RECORD OF PROCEEDING

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

March 15, 2004

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

Girl Scout Troop #3986 from Green Trails Elementary School led everyone in the Pledge of Allegiance: Shelby Hurt, Julia Laveen and Megan Zussblatt. Also in attendance were Troop Leaders Janice Levine and Robyn Hurt.

Mayor John Nations presented a proclamation to the St. Louis Blues AAA Hockey Association for their successful hockey season and winning the league playoff game and ultimately winning the league tournament.

Mayor Nations next recognized Jerry Right and presented him with the Citizen of the Year Award. Mayor Nations shared with those in attendance the many organizations to which Mr. Right has given his time and talent.

Mayor Nations then followed with a moment of silent prayer.

A roll call was taken with the following results:

PRESENT	ABSENT
Mayor John Nations	None
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	

APPROVAL OF MINUTES

The minutes of the March 1, 2004, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Brown, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor John Nations announced that former Councilmember Betty Hathaway is out of the hospital and recuperating at Surrey Place.

Mayor Nations commended City Administrator Mike Herring for the part he played in securing a grant from East West Gateway Coordinating Council for funding the "Pathway on the Parkway Project".

Mayor Nations wished City Clerk Marty DeMay a "Happy Birthday".

Mayor Nations encouraged those in attendance to vote in the April 6 municipal election.

Mayor Nations announced that the next meeting of City Council would take place on April 19 at 7 p.m.

COMMUNICATIONS AND PETITIONS

Mike Doster, attorney for the petitioners, stated he would answer any questions regarding Bill No. 2246 and requested that Bill No. 2251 be given a first reading only at this City Council meeting.

John Wagner, a representative of the law firm of Doster and James, stated that representatives from Lowe's were not able to attend the Council meeting. However, he stated that he would communicate to them the various issues/concerns expressed by City Councilmembers during the Agenda Review meeting.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Jane Durrell, Chairperson of the Finance and Administration Committee, reported that Resolution No. 298 would authorize the sale of the City's Certificates of Participation for the purpose of refinancing the existing City Hall debt. She noted that the Committee could not agree on a specific refinancing option, but that Staff was recommending "Option A", which would result in annual savings, for the years 2005 – 2009, of approximately $500,000/year, with a "break-even" NPV. Much discussion ensued. Ms. Michele Bock, the Financial Advisor from Piper-Jaffray and Company, answered questions regarding the various options considered by the Committee. Councilmember Durrell made a motion, seconded by Councilmember Casey, to adopt Resolution No. 298, with the provision that "Option A" be pursued, but only to the extent

that the NPV would be $0.00 or greater. A voice vote was taken and the motion was passed, by a vote of 7-1, with Councilmember Hurt voting "no".

Mayor Nations noted that this would be the last Committee reports to be made by the current Chairpersons. Therefore, he commended Councilmember Durrell for her good work as Chair of the Finance and Administration Committee.

Planning and Zoning Committee

Councilmember Barry Streeter, Chairperson of the Planning and Zoning Committee, reported that Bill #2246 (Shenandoah Ordinance Amendment), Bill #2240 (P.Z. 36-2003, City of Chesterfield - Off-Street Parking for displayed homes), Bill #2252 (Approves a record plat for Chesterfield Commons Six, Bill No. 2245 (P.Z. 26-2003 (Amends zoning ordinance regarding Lighting Criteria) and Bill No. 2247 (P.Z. 28-2003 (Amends zoning ordinance regarding time limitations regarding inactive petitions) will be considered for adoption under the "Legislation" portion of the agenda.

Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, to hold Bill #2251 (P.Z. 24-2003, THF Chesterfield Development, LLC - The Commons) until the next City Council meeting scheduled for April 19. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Streeter announced the next meeting of this Committee has been scheduled for March 18 at 5:30 p.m.

Mayor Nations commended Councilmember Streeter for his good work as Chair of the Planning and Zoning Committee.

Public Works/Parks Committee

Councilmember Connie Fults, Chairperson of the Public Works/Parks Committee, reported that Bill No. 2250 (authorizes "Pathway on the Parkway"), Bill No. 2253 (Provides for the acquisition of easements for the "Pathway on the Parkway" project) and Bill No. 2254 (authorizes property transfer to St. Louis County for road improvements relating to Kehrs Mill Road and Wild Horse Creek Road) will be considered for adoption under the "Legislation" portion of the agenda. Mayor Nations noted that both Councilmembers Fults and Brown, Ward 4, had worked diligently in support of the temporary improvements to the intersection of Kehrs Mill, Long and Wildhorse Creek roads, that passage of Bill #2254 would make possible.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for March 31 at 5:45 p.m.

Mayor Nations commended Councilmember Fults for her good work as Chair of the Public Works/Parks Committee. Mayor Nations also commended Councilmember Casey for his good work in chairing the Public Health and Safety Committee.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that Director of Public Works/City Engineer Mike Geisel recommended award of a contract for citywide street-sweeping to Crowns and Curbs Sweeping Service, at a city-wide cost of $6,091 and an hourly rate of $65/hour, for additional, unscheduled sweeping. Mr. Herring joined with Mr. Geisel in making this recommendation to City Council. Adequate funds exist within the F.Y. 2004 Budget to cover this entire expense. Councilmember Casey made a motion, seconded by Councilmember Streeter, to approve this recommendation. 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 replacement of a skid-steer loader for use within the Street Maintenance Division, of the City's Public Works Department. Mr. Herring recommended acceptance of the low bid submitted by the Bobcat of St. Louis, at a net cost of $10,609.54. The F.Y. 2004 Budget contains adequate funds for this purchase. Councilmember Casey made a motion, seconded by Councilmember Brown, to approve this recommendation. 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, to be used on an as-needed basis city-wide. Mr. Herring recommended acceptance of the low bid from Shield Shade Tree, Inc. for stump grinding services, on an as-needed basis, at a rate of $3.30/caliper inch. Mr. Herring noted that adequate funds are contained within the F.Y. 2004 Budget to cover this expense. Councilmember Flachsbart made a motion, seconded by Councilmember Fults, to approve this recommendation. 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 for aerial photographic services of the entire City. Mr. Herring recommended award of a contract to Sanborn, Inc. for these services, in an amount not to exceed $44,500. Mr. Herring noted that this work is funded within the F.Y. 2004 Budget. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to accept this recommendation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring shared with the Mayor and City Council that grant funding, of slightly more then $1 million has been re-authorized for the "Pathway on the Parkway" project by the East-West Gateway Coordinating Council. Mr. Herring noted that the entire local match was included within the FY2004 Budget and funded by the ½ cent sales tax for capital improvements. If City Council approves both Bill #2250 and Bill #2253, described earlier under the report of Councilmember Fults, Chairperson of the Public Works/Parks Committee, he would have an additional bid recommendation, at that time.

NEW BUSINESS

City Attorney Doug Beach stated that he is in the process of finalizing the settlement with THF Realty regarding four different lawsuits. Discussion on these lawsuits has been going on for some time and Mr. Beach brought forth two bills to City Council for adoption. Mr. Beach explained that Bill No. 2255 would approve the settlement of litigation with THF Realty and that Bill No. 2256 amends the Chesterfield Commons Development Ordinance No. 1627. Mr. Beach said that a third office building would be built between Taylor Morley and the drive-in car wash/service station. This site would be accessed by a right-turn-in, right-turn-out only.

BILL NO. 2255 **ORDINANCE APPROVING SETTLEMENT OF LITIGATION WITH THF REALTY (FIRST AND SECOND READINGS)**

Councilmember Flachsbart made a motion, seconded by Councilmember Brown, to amend the agenda to consider both of these pieces of proposed legislation and to give first reading approval to Bill No. 2255. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2255 was read for the first time.

Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to suspend the rules of Council to allow for and give a second reading to Bill No. 2255. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2255 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2255, with the following results: Ayes – Fults, Flachsbart, Casey, Hurt, Durrell, Brown and Geiger. Nays - Streeter. Whereupon, Mayor Nations declared Bill No. 2255 approved, passed it and it became **ORDINANCE NO. 2070.**

BILL NO. 2256 **AN ORDINANCE AMENDING CITY OF CHESTERFIELD ORDINANCE NUMBER 1600 AND 1627 FOR A NEW AMENDED ORDINANCE RELATING TO A "C-8" PLANNED COMMERCIAL DISTRICT FOR A TRACT OF LAND LOCATED ON THE NORTH AND SOUTH OF CHESTERFIELD AIRPORT ROAD, EAST OF BOONE'S CROSSING (ORIGINALLY P.Z. 24-2977, THF CHESTERFIELD DEVELOPMENT L.L.C./CHESTERFIELD COMMONS)**

Councilmember Flachsbart made a motion, seconded by Councilmember Brown, for the first reading of Bill No. 2256. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2256 was read for the first time.

Councilmember Brown made a motion, seconded by Councilmember Casey, to suspend the rules of Council and to give a second reading to Bill No. 2256. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.

2256 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2256, with the following results: Ayes – Fults, Durrell, Geiger, Brown, Hurt and Casey. Nays – Streeter and Flachsbart. Whereupon, Mayor Nations declared Bill No. 2256 approved, passed it and it became **ORDINANCE NO. 2071.**

LEGISLATION

BILL NO. 2250 AUTHORIZES THE CITY ADMINISTRATOR TO EXECUTE A MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, TRANSPORTATION ENHANCEMENT FUNDS PROGRAM AGREEMENT, REGARDING THE CONSTRUCTION OF THE "PATHWAY ON THE PARKWAY" PROJECT, STP-9900 (614) (**FIRST AND SECOND READINGS – PUBLIC WORKS/PARKS COMMITTEE)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2250. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2250 was read for the first time.

Mayor Nations called for a motion to suspend the rules to have a second reading on Bill Nos. 2250, 2253 and 2254. Councilmember Fults made a motion, seconded by Councilmember Casey, to suspend the rules. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, for a second reading of Bill No. 2250. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2250 was read for the second time. Councilmember Geiger thanked Mayor Nations, Mr. Herring and all those involved with this major project. A roll call vote was taken for passage and approval of Bill No. 2250, with the following results: Ayes – Flachsbart, Brown, Durrell, Streeter, Fults, Geiger, Hurt and Casey. Nays - None. Whereupon, Mayor Nations declared Bill No. 2250 approved, passed it and it became **ORDINANCE NO. 2072.**

BILL NO. 2253 AUTHORIZES THE CITY ADMINISTRATOR TO EXECUTE THE NECESSARY EASEMENTS REQUIRED TO CONSTRUCT THE PATHWAY ON THE PARKWAY PROJECT ON PROPERTY CONTROLLED BY SACHS PROPERTIES (**FIRST AND SECOND READINGS – PUBLIC WORKS/PARKS COMMITTEE)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2253. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2253 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, for a second reading of Bill No. 2253. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2253 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2253, with the following results: Ayes – Hurt, Brown, Geiger, Casey, Fults, Durrell, Streeter and Flachsbart. Nays - None. Whereupon, Mayor Nations declared Bill No. 2253 approved, passed it and it became **ORDINANCE NO. 2073.**

BILL NO. 2254 AUTHORIZES THE CITY ADMINISTRATOR TO TRANSFER PROPERTY FOR ROAD IMPROVEMENTS TO ST. LOUIS COUNTY FOR KEHRS MILL ROAD AND WILDHORSE CREEK ROAD. (**FIRST AND SECOND READINGS – PUBLIC WORKS/PARKS COMMITTEE)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2254. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2254 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Flachsbart, for a second reading of Bill No. 2254. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2254 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2254, with the following results: Ayes – Casey, Brown, Flachsbart, Streeter, Fults, Hurt, Geiger and Durrell. Nays - None. Whereupon, Mayor Nations declared Bill No. 2254 approved, passed it and it became **ORDINANCE NO. 2074.**

LEGISLATION – PLANNING COMMISSION

BILL NO. 2246 REPEALS ST. LOUIS COUNTY ORDINANCES 5305 AND 12,104 AND INCORPORATES THE CONDITIONS THEREIN TO THE REVISED ATTACHMENT "A" AUTHORIZING REVISED NUMBER OF DWELLING UNITS ALLOWABLE FOR A DEVELOPMENT LOCATED IN THE "R1-A", "R-2" AND "R-3" RESIDENCE DISTRICTS, LOCATED NORTH OF CONWAY ROAD, WEST OF WHITE ROAD, EXTENDING NORTH TO OLIVE BOULEVARD (P.C. 15-69, ALFRED H. MAYER COMPANY) (**FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL;PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS RECOMMENDED BY THE ATTACHED "GREEN SHEET")**

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2246. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2246 was read for the first time. Councilmember Streeter made a motion, seconded by Councilmember Casey, to approve

the amendments on the "green sheet" attached to this legislation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2246, as amended. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2246 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2246, with the following results: Ayes – Durrell, Geiger, Streeter, Casey, Hurt, Fults, Brown and Flachsbart. Nays - None. Whereupon, Mayor Nations declared Bill No. 2246 approved, passed it and it became **ORDINANCE NO. 2075.**

BILL NO. 2240 AMENDS THE CITY OF CHESTERFIELD ZONING ORDINANCE SECTION 1003.165 (F) TO ESTABLISH OFF-STREET PARKING REQUIREMENTS FOR DISPLAY HOMES AND TO ESTABLISH SECTION 1005.350 (5) RELATING TO DISPLAY PLAT PROCEDURES AND TO ESTABLISH SECTION 1005.150 (10) RELATING TO DESIGN STANDARDS. (P.Z. 36-2003, CITY OF CHESTERFIELD/OFF-STREET PARKING FOR DISPLAY HOMES) (**SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS RECOMMENDED BY THE ATTACHED "GREEN SHEET")**

Councilmember Streeter made a motion, seconded by Councilmember Casey, to amend Bill No. 2240, by accepting the conditions which appear on the "green sheet". A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2240, as amended. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2240 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2240, with the following results: Ayes – Fults, Durrell, Flachsbart, Brown, Casey, Geiger, Streeter and Hurt. Nays - None. Whereupon, Mayor Nations declared Bill No. 2240 approved, as amended, passed it and it became **ORDINANCE NO. 2076.**

BILL NO. 2245 AMENDS THE CITY OF CHESTERFIELD ZONING ORDINANCE FOR THE ESTABLISHMENT OF A UNIFIED ORDINANCE TO ESTABLISH LIGHTING CRITERIA (P.Z. 26-2003, CITY OF CCHESTERFIELD/LIGHTING ORDINANCE) (**SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING ANDZONING COMMITTEE RECOMMENDS APPROVAL, AS AMENDED)**

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2245. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2245 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2245, with the following results: Ayes – Casey, Brown, Flachsbart, Streeter, Fults, Hurt, Geiger and Durrell. Nays - None. Whereupon, Mayor Nations declared Bill No. 2245 approved, passed it and it became **ORDINANCE NO. 2077.**

BILL NO. 2247 AMENDS THE CITY OF CHESTERFIELD ZONING ORDINANCE SECTION1003.300 (11) TO ESTABLISH TIME LIMITATIONS ON INACTIVE PETITIONS AND TO AMEND SECTION 1003.300 (12) (P.Z. 28-2003, CITY OF CHESTERFIELD/TIME LIMITATIONS ON INACTIVE PETITIONS) (**SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, AS AMENDED)**

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2247. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2247 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2247, with the following results: Ayes – Fults, Flachsbart, Durrell, Casey, Brown, Hurt, Streeter and Geiger. Nays - None. Whereupon, Mayor Nations declared Bill No. 2247 approved, passed it and it became **ORDINANCE NO. 2078.**

BILL NO. 2252 PROVIDES FOR THE APPROVAL OF THE RECORD PLAT FOR CHESTERFIELD COMMONS SIX, A 19.422 ACRE TRACT OF LAND ZONED "C-8" PLANNED COMMERCIAL DISTRICT, LOCATED SOUTH OF U.S. 40-61, NORTH OF CHESTERFIELD AIRPORT ROAD, WEST OF BOONE'S CROSSING, EAST OF LONG ROAD (**FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2252. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2252 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2252. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2252 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2252, with the following results: Ayes – Streeter, Geiger, Casey, Durrell, Flachsbart, Brown, Hurt and Fults. Nays - None. Whereupon, Mayor Nations declared Bill No. 2252 approved, passed it and it became **ORDINANCE NO. 2079.**

REPORT OF THE CITY ADMINISTRATOR (continued)

Given the passage of Bill #2250/Ord. #2072 and Bill #2253/Ord. #2073 (see above), Mr. Herring recommended that an existing contract with Parson, Harland, Bartholomew and Associates, Inc. be amended to allow for additional design work, on the "Pathway on the Parkway" project, in an amount not to exceed $35,000. Councilmember Geiger made a motion, seconded by Councilmember Casey, to approve this recommendation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

ADJOURNMENT

Councilmember Hurt made a motion, seconded by Councilmember Casey to adjourn the meeting to go into Executive Session (closed meeting) to discuss RSMo 610.021 (2) and RSMo 610.021 (3). A roll call vote was taken with the following results: Ayes – Flachsbart, Durrell, Geiger, Streeter, Hurt, Casey, Brown and Fults. Nays – None. Mayor Nations declared the motion passed and adjourned the meeting at 8:16 p.m.

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Mayor John Nations

ATTEST:

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Martha L. DeMay, City Clerk