmember Segal on March 1.

APPOINTMENTS

There were no appointments.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee, made a motion, seconded by Councilmember Flachsart, to approve the proposed Budget Transfers/Amendments/Reappropriations. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger next made a motion, seconded by Councilmember Flachsart, to approve the revised/updated Five Year Forecast (2010 – 2014). 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 has been scheduled for Monday, March 22, at 5:30 p.m.

Planning/Public Works Committee

Councilmember Connie Fults, Chairperson of the Planning/Public Works Committee, reported that Bill No. 2774 [P.Z. 16-2009 - 17526, 17550 and 17536 Chesterfield Airport Road (St. Louis Family Church)] and Bill No. 2775 (City Control of Public Rights-of-Way) will be considered for adoption under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Fults next reported that Bill No. 2777 [P.Z. 15-2009 - Chesterfield Airport Commerce Park (Insituform Technologies, Inc.)] and Bill No. 2778 [P.Z. 13-2007 - City of Chesterfield (Residential Districts, Planned Unit Development Ordinance and Residential Tear-Downs and Additions)] will be read for the first time under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Fults next reported that Bill No. 2779 (Approves a resubdivision plat for Chesterfield Commons West, Plat 3) 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, March 4, at 5:30 p.m.

REPORT FROM THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that the City has previously contracted with Midwest Testing, for multiple projects associated with modifications to the Chesterfield Valley Wetland Permit, issued by the U. S. Army Corps of Engineers (USACE). Based upon the work performed by Midwest Testing, the USACE recently issued a permit modification/extension, for a 5-year period, ending 01/31/2015. Mr. Herring stated that this permit extension is contingent upon the City submitting, by 6/15/10, a "remedial action plan" for how to improve the "hydrology" within the City's wetland sites, in order to establish/maintain wetland plants. Based upon a review of information provided by Public Works Director/City Engineer Brian McGownd, Mr. Herring joined with Mr. McGownd in recommending that the City contract, again, with Midwest Testing, in an amount not-to-exceed \$30,000, for the development/completion of this "remedial action plan" and submission of same to the USACE, prior to 6/15/10. Councilmember Geiger made a motion, seconded by Councilmember Casey, to approve a contract with Midwest Testing, in an amount not-to-exceed \$30,000. 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 fireworks at the City's upcoming 4th of July celebration. Based upon a review of information provided by Director of Parks/Recreation Darren Dunkle, Mr. Herring joined with him in recommending award of a contract to J&M Displays, in an amount not-to-exceed \$50,000, which is the amount contained within the FY2010 Budget, for this purpose. Councilmember Casey made a motion, seconded by Councilmember Fults, to award a contract to J&M Displays, in an amount not-to-exceed \$50,000. 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 capital street improvement projects, in Area A. This work will be funded by revenue generated within the Capital Improvement Sales Tax Fund, during FY2010. Based upon a review of information provided by Principal Engineer Susan Mueller, Mr. Herring joined with her in recommending award of a contract to Amcon Municipal Concrete, LLC, for Area A, in an amount not-to-exceed \$1,125,000. Councilmember Casey made a motion, seconded by Councilmember Logan, to award a contract to Amcon Municipal Concrete, LLC, for Area A, in an amount not-to-exceed \$1,125,000. 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 capital street improvement projects, in Area B. This work will be funded by revenue generated within the Capital Improvement Sales Tax Fund, during FY2010. Based upon a review of information provided by Principal Engineer Susan Mueller, Mr. Herring joined with her in recommending award of a contract to Southern Ditching & Excavating Co., for Area B, in an amount not-to-exceed \$925,000. Councilmember Casey made a motion, seconded

by Councilmember Logan, to award a contract to Southern Ditching & Excavating Co., for Area B, in an amount not-to-exceed \$925,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Babbo's, 17402 Chesterfield Airport Road, has requested a new liquor license, to sell beer and wine by-the-drink and Sunday sales. Mr. Herring reported that this application has been reviewed and recommended for approval by the Departments of Planning/Public Works and Police. Councilmember Casey made a motion, seconded by Councilmember Segal, to approve issuance of a new liquor license to Babbo's. 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. 2774 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “C8” PLANNED COMMERCIAL DISTRICT TO A “PI” PLANNED INDUSTRIAL DISTRICT FOR AN 8.318 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF CHESTERFIELD AIRPORT ROAD AND EAST OF THE INTERSECTION OF CHESTERFIELD AIRPORT ROAD AND LONG ROAD (P.Z. 16-2009 17526, 17550, & 17536 CHESTERFIELD AIRPORT ROAD {ST. LOUIS FAMILY CHURCH}) **(SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2774. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2774 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2774 with the following results: Ayes – Flachsbarth, Segal, Geiger, Fults, Casey, Logan and Erickson. Nays – None. Whereupon Mayor Nations declared Bill No. 2774 approved, passed it and it became **ORDINANCE NO. 2595**.

BILL NO. 2775 CREATES SECTION 26-3 OF THE CITY CODE TO PROHIBIT THE PLACEMENT OF SIGNS WITHIN THE RIGHTS-OF-WAY AND ESTABLISHES THE CITY'S AUTHORITY TO REMOVE ANY AND ALL SIGNS IN THE RIGHTS-OF-WAY WITHIN

**THE CITY OF CHESTERFIELD, MISSOURI. (SECOND
READING - DEPT. OF PLANNING AND PUBLIC WORKS
RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2775. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2775 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2775 with the following results: Ayes – Logan, Fults, Segal, Geiger, Erickson, Flachsbart and Casey. Nays – None. Whereupon Mayor Nations declared Bill No. 2775 approved, passed it and it became **ORDINANCE NO. 2596.**

BILL NO. 2777 REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBERS 1707 AND 1741 AND AMENDING THE BOUNDARIES OF CITY OF CHESTERFIELD ORDINANCE NUMBERS 2264, 1030, 882 AND ST. LOUIS COUNTY ORDINANCES 11,403 AND 11,468 AND REPLACING THEM WITH A NEW ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “PC” PLANNED COMMERCIAL DISTRICT, “PI” PLANNED INDUSTRIAL DISTRICT AND A “M3” PLANNED INDUSTRIAL DISTRICT TO A NEW “PI” PLANNED INDUSTRIAL DISTRICT FOR A 10.546 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF CHESTERFIELD AIRPORT ROAD AND WEST OF THE INTERSECTION OF CHESTERFIELD AIRPORT ROAD AND CEPI DRIVE (P.Z. 15-2009 CHESTERFIELD AIRPORT COMMERCE PARK {INSITUFORM TECHNOLOGIES INC.}) (FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE ENCLOSED "GREEN" SHEET)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2777. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2777 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, to amend Bill No. 2777, pursuant to the attached “Green” sheet. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

BILL NO. 2778 REPEALS SECTIONS 1003.106, 1003.107, 1003.108, 1003.109, 1003.110, 1003.112, 1003.113, 1003.115, 1003.117, 1003.119, 1003.120, 1003.120A, 1003.121, 1003.123, AND 1003.125 OF THE CITY OF CHESTERFIELD ZONING ORDINANCE AND CREATING NEW SECTIONS TO ADDRESS THE

DEVELOPMENT STANDARDS OF THE RESIDENTIAL ZONING DISTRICTS AND REPEALING SECTIONS 1003.126A AND 1003.126B OF THE CITY OF CHESTERFIELD ZONING ORDINANCE TO CREATE A NEW SECTION 1003.126 TO ADDRESS RESIDENTIAL TEAR DOWNS AND ADDITIONS AND REPEALING SECTION 1003.187 OF THE CITY OF CHESTERFIELD ZONING ORDINANCE TO CREATE A NEW SECTION 1003.187 TO ADDRESS PLANNED UNIT DEVELOPMENTS WITHIN THE CITY OF CHESTERFIELD (P.Z. 13-2007 CITY OF CHESTERFIELD (RESIDENTIAL DISTRICTS, PLANNED UNIT DEVELOPMENT ORDINANCE, AND RESIDENTIAL TEAR DOWNS AND ADDITIONS). – **(FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING/PUBLIC WORKS COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE ENCLOSED "GREEN" SHEET)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2778. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2778 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, to amend Bill No. 2778, pursuant to the attached “Green” sheet. A voice vote was taken with a unanimous affirmative result and the motion was declared passed

Councilmember Flachsbart made a motion to further amend Bill No. 2778, Page 1 (that comes after Page 108), Section 1. General, to insert a new paragraph B. as follows: “The purpose of this section is to ensure that all residential teardowns and additions adhere to the development standards of the City of Chesterfield Zoning Ordinance and to provide a venue for review of the massing and scaling of proposed residential improvements as they relate to the surrounding neighborhood environment and to ensure harmonious and compatible redevelopment.” Mayor Nations declared the motion failed for lack of a second.

Councilmember Flachsbart next made a motion to further amend Bill No. 2778, Page 2, 4. Review, A. (1.) to replace “one thousand (1,000) square feet” with “five hundred (500) square feet.” Mayor Nations declared the motion failed for lack of a second.

BILL NO. 2779 PROVIDES FOR THE APPROVAL OF THE RESUBDIVISION PLAT FOR CHESTERFIELD COMMONS WEST, PLAT THREE, A 23.43 ACRE TRACT OF LAND ZONED “PC” PLANNED COMMERCIAL DISTRICT, LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF CHESTERFIELD AIRPORT ROAD AND RHL DRIVE. **(FIRST AND SECOND**

**READINGS – PLANNING COMMISSION RECOMMENDS
APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2779. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2779 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2779. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2779 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 2779 with the following results: Ayes – Segal, Fults, Geiger, Flachsbart, Erickson, Logan and Casey. Nays – None. Whereupon Mayor Nations declared Bill No. 2779 approved, passed it and it became **ORDINANCE NO. 2597**.

ADJOURNMENT

Mayor Nations adjourned the meeting at 7:48 p.m.

Mayor John Nations

ATTEST:

Judith A. Naggiar, City Clerk