

# RECORD OF PROCEEDING

---

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

**March 4, 2002**

---

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

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 Charles Scheidt

**ABSENT**

None

Mayor John Nations led everyone in the Pledge of Allegiance and followed with a moment of silent prayer.

**APPROVAL OF MINUTES**

The minutes of the February 20, 2002, City Council meeting were submitted for approval. Councilmember Casey made a motion to approve the City Council minutes. Councilmember Durrell seconded the motion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**INTRODUCTORY REMARKS**

Mayor Nations recognized Dan Rothwell, Chairperson of the Landmarks Preservation Commission, for recently receiving a letter from the National Parks Service designating Chesterfield as a "Certified Local Government." Having received this designation, the City of Chesterfield becomes eligible to partner with federal and state entities and to

apply for state and federal funding for the preservation of historic buildings, structures and archaeological resources.

Mayor Nations next presented proclamations to Cassandra Collins, Fine Arts Coordinator from the Parkway School District and to Cheryl Venet, Fine Arts Coordinator from the Rockwood School District in recognition of “Music in the Schools Month.”

Mayor Nations announced that, in response to recommendations from Councilmembers Brown and Scheidt, he had appointed Mr. Lee Rand to the Drug Abuse Task Force.

Mayor Nations stated that the Drug Abuse Awareness Day, which was held on March 2 at Chesterfield Mall, was a tremendous success and honored the Drug Abuse Task Force for a great job in organizing this event.

## **COMMUNICATIONS AND PETITIONS**

Marcia McDonald, who resides at 14986 Chateau Village Drive, noted that she was represented the “Baxter Road Trustees Committee” and opposed the medians proposed for the Baxter Road Project, due to cost effectiveness and safety issues.

William Kientz, who resides at 14981 Chateau Village Drive and Trustee of the Chateau Village Subdivision, opposed the proposed medians included in the Baxter Road Project.

## **COUNCIL COMMITTEE REPORTS**

### **Finance and Administration Committee**

Councilmember Jane Durrell, Chairperson of the Finance and Administration Committee, reported that Bill No. 2059, which amends the City Retirement Plan, will be read for the first time under the “Legislation” portion of the agenda.

Councilmember Durrell announced that the next meeting of this Committee has been scheduled for March 25 at 5:30 p.m.

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

Councilmember Barry Streeter, Chairperson of the Public Works/Parks Committee, reported that Bill Nos. 2048, which establishes membership criteria for the Public Works Citizens Advisory Group and Bill No. 2050, which awards a franchise to Missouri-American Water Company, will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Streeter made a motion, seconded by Councilmember Flachsbar to table Bill No. 2049, which authorizes agreement with St. Louis County regarding Baxter Road, until the March 18 City Council meeting. The motion was approved unanimously.

Councilmember Streeter announced that the next meeting of this Committee has been scheduled for April 3 at 5:30 p.m.

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

Councilmember Mike Casey, Chairperson of the Public Health and Safety Committee, announced that the next meeting of this Committee has been scheduled for March 13 at 5:30 p.m.

### **Planning and Zoning Committee**

Councilmember Charles Scheidt, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2046 (P.Z. 28-2001, Conway on the Grove rezoning), Bill No. 2047 (P.Z. 29-2001, Conway on the Grove PEU), Bill No. 2051 (P.Z. 35-2001, amends the “Definitions” section of the Zoning Ordinance), Bill No. 2052 (P.Z. 36-2001 (requires illustrations of various requirements on preliminary plans and site plans), Bill No. 2053 (approves the record plat for Villas at Chesterfield Pointe), Bill No. 2054 (approves the record plat for August Hill on Conway – Plat 2), Bill No. 2055, approves the record plat for Chesterfield Grove, Lots 1A and 3), Bill No. 2056 (approves a boundary adjustment plat for Highland on Conway – Plat 2), Bill No. 2057 (approves a boundary adjustment plat for Elbridge Payne Office Park) and Bill No. 2058 (approves a vacation of right-of-way on Old Olive Street Road) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

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

### **REPORT OF THE CITY ADMINISTRATOR**

City Administrator Mike Herring first recognized Mr. Gary Kramer, who serves as City Engineer from the City of Ballwin. Mr. Kramer was attending the meeting, having toured the new City Hall earlier in the afternoon.

City Administrator Mike Herring reported that bids were recently sought for the purchase of two (2) waste oil heaters, for the shop area at Public Works Maintenance Facility. Having reviewed this information, he joined with Director of Public Works/City Engineer Mike Geisel, in recommending approval of the bid submitted by Meramec Mechanical, in an amount totaling \$26,125. He noted that the FY 2002 Budget provides \$30,000 for this purpose. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to accept bid submitted by Meramec Mechanical, in an amount totaling \$26,125, for the purchase of two (2) waste oil heaters. 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 supplemental testing services, on an as-needed basis, throughout the year. These services are used to supplement those provided by City Staff. Mr. Herring noted that the FY 2002 Budget

contains \$30,000 for this purpose and he joined with Mr. Geisel in recommending that a contract be authorized with Professional Services Incorporated (PSI) for these services, subject to need and within the context of the budgeted amount noted above. As has been the case in the past, should PSI be unable or unavailable to provide the necessary testing services, the City is free to utilize the services of the other bidders, at the rates provided within their initial proposals. Councilmember Casey made a motion, seconded by Councilmember Brown, that a contract be authorized with Professional Services Incorporated (PSI) for testing services, on an as-needed basis throughout the year at a cost 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 Staff has developed a recommendation regarding contracting for professional inspection services on projects funded by the ½ cent sales tax for capital improvements. Based upon this recommendation, he joined with Mr. Geisel in recommending that authorization be granted to contract with the firms of Shively Geotechnical and Terracon Consulting, in an amount not to exceed \$125,000 for the professional services provided by each firm. Mr. Herring further noted that the 2002 Capital Projects Budget contains an allocation of \$135,000 for these services. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to award a contract to the firms of Shively Geotechnical and Terracon Consulting, in an amount not to exceed \$125,000 for the professional services provided by each firm. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Staff has learned of the potential availability of grant funds for "parks purposes" and, as a result, have prepared an application. If successful, the City could obtain \$317,000 to provide lighting for additional fields at the Chesterfield Valley Athletic Complex. In order to submit the application, City Council must adopt Resolution No. 281, authorizing Mr. Herring to sign said grant application. Councilmember Streeter made a motion, seconded by Councilmember Brown, to adopt Resolution No. 281, which permits Mr. Herring to sign the grant application. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that the City has now completely revamped its website. It has a new look and is extremely user-friendly, while providing the ability to add additional features, in the future. Mr. Herring praised Director of Finance and Administration, Jan Hawn, and the members of her IS Division, for their work on this project and invited those in attendance to visit the new website. The address for the website remains the same: [www.chesterfield.mo.us](http://www.chesterfield.mo.us).

### **NEW BUSINESS**

There was no new business.

### **LEGISLATION**

**BILL NO. 2048**

**ESTABLISHES MEMBERSHIP CRITERIA FOR THE  
PUBLIC WORKS CITIZENS ADVISORY GROUP**

**(SECOND READING – PUBLIC WORKS/PARKS  
COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Streeter made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 2048. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2048 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2048, with the following results: Ayes – Flachsbart, Hurt, Brown, Scheidt, Durrell, Streeter, Casey and Geiger. Nays - None. Whereupon Mayor Nations declared Bill No. 2048 approved, passed it and it became **ORDINANCE NO. 1824.**

**BILL NO. 2050**

GRANTS THE FRANCHISE FOR THE ST. LOUIS COUNTY WATER COMPANY D/B/A MISSOURI-AMERICAN WATER COMPANY CONTAINING THE RIGHT TO USE, FOR A PERIOD OF TWENTY YEARS, THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, FOR THE PURPOSE OF INSTALLING, EXTENDING, MAINTAINING, AND OPERATING A WATER SYSTEM; REGULATING THE RIGHT TO USE AND EXCAVATE IN SAID STREETS AND OTHER PUBLIC PLACES, PROVIDING THAT THE COMPANY SHALL HOLD THE SAID CITY HARMLESS FROM ALL DAMAGES FROM NEGLIGENCE IN THE CONSTRUCTION AND MAINTENANCE OF SAID WATER SYSTEM AND PROVIDING FOR THE ACCEPTANCE OF THE FRANCHISE BY THE SAID COMPANY **(SECOND READING – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2050. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2050 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2050, with the following results: Ayes – Flachsbart, Scheidt, Hurt, Casey, Brown, Geiger, Streeter and Durrell. Nays - None. Whereupon Mayor Nations declared Bill No. 2050 approved, passed it and it became **ORDINANCE NO. 1825.**

**BILL NO. 2059**

AMENDS THE CITY OF CHESTERFIELD RETIREMENT PLAN **(FIRST READING – FINANCE AND ADMINISTRATION COMMITTEE)**

Councilmember Durrell made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2059. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2059 was read for the first time.

## **LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2046** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO AN “R-3” 10,000 SQUARE-FOOT RESIDENCE DISTRICT FOR A 4.4 ACRE TRACT OF LAND, LOCATED ON THE SOUTH SIDE OF CONWAY ROAD, EAST OF AUGUST HILL ON CONWAY (P.Z. 28-2001, ALVIN D. VITT AND COMPANY – CONWAY ON THE GROVE) (**SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Scheidt made a motion, seconded by Councilmember Streeter, for a second reading of Bill No. 2046. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2046 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2046, with the following results: Ayes – Hurt, Casey, Flachsbart, Durrell, Brown, Geiger, Streeter and Scheidt. Nays - None. Whereupon Mayor Nations declared Bill No. 2046 approved, passed it and it became **ORDINANCE NO. 1826**.

**BILL NO. 2047** ESTABLISHES A PLANNED ENVIRONMENT UNIT (PEU) SPECIAL PROCEDURE IN AN “R-3” 10,000 SQUARE-FOOT RESIDENCE DISTRICT FOR A 4.4-ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF CONWAY ROAD, EAST OF AUGUST HILL ON CONWAY (P.Z. 29-2001, ALVIN D. VITT AND COMPANY – CONWAY ON THE GROVE) (**SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Scheidt made a motion, seconded by Councilmember Geiger, for a second reading of Bill No. 2047. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2047 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2047, with the following results: Ayes – Streeter, Geiger, Flachsbart, Brown, Durrell, Scheidt, Casey and Hurt. Nays - None. Whereupon Mayor Nations declared Bill No. 2047 approved, passed it and it became **ORDINANCE NO. 1827**.

**BILL NO. 2051** AMENDS SECTION 1003.020 (DEFINITIONS) OF THE CITY OF CHESTERFIELD ZONING ORDINANCE TO INCLUDE DEFINITIONS FOR FLOOR AREA RATIO, GREENSPACE PERCENTAGE AND TREE STAND DELINEATION (P.Z. 35-2001, CITY OF CHESTERFIELD) (**FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Scheidt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2051. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2051 was read for the first time.

Councilmember Scheidt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2051. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Flachsbart made a motion, seconded by Councilmember Durrell, to amend Bill No. 2051 to read that “The numerator shall equal all green space area plus all non-paved surfaces. The denominator shall equal the total area of the site, minus the area of all pedestrian cross-access ways.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.2051 was read for the second time, as amended. A roll call vote was taken for passage and approval of Bill No. 2051, with the following results: Ayes – Scheidt, Geiger, Streeter, Brown, Casey, Durrell, Hurt and Flachsbart. Nays - None. Whereupon Mayor Nations declared Bill No. 2051 approved, passed it and it became **ORDINANCE NO. 1828.**

**BILL NO. 2052** AMENDS PORTIONS OF THE CITY OF CHESTERFIELD ZONING ORDINANCE TO REQUIRE ILLUSTRATIONS OF FLOOR AREA RATIO, GREENSPACE PERCENTAGE AND TREE STAND DELINEATION ON PRELIMINARY PLANS AND SITE PLANS (P.Z. 36-2001, CITY OF CHESTERFIELD) (**FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Scheidt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2052. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2052 was read for the first time.

Councilmember Scheidt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2052. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2052 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2052, with the following results: Ayes – Durrell, Streeter, Scheidt, Geiger, Flachsbart, Casey, Brown and Hurt. Nays - None. Whereupon Mayor Nations declared Bill No. 2052 approved, passed it and it became **ORDINANCE NO. 1829.**

**BILL NO. 2053** PROVIDES FOR THE APPROVAL OF THE RECORD PLAT FOR VILLAS AT CHESTERFIELD POINTE, A RECORD PLAT FOR A 14.53 ACRE “R-4” PEU DISTRICT LOCATED ON OLIVE BOULEVARD (**FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Scheidt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2053. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2053 was read for the first time.

Councilmember Scheidt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2053. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2053 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2053, with the following results: Ayes – Casey, Streeter, Flachsbart, Hurt, Durrell, Scheidt, Geiger and Brown. Nays - None. Whereupon Mayor Nations declared Bill No. 2053 approved, passed it and it became **ORDINANCE NO. 1830.**

**BILL NO. 2054** PROVIDES FOR THE APPROVAL OF THE RECORD PLAT FOR AUGUST HILL ON CONWAY, PLAT TWO, FOR 2.8 ACRES OF THE 13.7 –ACRE PLANNED ENVIRONMENT UNIT (PEU) IN AN “R-3” 10,000 SQUARE-FOOT RESIDENCE DISTRICT LOCATED ON CONWAY ROAD, EAST OF DELMAR GARDENS **(FIRST AND SECOND READINGS - PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Scheidt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2054. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2054 was read for the first time.

Councilmember Scheidt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2054. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2054 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2054, with the following results: Ayes – Scheidt, Hurt, Geiger, Durrell, Casey, Brown, Streeter and Flachsbart. Nays - None. Whereupon Mayor Nations declared Bill No. 2054 approved, passed it and it became **ORDINANCE NO. 1831.**

**BILL NO. 2055** REPLACES ORDINANCE #1782, AND PROVIDES FOR THE APPROVAL OF THE RECORD PLAT FOR CHESTERFIELD GROVE, LOT 1A & 3, A 4.066 ACRE TRACT OF LAND ZONED “C-3” SHOPPING DISTRICT, LOCATED ON THE WEST SIDE OF BAXTER ROAD, SOUTH OF CHESTERFIELD AIRPORT ROAD **(FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Scheidt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2055. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2055 was read for the first time.

Councilmember Scheidt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2055. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2055 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2055, with the following results: Ayes – Flachsbart, Geiger, Durrell, Hurt, Casey, Scheidt, Brown and Streeter. Nays - None. Whereupon Mayor Nations declared Bill No. 2055 approved, passed it and it became **ORDINANCE NO. 1832.**

**BILL NO. 2056** APPROVES A BOUNDARY ADJUSTMENT PLAT OF LOTS 15 THRU 20 OF HIGHLAND ON CONWAY, PLAT 2, MORE PARTICULARLY DESCRIBED AS A TRACT OF LAND BEING PART OF U.S. SURVEY 1911 AND 370, T 45 NORTH, RANGE 4 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI (**FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Scheidt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2056. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2056 was read for the first time.

Councilmember Scheidt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2056. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2056 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2056, with the following results: Ayes – Flachsbart, Streeter, Hurt, Brown, Durrell, Geiger, Scheidt and Casey. Nays - None. Whereupon Mayor Nations declared Bill No. 2056 approved, passed it and it became **ORDINANCE NO. 1833.**

**BILL NO. 2057** APPROVES A BOUNDARY ADJUSTMENT PLAT OF LOTS 2 AND 3 OF ELBRIDGE PAYNE OFFICE PARK, MORE PARTICULARLY DESCRIBED AS A TRACT OF LAND BEING PART U.S. SURVEY 2002, TOWNSHIP 45 NORTH, RANGE 4 EAST (**FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Scheidt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2057. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2057 was read for the first time.

Councilmember Scheidt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2057. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2057 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2057, with the following

results: Ayes – Scheidt, Casey, Flachsbart, Hurt, Streeter, Brown, Durrell and Geiger. Nays - None. Whereupon Mayor Nations declared Bill No. 2057 approved, passed it and it became **ORDINANCE NO. 1834.**

**BILL NO. 2058** VACATES A PORTION OF A RIGHT-OF-WAY OF OLD OLIVE STREET ROAD FOR A TRACT OF LAND BEING PART OF U.S SURVEY 2031, T 45 NORTH – R4 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI (**FIRST AND SECOND READINGS – DEPARTMENTS OF PLANNING AND PUBLIC WORKS RECOMMEND APPROVAL**)

Councilmember Scheidt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2058. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2058 was read for the first time.

Councilmember Scheidt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2058. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2058 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2058, with the following results: Ayes – Durrell, Geiger, Casey, Brown, Streeter, Flachsbart, Scheidt and Hurt. Nays - None. Whereupon Mayor Nations declared Bill No. 2058 approved, passed it and it became **ORDINANCE NO.1835.**

**ADJOURNMENT**

Mayor Nations adjourned the meeting at 8:04 p.m.

---

Mayor John Nations

**ATTEST:**

---

Martha L. DeMay, City Clerk