



RECORD OF PROCEEDING

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

January 19, 2005

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

ABSENT

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

None

APPROVAL OF MINUTES

The minutes of the January 3, 2005, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Durrell, to approve the City Council minutes as submitted for the meeting on January 3, 2005. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor John Nations announced that the groundbreaking ceremony for the Pathway on the Parkway project has been scheduled for January 28 at 3 p.m. It is an integral part of the trail system around the City. This project is in partnership with the citizens and businesses of Chesterfield, St. Louis County and East-West Gateway Coordinating Council. The Mayor also commended City Staff for their efforts to secure funding partners and make this project a reality.

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

Mayor Nations recognized Jade Bute, former member of City Council and Citizen of the Year and Mike Reid from Senator John Loudon's office.

Councilmember Geiger commented that the Par Value of the Proposition "P" bonds, is less than the bond proceed. This means that they are so highly regarded that individuals are buying these bonds at a premium.

COMMUNICATIONS AND PETITIONS

There were no communications and/or petitions.

COUNCIL COMMITTEE REPORTS

Public Health and Safety Committee

Councilmember Barry Flachsbart, Chairperson of the Public Health and Safety Committee, reported that Bill No. 2326 (Establishes a speed limit on Schoettler Road) will be considered for adoption and Bill No. 2327 (Creates a municipal offense for the public display of offensive and sexual material) and Bill No. 2328 (Regulates the distribution of materials harmful to minors) will be read for the first time under the "Legislation" portion of the agenda.

Councilmember Flachsbart announced that the next meeting of this Committee has been scheduled for February 17 at 5:45 p.m.

Planning and Zoning Committee

Councilmember Bruce Geiger, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2330 (P.Z. 2-2004, Summit Development (Valley Gates Buildings)) will be read for the first time under the "Legislation" portion of the agenda.

Councilmember Geiger announced that the next meeting of this Committee has been scheduled for January 20 at 5:30 p.m.

Public Works/Parks Committee

Councilmember Dan Hurt, Chairperson of the Public Works/Parks Committee, reported that Bill No. 2323 (Accepts public streets within Windridge Estates Subdivision) and Bill No. 2324 (Accepts public streets within Country Lake Estates) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for January 31 at 5:45 p.m., but could be subject to cancellation.

Finance and Administration Committee

Councilmember Mary Brown, Chairperson of the Finance and Administration Committee, reported that Bill No. 2329 (approves the debt financing for Parks – Proposition P) would be read for the second time and Bill No. 2331 (Approves re-funding of “R” & “S” debt) would be read for the first time under the “Legislation” portion of the agenda. Councilmember Brown called upon Michelle Bock from Piper Jaffray, to address the Council and audience regarding the results of Proposition “P” (parks bond funds). Ms. Bock reported that because of the favorable interest rate environment and because of the outstanding credit quality of the City of Chesterfield, they were able to go to market with this bond issue that will provide \$25.8 million for parks projects and land acquisition, at an all inclusive borrowing rate of 4.39%. In addition, the required debt service is below the projected proceeds from the dedicated portion of the sales tax, which will generate additional incremental funds for additional park improvements. Ms. Bock also stated that Moody’s Investor Service has kept the City’s rating at AA1 and on this bond issue of AA2. This is the highest rating of any City in Missouri and the City is to be commended for this excellent rating.

Councilmember Brown requested that Ms Bock also comment on Bill No. 2331 (Approves re-funding of “R & S” debt to be used for streets and sidewalks). Ms. Bock reported that Piper Jaffray proposed the restructuring of the two general obligation bond issues to achieve interest rate savings and by doing so, the City will realize about a \$1 million savings over a 15 years period, creating larger annual budgets for street reconstruction purposes starting in 2007. The present value savings resulting from that transaction should be in the 3-4% present value savings range or about \$750,000 net of all costs. Councilmember Brown made a motion, seconded by Councilmember Casey, to purchase bond insurance and a surety bond in lieu of establishing a debt service reserve fund on the refunding issue per Staff’s recommendation contained in Director of Finance and Administration Jeremy Craig’s memorandum dated January 10, 2005. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Brown announced that the next meeting of this Committee has been scheduled for January 26 at 5 p.m.

REPORT OF THE CITY ADMINISTRATOR

Due to the absence of City Administrator Mike Herring, Acting-City Administrator Mike Geisel reported that bids were recently sought for the purchase of a plotter, to replace one already in use by the Engineering Division of the Public Works Department. Mr. Geisel joined with Deputy Director of Public Works/Assistant City Engineer Brian McGownd in recommending award of a contract to ROTOLITE of St. Louis, in an amount not to exceed \$13,057.00. Adequate funds exist within the F.Y. 2005 Budget to cover this entire expense. Councilmember Flachsbart made a motion, seconded by Councilmember Fults, to award a contract to ROTOLITE of St. Louis in an amount not to exceed \$13,057.00. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Geisel next reported that bids were recently sought for the annual replacement of uniforms for the Police Department during 2005. Having reviewed the information contained within said memo, Mr. Geisel joined with Chief Ray Johnson in recommending award of a contract to Leon Uniform for this purpose. This contract covers the purchase of uniforms for new employees and replacement, as needed, of uniforms for existing employees. Adequate funds are contained within the current F.Y. 2005 Budget, to cover this expense. Councilmember Flachsbart made a motion, seconded by Councilmember Fults, to award of a contract to Leon Uniform to cover the purchase of uniforms for new employees and replacement uniforms for existing employees. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Geisel next reported that proposals were recently sought for professional inspection services related to the Meadowbrook Stormwater Project. Based upon the information provided to Mr. Geisel, he recommends award of a contract for inspection services to Mr. Aaron Smith, through Shively Geotechnical, in an amount not to exceed \$30,000. Adequate funds exist within the F.Y. 2005 Budget to cover this entire expense. Councilmember Hurt made a motion, seconded by Councilmember Casey, to award a contract to Mr. Aaron Smith, through Shively Geotechnical, in an amount not to exceed \$30,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

Mayor Nations announced the slate of candidates for the April 5 Municipal Election: John Nations, Mayor; Jane Durrell, Ward I; Barry Streeter, Ward II; Brian Calderwood and Dan Hurt, Ward III; Mary Brown and Dick Sawyer, Ward IV.

LEGISLATION

BILL NO. 2323 **PERTAINS TO THE ACCEPTANCE OF PUBLIC STREETS WITHIN WINDRIDGE ESTATES SUBDIVISION IN THE CITY OF CHESTERFIELD (SECOND READING – PUBLIC WORKS/PARKS COMMITTEE)**

Councilmember Hurt made a motion, seconded by Councilmember Streeter, for a second reading of Bill No. 2323. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2323 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2323, with the following results: Ayes – Hurt, Durrell, Fults, Geiger, Streeter, Brown, Flachsbart and Casey. Nays - None. Whereupon, Mayor Nations declared Bill No. 2323 approved, passed it and it became **ORDINANCE NO. 2147.**

BILL NO. 2324 **PERTAINS TO THE ACCEPTANCE OF PUBLIC STREETS WITHIN COUNTRY LAKE ESTATES 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. 2324. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2324 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2324, with the following results: Ayes – Casey, Hurt, Brown, Streeter, Fults, Geiger, Flachsbart and Durrell. Nays - None. Whereupon, Mayor Nations declared Bill No. 2324 approved, passed it and it became **ORDINANCE NO. 2148.**

BILL NO. 2326 **AMENDS ORDINANCE NO. 35, SCHEDULE III OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ESTABLISHING THE SPEED LIMIT ON SCHOETTLER ROAD (SECOND READING – PUBLIC HEALTH AND SAFETY COMMITTEE)**

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2326. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2326 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2326, with the following results: Ayes - Casey, Streeter, Durrell, Flachsbart, Fults, Geiger, Brown and Hurt. Nays - None. Whereupon, Mayor Nations declared Bill No. 2326 approved, passed it and it became **ORDINANCE NO. 2149.**

BILL NO. 2327 CREATES A MUNICIPAL OFFENSE FOR THE PUBLIC DISPLAY OF OFFENSIVE AND SEXUAL MATERIAL (**FIRST READING – PUBLIC HEALTH AND SAFETY COMMITTEE FORWARDS TO CITY COUNCIL, “WITHOUT A RECOMMENDATION”**)

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2327. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2327 was read for the first time.

BILL NO. 2328 REGULATES THE DISTRIBUTION OF MATERIALS HARMFUL TO MINORS (**FIRST READING – PUBLIC HEALTH AND SAFETY COMMITTEE FORWARDS TO CITY COUNCIL, “WITHOUT A RECOMMENDATION”**)

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2328. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2328 was read for the first time.

BILL NO. 2329 APPROVES THE DELIVERY OF \$25,710,000 PRINCIPAL AMOUNT OF CERTIFICATES OF PARTICIPATION (CITY OF CHESTERFIELD, MISSOURI, LESSEE), SERIES 2005, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS OF A PROJECT FOR THE CITY; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION WITH THE DELIVERY OF THE CERTIFICATES; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE DELIVERY OF THE CERTIFICATES (**SECOND READING – FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2329. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2329 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2329, with the following results: Ayes – Durrell, Flachsbart, Hurt, Fults, Geiger, Streeter, Casey and Brown. Nays - None. Whereupon, Mayor Nations declared Bill No. 2329 approved, passed it and it became **ORDINANCE NO. 2150.**

BILL NO. 2331

AUTHORIZES AND DIRECTS THE ISSUANCE, SALE AND DELIVERY OF \$17,760,000* AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2005, OF THE CITY OF CHESTERFIELD, MISSOURI; PRESCRIBING THE FORM AND DETAILS OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH. **(FIRST READING – FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2331. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2331 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2330

AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR AN APPROXIMATELY 7.698 – ACRE TRACT OF LAND, LOCATED ON NORTH OUTER 40 ROAD, EAST OF BOONE’S CROSSING (P.Z. 02-2004, SUMMIT DEVELOPMENT (VALLEY GATES BUILDINGS)) **(FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL; BUT ONLY IF AMENDED AS DETAILED WITHIN THE ATTACHED “GREEN SHEET”)**

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2330. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2330 was read for the first time. Councilmember Geiger made a motion, seconded by Councilmember Casey, to approve the amendments as provided for on the green sheet. Councilmember Hurt made a motion motion, seconded by Councilmember Flachsbart to amend the green sheet item #3 to add cross access along the north boundary. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Motion was seconded by Councilmember Brown. Councilmember Hurt motioned and Councilmember Flachsbart seconded, to amend the green sheet item #3, to add cross access along the north boundary. The motion passed 8 – 0 to amend the “green sheet”. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to amend Section 3, Item

c) to add “northern” to the eastern and western parcels. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to shift the southern building to the western setback and move the access to North Outer Forty as far east as practicable, as determined by the Director of Public Works. Councilmember Hurt explained that he had communications with the petitioner and that the petitioner was willing to investigate the potential for such changes. After further discussion and with no plan available for review, Councilmember Hurt and Flachsbart withdrew the motion and second respectively. A voice vote was then taken on the original motion to approve the “green sheet amendments”, with the inclusion of cross access adjacent to the north property line, with a unanimous affirmative result and the motion was declared passed.

ADJOURNMENT

Mayor Nations adjourned the meeting at 7:40 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk