



RECORD OF PROCEEDING

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

November 20, 2006

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

Boy Scout Troop #677 from Ellisville United Methodist Church led everyone in the Pledge of Allegiance: Tyler Davies, Daniel Lamers, Patrick Witthaus and Ben Harman. Also in attendance was Troop Leader Gregg Peterson.

Mayor Nations led everyone in a moment of silent prayer.

Mayor Nations welcomed Bob Malito, Superintendent of Parkway Schools, and presented him with a Proclamation recognizing the Parkway School District for the quality of education they provide and their students who have been designated as National Merit Scholars.

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 November 6, 2006, 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. Councilmember Brown made a motion, seconded by Councilmember Streeter, to amend the minutes pertaining to Bill No. 2495 (P.Z. 5-2006 Barry Simon Development (Tuscany Reserve). The amendments are attached to these minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Nations next introduced Stacey Morse, Executive Director of Chesterfield Arts. Ms. Morse gave a power point presentation over-viewing Chesterfield Arts' accomplishments, activities and programs for the past year, as well as their plans for the coming year.

Mayor Nations next announced that City Hall would be closed Thursday, November 23 and Friday, November 24 in celebration of the Thanksgiving holiday. He also encouraged everyone in attendance to participate in the Turkey Trot event scheduled for Thanksgiving morning.

COMMUNICATIONS AND PETITIONS

Lauren Strutman, who resides at 16120 Walnut Hill Farm Drive, opposed the placement of the St. Charles cellular tower in Walnut Hill Farm subdivision.

John Hammond, who resides at 1203 Walnut Hill Farm, opposed the placement of the St. Charles cellular tower in Walnut Hill Farm subdivision.

Chris Mueller, Stock and Associates, was in attendance to answer any questions regarding Bill No. 2495 (P.Z. 05-2006, Barry Simon Development (Tuscany Reserve).

Dave Potter, who resides at 1533 Pacland Place, supported Bill No. 2495 (P.Z. 05-2006, Barry Simon Development (Tuscany Reserve).

Barry Simon, Petitioner for Bill No. 2495 (P.Z. 05-2006, Barry Simon Development (Tuscany Reserve) was in attendance to answer any questions.

Mike Doster, attorney for the Petitioner, was in attendance to answer any questions regarding Bill No. 2495 (P.Z. 05-2006, Barry Simon Development (Tuscany Reserve).

Dave Potter, who resides at 1533 Pacland Place, requested the ability to speak regarding Bill No. 2475 (P.Z. 39-2005, Westland Acres). Mayor Nations pointed out that City Council policy precluded individuals from speaking at the same meeting, on different

subjects. Following some brief discussion, a motion was made by Councilmember Flachsbart, seconded by Councilmember Fults, to enable Mr. Potter to use the time remaining from his previous presentation, which Mr. Herring confirmed was just over two minutes. A voice vote was taken, with a unanimous affirmative result, and Mr. Potter was allowed to speak, with regard to the Westland Acres proposal. Mr. Potter offered suggestions for how to improve this proposed development.

Stephanie Macaluso, who resides at 1514 Pacland Place, opposed Bill No. 2475 (P.Z. 39-2005, Westland Acres).

Darren Frazier, who resides at 17071 Church Road, supported Bill No. 2475 (P.Z. 39-2005, Westland Acres).

Cliff Frazier, who resides on Church Road, supported Bill No. 2475 (P.Z. 39-2005, Westland Acres).

Brad Goss, attorney for the petitioner, supported Bill No. 2475 (P.Z. 39-2005, Westland Acres).

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee, recommended approval of the budget transfers/amendments as outlined in the November Finance and Administration Committee minutes. Director of Finance and Administration Jeremy Craig had informed the F&A Committee members that the amendments related to a recommendation from the external auditors (Hochschild Bloom). The City needed to amend its budget to prevent overages at the year end, which auditors would otherwise be required to report as “findings”. The adjustments fall into activity increases or specific items approved by City Council and represent cleanup entries. Councilmember Geiger made a motion, seconded by Councilmember Flachsbart, to approve the budget transfers/amendments as recommended by Staff and endorsed by the F&A Committee. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Geiger noted that the Committee had not yet scheduled a date for its next meeting.

Public Works/Parks Committee

Councilmember Dan Hurt, Chairperson of the Public Works/Parks Committee, reported that Bill No. 2502 (Approves the installation of a fire hydrant in the Manors at Schoettler Valley Subdivision) will be considered for adoption under the “Legislation” portion of the agenda. Councilmember Hurt noted that the Committee had not yet scheduled a date for its next meeting.

Planning and Zoning Committee

Councilmember Mary Brown, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2475 (P.Z. 39-2005, Westland Acres (Westland Acres Development LLC) and Bill No. 2495 (P.Z. 05-2006 (Barry Simon Development (Tuscany Reserve) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Brown announced that the next meeting of this Committee has been scheduled for December 7 at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that Imogene’s, located at 16635 Chesterfield Airport Road, has applied for a liquor license to sell beer and wine by the drink. This application has been approved by both the Departments of Planning and Police. Councilmember Casey made a motion, seconded by Councilmember Streeter, to approve issuance of the liquor license to Imogene’s. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that proposals were recently sought, from qualified firms, for the operation/management of the Family Aquatic Center. Although the City currently has a contract in place for these services with Lifeguards Unlimited, new construction/expansion at this facility necessitated a significant expansion of the services currently provided. Having reviewed the information provided to him by Mr. Dunkle, Mr. Herring joined with him in recommending award of a new contract to Lifeguards Unlimited, in an amount not to exceed \$257,500, for calendar year 2007, with options to extend said contract for 2008 and 2009. This amount is fully-funded within the proposed FY2007 Budget. The contract amount for 2008 would, again, be \$257,500. For 2009, that amount would increase to \$272,500, or 5.82%. Again, extending the contract for 2008 and 2009 would be at the City’s discretion. Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to award a new contract to Lifeguards Unlimited, in an amount not to exceed \$257,500, for calendar year 2007, with options to extend said contract for 2008 and 2009. 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 a project to enhance the shoreline of "Lake 2", which is to be built by Sachs Properties, adjacent to Central Park. Based upon a review of the information provided to him, Mr. Herring joined with Mr. Dunkle in recommending award of a contract to Kuesel Excavating, in an amount not to exceed \$550,000. Mr. Herring noted that City Council appropriated \$1 million for this project, so this proposed contract amount is well within the budget. Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to award of a contract to Kuesel Excavating, in an amount not to exceed \$550,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

LEGISLATION

BILL NO. 2502 APPROVES THE INSTALLATION OF A FIRE HYDRANT IN THE MANORS AT SCHOETTLER VALLEY SUBDIVISION, LOCATED WITHIN THE CITY OF CHESTERFIELD (**FIRST AND SECOND READINGS; PUBLIC WORKS/PARKS COMMITTEE**)

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart for the first reading of Bill No. 2502. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2502 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, for a second reading of Bill No. 2502. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2502 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2502, with the following results: Ayes – Geiger, Fults, Streeter, Casey, Hurt, Durrell, Flachsbart and Brown. Nays - None. Whereupon, Mayor Nations declared Bill No. 2502 approved, passed it and it became **ORDINANCE NO. 2320**.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2475 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "NU" NON-URBAN DISTRICT, TO AN "E 1/2 ACRE" ESTATE DISTRICT, FOR 61.0 ACRES OF LAND, LOCATED NORTH OF STRECKER ROAD AND EAST OF CHURCH ROAD (P.Z. 39 - 2005, WESTLAND ACRES (WESTLAND ACRES DEVELOPMENT, LLC)) (**SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL; P&Z COMMITTEE RECOMMENDS APPROVAL, AS AMENDED**)

Councilmember Brown made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2475. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2475 was read for the second time. Councilmember Fults requested that City Attorney Heggie send a letter to SCI for them to include the area that was marked by Mr. Shanahan regarding cleanup and their responsibility to the area where work had been done. Mr. Heggie reported that this will be done. Councilmember Fults made a motion, seconded by Councilmember Flachsbart, to amend Attachment A Section I C 1 (e) on Page 2, deleting “in part responsible or” and inserting “an indispensable component of”. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Brown expressed her sentiments in working with the people in Westland Acres and said it will be a beautiful subdivision and an enhancement to the community. Councilmember Flachsbart

noted that numerous illegal signs real estate signs had been placed by the Jones Company, the previous weekend and he is concerned that the Jones Company is not complying with the City's ordinances. Councilmember Flachsbart stated his intention to vote "no" on this development because of the illegal placement of signs by this developer. Councilmember Durrell next stated to the residents of Westland Acres that this area is a cherished part of Chesterfield heritage and that she hoped that many of the historical parts will be preserved. A roll call vote was then taken on Bill No. 2475 with the following results: Ayes – Hurt, Brown, Casey, Streeter, Durrell, and Geiger. Nays – Fults and Flachsbart. Whereupon, Mayor Nations declared Bill No. 2475 approved, passed it and it became **ORDINANCE NO. 2321**.

BILL NO. 2495 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "LLR" LARGE LOT RESIDENTIAL DISTRICT TO AN "E-ONE ACRE" ESTATE DISTRICT, FOR A 17.06 ACRE TRACT OF LAND, AND TO AN "E-TWO ACRE" ESTATE DISTRICT, FOR A 40.5 ACRE TRACT OF LAND, LOCATED NORTH OF STRECKER ROAD AND EAST OF CHURCH ROAD (P.Z. 05-2006, BARRY SIMON DEVELOPMENT {TUSCANY RESERVE}) (**SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, AS AMENDED**) (**BLUE SHEET AMENDMENT**)

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2495. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2495 was read for the second time. Councilmember Brown made a motion, seconded by Councilmember Fults, to adopt the "blue sheet". A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A roll call vote was taken for passage and approval of Bill No. 2495 with the following results: Ayes - Flachsbart, Geiger, Streeter, Fults, Brown, Durrell, Hurt and Casey. Nays - None. Whereupon, Mayor Nations declared Bill No. 2495 approved, passed it and it became **ORDINANCE NO. 2322**.

ADJOURNMENT

Prior to adjournment, Mr. Herring noted that there were a couple of changes in the October 16, 2006 minutes, under the report of Councilmember Hurt, Chairperson of the Public Works/Parks Committee, with regard to the TIF funding for the temporary stormwater reservoir. The amount included in those minutes should have been \$650,000, which is the total amount of money available for this project. In addition, the minutes needed to reflect that \$220,000 was approved for the preparation of plans for the second phase of the Monarch-Chesterfield Levee Trail District project, by way of a contract awarded to Kuhlmann Design. Councilmember Flachsbart made a motion, seconded by Councilmember Durrell, to adopt these corrections into the October 16, 2006 City

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

Mayor Nations adjourned the meeting at 8:43 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk