

RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD AT 16052 SWINGLEY RIDGE ROAD

March 5, 2001

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

A roll call was taken with the following results:

PRESENT

ABSENT

Mayor Nancy Greenwood
Councilmember Barry Flachsbart
Councilmember Jane Durrell
Councilmember Barry Streeter
Councilmember John Nations
Councilmember Dan Hurt
Councilmember Mike Casey
Councilmember Mary K. Brown
Councilmember Charles Scheidt

The Pledge of Allegiance was led by Girl Scout Troop #4500 from Shenandoah Valley: Monica Streeter, Sumi Garg, Julie Kraeuchi and Lindsay Maier. Also in attendance was Troop Leader Dolly Streeter.

Mayor Greenwood led those in attendance in a moment of silent prayer.

APPROVAL OF MINUTES

The minutes of the February 21, 2001, City Council meeting were submitted for approval. Councilmember Streeter made a motion to approve the City Council minutes. Councilmember Durrell seconded the motion. A voice vote was taken with an affirmative result (Councilmember Casey “Abstained”) and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Greenwood announced that Dr. Terry Jones, University of Missouri-St. Louis, has completed a table which compares our current practice to the proposed Charter. Mayor Greenwood stated that this table is available, **at no cost**, at the Government Center and it is also posted on the web site.

Mayor Greenwood introduced Citizens Committee for the Environment Chairperson Darcy Capstick, who presented Kathy Higgins, Chair of the Chesterfield Arts Commission, and Amanda Beresford, Executive Director of Chesterfield Arts, Inc. with a Green Team plaque for these contributions: Atrek Contemporary Dance Company's premiere performance of "Finding the Way," at the 2000 Annual Tree Day in Central City Park; graphic artist Charlie Houska's rendition of the metamorphosing of recyclables on the updated Green Team sign; and artist Lloyd Harvey who will make art out of recyclables at Chesterfield Mall on March 10, 2001 as a result of a project endorsement to the St. Louis Regional Arts Commission. Darcy Capstick next unveiled the artist signed Green Team signage.

Mayor Greenwood presented Patti Riggle, Fine Arts Coordinator, Parkway School District, with a proclamation in recognition of *Music In Our Schools* Month.

Mayor Greenwood announced that a Chesterfield Landmark Preservation Commission ordinance was passed at the City Council meeting on February 21, 2001. Mayor Greenwood next stated that the Commission is to be comprised of nine members, not less than three, or more than five, selected from the Chesterfield Historical Commission, and the remaining members should be people with expertise in various disciplines involved in historic preservation. Mayor Greenwood invited residents who are interested in serving on the Landmark Preservation Commission to send a letter of introduction to the attention of the "Office of the Mayor" stating interest in the Commission, length of residency and any other pertinent information.

COMMUNICATIONS AND PETITIONS

Mayor Greenwood stated that she received a copy of the proposed Charter in the mail March 3 and expressed gratitude for those who served. Mayor Greenwood stated that the document was, unfortunately, not labeled as a "**PROPOSED**" Charter and the introductory letter did not state that it is submitted on a recommendation of only seven of the thirteen Charter Commission members, excluding the Chairman and the Vice-Chair. Mayor Greenwood further stated that this is a misrepresentation of facts. Mayor Greenwood stated that a Charter should be a positive document which enhances the good practices in place in a city. Mayor Greenwood further stated that every elected official on the dais welcomes referendum and initiative, but the proposed Charter is a flawed document. Mayor Greenwood expressed sadness regarding a proposed charter that would not provide a long range focus, would make governing more burdensome and threaten the City with potential lawsuits.

Jim Taylor, who lives at 15655 Heathercroft Drive, expressed his appreciation to Councilmember Nations, Councilmember Streeter and Officer Ochs of the Chesterfield Police Department for their representation at a Highcroft Estates subdivision meeting.

John W. Hammond, who resides at 1203 Walnut Hill Farm, expressed concern regarding the Wilson Road closure and requested that the City connect the 300 foot easement between Wilson Road and terminated Baxter Crossing.

Royce Engel, who resides 135 Ridge Crest, stated his opposition to Mayor Greenwood's remarks concerning the proposed Charter and stated his support of the proposed Charter.

Ben Murphy, who lives at 15696 Silverlake Court, stated his support of the proposed Charter.

Allan Sheppard, who lives at 826 Judson Manor Drive, stated his support of Resolution No. 268 regarding improvement of Highway 141. Mr. Sheppard stated that MoDOT commented at a February 28 meeting that they had not received a copy of Resolution No. 268. Mayor Greenwood stated that City Administrator Herring had sent a cover letter and the resolution to MoDOT but would send MoDOT another copy. Councilmembers Flachsbart and Durrell thanked Mr. Sheppard for his efforts on the Highway 141 improvement project.

APPOINTMENTS

There were no appointments at this meeting.

COUNCIL COMMITTEE REPORTS

Planning and Zoning Committee

Councilmember Dan Hurt, Chairperson of the Planning and Zoning Committee, reported that Bill No. 1935 (P.Z. 29-2000, Chesterfield Airport Center, Lot A) will be read for the first time under the "Legislation – Planning Commission" portion of the agenda. Councilmember Hurt next reported that Bill No. 1936 (amends code sections to require tree stand delineation on the base of all preliminary plans submitted) would be given two readings in the Council meeting. Councilmember Hurt next reported that Bill No. 1927 (P.Z. 19-1999, Chesterfield Village), Bill No. 1928 (P.Z. 39-2000, Boone's Crossing Golf Center), Bill No. 1929 (P.Z. 36-2000, City of Chesterfield) and Bill No. 1931 (P.Z. 37-2000, City of Chesterfield) will be considered for adoption under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Hurt announced that the next meeting of this committee has been scheduled for March 8 at 5:30 p.m.

Public Works/Parks Committee

Councilmember Mary Brown, Chairperson of the Public Works/Parks Committee, reported that Bill No. 1934 (accepts public streets in Whitestone Farms), Bill No. 1937 and Bill No. 1938 (use of right-of-way by telecommunications and cable) will be read for the first time under the "Legislation" portion of the agenda. City Attorney Beach reported that Bill No. 1937 (updates the telecommunications ordinance, replaces the interim agreement and includes cable companies for future cable regulations) and Bill No. 1938 (approves an interim right-of-way use agreement with American Fiber Systems) will be read for the first time under the "Legislation" portion of the agenda.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that the current budget contains an appropriation of \$154,000 for the purchase of two (2) 2-1/2 ton dump trucks with salt spreaders and snow plows. Based upon a review of the recommendation submitted by Director of Public Works/City Engineer Mike Geisel, Mr. Herring joined with him in recommending award of a contract to F & C Truck Sales, for a total amount of \$152,020. Councilmember Hurt made a motion, seconded by Councilmember Streeter, to award the contract to F & C Truck Sales, for a total amount of \$152,020, for two (2) 2-1/2 ton dump trucks with salt spreaders and snow plows. 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 removal and replacement of stormwater grated troughs, in conjunction with the street reconstruction projects. Based upon a review of the recommendation submitted by Director of Public Works/City Engineer Mike Geisel, Mr. Herring joined with him in recommending award of a contract to Gershenson Construction, in an amount not to exceed \$82,800. Sufficient funds exist within the current budget to cover the entire expense. Councilmember Hurt made a motion, seconded by Councilmember Brown, to award the contract to Gershenson Construction, for a total amount of \$82,800. Councilmember Hurt complimented the staff on the expediency of completing these projects. 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 painting of the competition pool at Central City Park. The current budget contains an appropriation of \$12,000 for this project. Based upon a review of the recommendation submitted by Director of Public Works/City Engineer Mike Geisel, Mr. Herring joined with him in recommending award of a contract to Bazan Painting Company, in an amount not to exceed \$12,000. Councilmember Casey made a motion, seconded by Councilmember Streeter, to award the contract to Bazan Painting Company, for a total amount of \$12,000. 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 the purchase of a skid steer loader. Based upon a review of the recommendation submitted by Director of Public

Works/City Engineer Mike Geisel, Mr. Herring joined with him in recommending award of a contract to Bobcat St. Louis, in an amount not to exceed \$17,664.34. Mr. Herring joined with Mr. Geisel in recommending acceptance of the trade-in recommendation, totaling \$5,000, resulting in a net total cost of \$13,701.14, for this purchase. The FY2001 budget contains an appropriation of \$19,130 for this purchase. Councilmember Casey made a motion, seconded by Councilmember Durrell, to award the contract to Bobcat St. Louis, for a total amount of \$17,664.34 and to approve the trade-in of \$5,000. 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 contractual stump grinding services citywide. Mr. Herring noted that there is an appropriation of \$140,500 for miscellaneous contractual services. Based upon a review of the recommendation submitted by Director of Public Works/City Engineer Mike Geisel, Mr. Herring joined with him in recommending award of a contract to Shield Shade Tree Services, Inc., for stump grinding services, on an as needed basis. It is estimated that the total cost for the calendar year 2001 will be \$16,500. Councilmember Brown made a motion, seconded by Councilmember Casey, to award the contract to Shield Shade Tree Services, Inc. for a total amount of \$16,500. 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 professional inspection services in conjunction with the "R" & "S" Bond Issue projects citywide. Based upon a review of the recommendation submitted by Director of Public Works/City Engineer Mike Geisel, Mr. Herring joined with him in recommending award of contracts to the following firms: SCI Engineering; Professional Services, Inc.; and Shively Geotechnical, Inc., in an amount not to exceed \$150,000 for their respective services. Mr. Herring noted that the FY2001 budget contains an appropriation of \$283,000 for these professional services. Councilmember Casey made a motion, seconded by Councilmember Durrell, to award the contracts to SCI Engineering; Professional Services, Inc.; and Shively Geotechnical, Inc. in an amount not to exceed \$150,000 for their respective services. Councilmember Hurt complimented the staff on the inspection work. Councilmember Hurt further stated that our quality control is excellent and our standards are higher than St. Louis County. City Administrator Herring stated that all credit should go to Mr. Geisel and the Public Works Department for supervising the entire process and doing a great job of managing almost \$30 million worth of projects in the last five years. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Flachsbart stated that the City could do a better job and continue to improve. Councilmember Hurt stated that streets that were found were ripped out and done again. Discussion ensued.

Mr. Herring next reported that bids were recently sought for the repair of storm sewer pipe joints. The current budget provides \$260,120 for various storm sewer repairs citywide. Based upon a review of the recommendation submitted by Director of Public Works/City Engineer Mike Geisel, Mr. Herring joined with him in recommending award of a contract to Onyx Precision Services, Inc., on an as-needed basis, throughout the year. Councilmember Casey made a motion, seconded by Councilmember Streeter, to award

the contract to Onyx Precision Services Inc. A voice vote was taken with a unanimous affirmative result and the motion was declared passed

City Administrator Mike Herring next reported that the City has received a liquor license request from ballparkconcessions.com to sell beer only by the drink for consumption on the premises and Sunday sales at the Chesterfield Valley Sports Complex. Mr. Herring stated that both the Planning and Police Departments recommend approval of this application. Councilmember Durrell made a motion, seconded by Councilmember Scheidt, to approve issuance of the liquor license. A voice vote was taken with an affirmative result (Councilmember Nations voted “No”) and the motion was declared passed.

NEW BUSINESS

There was no new business.

LEGISLATION

BILL NO. 1934 PERTAINS TO THE ACCEPTANCE OF PUBLIC STREETS WITHIN WHITESTONE FARM SUBDIVISION IN THE CITY OF CHESTERFIELD (**FIRST READING – PUBLIC WORKS/PARKS COMMITTEE**)

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No.1934. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1934 was read for the first time.

BILL NO. 1937 AN ORDINANCE REPEALING ORDINANCE 1686 AND THEREFORE SUBSTITUTING AN ORDINANCE ESTABLISHING REGULATIONS FOR THE USE OF THE RIGHTS-OF-WAY TO CONSTRUCT, OPERATE, AND/OR MAINTAIN COMMUNICATIONS SYSTEMS AND CABLE SYSTEMS, ESTABLISHING THE REQUIRED TERMS FOR COMMUNICATION SYSTEM RIGHTS-OF-WAY USE AGREEMENTS AND CABLE FRANCHISES, AND ESTABLISHING COMPENSATION FOR SUCH USE OF THE RIGHTS-OF-WAY (**FIRST READING**)

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No.1937. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1937 was read for the first time.

BILL NO. 1938 AN ORDINANCE APPROVING AN INTERIM RIGHT-OF-WAY USE AGREEMENT WITH AMERICAN FIBER SYSTEMS, INC. (**FIRST READING**)

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No.1938. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1938 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 1927 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO “PC” PLANNED COMMERCIAL DISTRICT FOR A 9.096 ACRE TRACT OF LAND LOCATED ON CHESTERFIELD PARKWAY EAST, EAST OF ELBRIDGE PAYNE ROAD AND SOUTH OF CLARKSON ROAD (P.Z. 19-1999, CHESTERFIELD VILLAGE) (**SECOND READING - PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 1927. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1927 was read for the second time. Councilmember Hurt thanked Sachs Properties for working with the City and giving the City quality development. Councilmember Streeter thanked Sachs Properties for their work with the staff and the residents on this project. A roll call vote was taken for passage and approval of Bill No. 1927, with the following results: Ayes – Casey, Nations, Durrell, Brown, Hurt, Flachsbart, Streeter and Scheidt. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1927 approved, passed it and it became **ORDINANCE NO. 1722.**

BILL NO. 1928 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “M-3” PLANNED INDUSTRIAL DISTRICT TO A “PC” PLANNED COMMERCIAL FOR A 29.07 ACRE TRACT OF LAND LOCATED ON NORTH OUTER FORTY, WEST OF LONG ROAD (P.Z. 39-2000, BOONES CROSSING GOLF CENTER) (**SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 1928. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1928 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1928, with the following results: Ayes – Streeter, Durrell, Nations, Scheidt, Casey, Brown, Hurt and Flachsbart. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1928 approved, passed it and it became **ORDINANCE NO. 1723.**

BILL NO. 1929 AMENDS SECTION 1005.270 OF THE CITY OF CHESTERFIELD SUBDIVISION ORDINANCE TO REQUIRE WIDER SIDEWALKS ON HIGH-VOLUME STREETS AND ADJACENT TO OBSTRUCTIONS AND AMENDS SECTION 1005.180 OF THE CITY OF CHESTERFIELD SUBDIVISION ORDINANCE TO REQUIRE INSTALLATION OF SLEEVES FOR FUTURE WATER AND ELECTRIC SERVICE AND TELECOMMUNICATION SERVICE (P.Z. 36-2000, CITY OF CHESTERFIELD) (**SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 1929. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1929 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1929, with the following results: Ayes – Hurt, Nations, Flachsbart, Durrell, Streeter, Brown, Casey and Scheidt. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1929 approved, passed it and it became **ORDINANCE NO. 1724.**

BILL NO. 1931 AMENDS SECTION 1003.300 OF THE CITY OF CHESTERFIELD ZONING ORDINANCE TO REQUIRE VERIFICATION OF MEETING WITH RESIDENTS PRIOR TO PUBLIC HEARING AND REQUIRES PERSPECTIVES AND/OR 3-D MODELS WHEN NEEDED AND AMENDS SECTION 1003.167 OF THE CITY OF CHESTERFIELD ZONING ORDINANCE TO REQUIRE INSTALLATION OF SLEEVES FOR FUTURE TELECOMMUNICATION SERVICE (P.Z. 37-2000, CITY OF CHESTERFIELD (**SECOND READING - PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL**))

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 1931. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1931 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1931, with the following results: Ayes – Hurt, Casey, Streeter, Nations, Scheidt, Brown, Flachsbart and Durrell. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1931 approved, passed it and it became **ORDINANCE NO. 1725.**

BILL NO. 1935 AMENDS CITY OF CHESTERFIELD ORDINANCE NO. 1416 FOR A NEW AMENDED ORDINANCE RELATING TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 3.3 ACRE TRACT OF LAND LOCATED ON CAPRICE DRIVE, SOUTH OF HIGHWAY 40 AND NORTH OF CHESTERFIELD AIRPORT ROAD (P.Z. 29-2000, MID-RIVERS PLAZA, L.L.C./CHESTERFIELD AIRPORT CENTER, LOT A) (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 1935. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1935 was read for the first time.

BILL NO. 1936 AMENDS SECTION 2 OF THE CITY OF CHESTERFIELD TREE ORDINANCE TO REQUIRE TREE STAND DELINEATION AS DEFINED IN THE TREE ORDINANCE TO BE SHOWN ON THE BASE OF THE PRELIMINARY PLAN (**FIRST READING AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 1936. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1936 was read for the first time.

Councilmember Hurt made a motion based upon the Planning Commission's request, seconded by Councilmember Flachsbart, for a second reading of Bill No. 1936. A voice vote was taken with an affirmative result (Councilmember Durrell voted "No") and the motion was declared passed. Bill No. 1936 was read for the second time. Councilmember Brown stated that changes and improvements to this ordinance will assist the Planning Commission on making decisions on zoning based on the existence of trees rather than at a later time in the zoning process. Councilmember Hurt concurred with Councilmember Brown and stated that the Planning Commission was unanimous in their need of this ordinance. Councilmember Brown stated that the suggestion came from Mr. Rocca, the consultant, who met with the Planning Commission to refine the process. A roll call vote was taken for passage and approval of Bill No. 1936, with the following results: Ayes – Casey, Streeter, Flachsbart, Brown, Hurt, Scheidt, Nations and Durrell. Nays - None. Whereupon Mayor Greenwood declared Bill No.1936 approved, passed it and it became **ORDINANCE NO. 1726**.

Councilmember Streeter thanked the committees who worked on the master plan for recreational use considerations in the Chesterfield Valley.

ADJOURNMENT

Mayor Greenwood entertained a motion to adjourn the meeting. Councilmember Nations made a motion to adjourn the meeting. Councilmember Durrell seconded the motion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. The meeting was adjourned at 8 p.m.

Mayor Nancy Greenwood

ATTEST:

Judith A. Naggiar, Deputy City Clerk