

RECORD OF PROCEEDING

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

MARCH 19, 2001

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

A roll call was taken with the following results:

PRESENT

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

ABSENT

None

The Pledge of Allegiance was led by Scout Troop #4375 from River Bend School: Courtney Gentler, Katie Strutz, Erica Kaiser, Melody Mann, Morgan Cross, Allison Tayloe, Carley Kersten, Kaitlin Bumpus, Morgan West, Eliah Overbey and Sophie Wrobel. Also in attendance was Troop Leader Bev Wrobel.

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

APPROVAL OF MINUTES

The minutes of the March 5, 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 a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Greenwood reminded those in attendance to vote on Tuesday, April 3.

Mayor Greenwood announced that St. Louis County Department of Highways and Traffic will host an informational meeting regarding the widening of Baxter Road on Wednesday, March 21 from 4 – 7 p.m. at Parkway West Middle School on Baxter Road.

Since this was the last City Council meeting Mayor Greenwood would preside over, Councilmember Barry Streeter thanked Mayor Greenwood for her years of service to the City and recognized her many accomplishments during the past four years.

Mayor Greenwood read a statement, which indicated her opposition to the proposed Charter.

Councilmember Mary Brown also stated her opposition to the proposed Charter.

COMMUNICATIONS AND PETITIONS

Royce Engel, who resides at 135 Ridgecrest Drive, represented the Chesterfield Association for Informed Residents and supported the proposed Charter.

Bob Wald, who resides at 1600 Baxter Forest Ridge Court, Chairperson of the Parks, Recreation and Arts Citizens Advisory Group, opposed locating the Sprint PCS tower in the Central City Park.

Daniel Fitzgibbon, who resides at 16053 Meadow Oak, withdrew Bill No. 1907 for the Sprint Tower to be located in Central City Park so that a new proposal can be submitted. Councilmember Flachsbart made a motion, seconded by Councilmember Scheidt, to table Bill No. 1907. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Keith Kramer, who resides at 3 Morganfield Court, requested that City Council reconsider the decision to serve beer at the Chesterfield Valley Athletic Complex (CVAC).

Tim Sauer, who resides at 15332 Thistlebriar Court, expressed concern over the candidate sign violations during the campaign period.

Rob Knoll, who resides at 2271 Sunley Lane, opposed beer being served at the Chesterfield Valley Athletic Complex (CVAC).

Ted Allison, who resides at 2126 Chesterfield Place, supported the proposed Charter.

(Councilmember John Nations arrived at 7:38 p.m.)

Bill Bird, who resides at 144 Ridgecrest Drive, opposed beer being served at the Chesterfield Valley Athletic Complex (CVAC).

Lee Wall, who resides at 14759 Plumas, supported the proposed Charter.

Charlie Eifler, who resides at 59 River Bend Drive, opposed the proposed Charter and requested that the Councilmembers state their position on this issue.

Laura Lueking, who resides at 15021 Conway Road, supported the proposed Charter.

Linda Tilley, who resides at 1926 Grayson Ridge, supported the proposed Charter.

Clayton Hathaway, who resides at 112 High Valley Drive, opposed the proposed Charter.

Russell Hill, who resides at 46 Witmer Drive, supported the proposed Charter.

Ben Murphy, who resides at 15696 Silverlake Court, supported the proposed Charter.

John Hammond, who resides at 1203 Walnut Hill Farm, opposed the proposed Charter and requested that the Councilmembers state their position on this issue.

Bruce Frankiewich, who resides at 100 Meridian Center, Rochester, NY, supported Bill No. 1938, which approves the interim rights-of-way use agreement with American Fiber Systems.

Councilmember John Nations stated his opposition to the proposed Charter, as it was his opinion that he being the newly-elected Mayor would have difficulty in protecting the integrity of neighborhoods should the Charter be adopted.

Councilmember Barry Streeter stated his opposition to the proposed Charter, due to the referendum involving zoning issues.

Councilmember Dan Hurt stated his opposition of the proposed Charter, due to zoning issues.

Councilmember Jane Durrell stated she could not support the proposed Charter, as written.

Councilmember Casey stated he was not in a position at this time to state his position, but assured those in attendance that the residents in Ward III will be advised of his position prior to the election.

APPOINTMENTS

Mayor Greenwood submitted the names of Mr. Bruce Geiger and Mr. Ashok Agrawal for re-appointment to the Chesterfield TIF Commission. Councilmember Streeter made a motion, seconded by Councilmember Nations, to re-appoint Mr. Geiger and Mr. Agrawal to the Chesterfield TIF Commission. A voice vote was taken with an affirmative result (7 – 0, Councilmember Scheidt temporarily left the dais) and the motion was declared passed. Their four-year terms will expire May 3, 2005. Councilmember Scheidt returned to the dais.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Barry Streeter, Chairperson of the Finance and Administration Committee, reported that the revisions to the Internet Links Policy had been returned to the Committee for further discussion.

Councilmember Streeter announced that the next meeting of this Committee has been scheduled for Wednesday, April 25 at 5:30 p.m.

Planning and Zoning Committee

Councilmember Dan Hurt, Chairperson of the Planning and Zoning Committee, reported that Bill No. 1935 (P.Z. 29-200, Mid-Rivers Plaza), Bill No. 1944 (record plat for Clayton Pointe Subdivision) and Bill No. 1945 (record plat for Windgate Subdivision) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda. Bill No. 1942 (P.Z. 24-2000, Precision Properties) and Bill No. 1943 (P.Z. 4-2000, Planning Commission) will be read for the first time under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Hurt announced that the Planning and Zoning Committee supported P.Z. 1-2001, Planning Commission, which amends the City of Chesterfield Comprehensive Plan, which establishes definitions for Land Use Terms.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for March 28 at 8 a.m.

Public Works/Parks Committee

Councilmember Mary Brown, Chairperson of the Public Works/Parks Committee, reported that Bill No. 1934 (acceptance of public streets within Whitestone Farm Subdivision), Bill No. 1937 (establishes regulations for use of rights-of-way by communications and cable systems), Resolution No. 269 (approves a new rights-of-way use agreement) and Bill No. 1938 (approves interim rights-of-way use agreement with American Fiber Systems) will be considered for adoption under the “Legislation” portion of the agenda. Bill No. 1939 (prohibits dumping of certain materials into storm sewer system) and Bill No. 1940 (establishes hours of collection for solid waste pickup from 7 a.m. – 7 p.m. for both commercial and residential) will be read for the first time under the “Legislation” portion of the agenda.

Councilmember Brown reported that the Committee voted unanimously to approve the recommendation for the approval of the agreement for the construction involving Edison Avenue, located on the east side of Long Road. It specifically involves donation and dedication of easements and rights-of-way for the construction of Long and Edison

Roads, as well as a storm water sewer channel. Councilmember Brown made a motion, seconded by Councilmember Casey, to approve the agreement. A roll call vote was taken with the following results – Ayes – Scheidt, Casey, Hurt, Nations, Flachsbart, Durrell, Streeter and Brown. Nays – None. Mayor Greenwood declared the motion passed.

Councilmember Brown requested and moved that use of 2001 Community Development Block Grant (CDBG) Funds be used for paved walkways at the Chesterfield Valley Athletic Complex (CVAC). Councilmember Scheidt seconded the motion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Brown next reported on the Chesterfield Valley TIF and infrastructure priority projects regarding the Highway 40 culverts and stressed the importance of getting the agreements in place. Councilmember Brown made a motion, seconded by Councilmember Scheidt, that City Council authorize staff to enter into an agreement to reimburse MoDot for the project cost associated with the construction of a new 96” culvert under Highway 40 at Long Road, at a cost not to exceed \$1,415,508.50 from the special allocation fund. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Brown next reported that another priority project is the sanitary sewer forward funding from TIF, whereby the financial commitment will be shared equally on developments as they come in. The City will then be reimbursed on this expense. Councilmember Brown made a motion, seconded by Councilmember Scheidt, to approve the sanitary sewer forward funding. 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 Wednesday, March 25 at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that the City received a liquor license request from 7-Eleven, located at 13491 Olive Boulevard, to sell all kinds of liquor in the original packages and Sunday sales. The issuance of a new liquor license is due to a change in ownership of the business establishment. The application has been reviewed and approved by the Police and Planning Departments.

Councilmember Casey made a motion, seconded by Councilmember Scheidt, to approve issuance of a new liquor license to 7-Eleven. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Director of Public Works/City Engineer Mike Geisel has recommended acceptance of the low bid, as submitted by JNW Cycle of Washington, Missouri, totaling \$24,506, for the purchase of two utility carts. He noted that this total bid is \$2,006 above the budgeted amount of \$22,500. Mr. Geisel is confident of his ability to achieve savings in other bids, thus creating the ability to remain under budget in

this entire category. Councilmember Casey made a motion, seconded by Councilmember Scheidt, to award the contract to JNW Cycle, totaling \$24,506, for the purchase of two utility carts. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Director of Public Works/City Engineer Mike Geisel has recommended acceptance of a low bid for the sprigging of Bermuda turf grass on the west side of the Chesterfield Athletic Complex, as submitted by Florissant Sod Company, in an amount not to exceed \$12,960. In order to fund this work, Mr. Geisel is recommending approval of an internal budgetary transfer of \$12,960. He joined with Mr. Geisel in recommending award of this contract and budgetary transfer. Councilmember Casey made a motion, seconded by Councilmember Scheidt, to award the contract to Florissant Sod Company, in an amount not to exceed \$12,960, for Bermuda turf grass on the west side of the Chesterfield Valley Athletic Complex and to approve the internal budgetary transfer. 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 the provision of supplemental, professional testing services, on an as-needed basis throughout the year. The FY2001 Budget provides \$30,000 for this purpose. Based upon review of the information submitted and the recommendation made by Mr. Geisel, he joined with him in recommending award of a contract to the firm of Professional Services, Inc. (PSI), for these supplemental testing and inspection services, on an as-needed basis throughout the year. The budget provides a maximum amount to cover these expenditures. Councilmember Casey made a motion, seconded by Councilmember Scheidt, to award a contract to Professional Services, Inc. (PSI), in an amount not to exceed \$30,000 for professional testing services on an as-needed basis throughout 2001. 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 Project Area "A" for street reconstruction for calendar year 2001. This is funded from the bonds approved via the passage of Propositions "R" and "S". Based upon review of the bids received, and based upon Mr. Geisel's recommendation, Mr. Herring joined with him in recommending acceptance of the low bid submitted by J. M. Marschuetz Construction Company, in an amount not to exceed \$1,208,980. This is the first of four contracts estimated for this construction season. Adequate funds exist within the FY2001 Budget for this project. Councilmember Casey made a motion, seconded by Councilmember Scheidt, to accept the low bid submitted by J. M. Marschuetz Construction Company, in an amount not to exceed \$1,208,980 for street reconstruction. 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 construction of interior masonry partitions, at the new Government Center. Based upon a review of the information provided to him by Mr. Geisel, Mr. Herring joined with him in recommending that a contract be awarded to Heitkamp Masonry, in an amount not to exceed \$474,630. This amount is fully funded within the budget for this project.

Councilmember Casey made a motion, seconded by Councilmember Scheidt, to award a contract to Heitkamp Masonry, in an amount not to exceed \$474,630, for interior masonry partitions at the new Government Center. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

LEGISLATION

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

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second 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 second time. A roll call vote was taken for passage and approval of Bill No. 1934, with the following results: Ayes – Streeter, Brown, Hurt, Durrell, Casey, Scheidt, Flachsbart and Nations. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1934 approved, passed it and it became **ORDINANCE NO. 1727**.

BILL NO. 1937 **REPEALS ORDINANCE 1686 AND THEREFORE SUBSTITUTES 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 (SECOND READING – PUBLIC WORKS COMMITTEE)**

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 1937. 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 the General Provisions Section 3.6 A1 and Section 4.8. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1937 was read for the second time, as amended. A roll call vote was taken for passage and approval of Bill No. 1937, as amended, with the following results: Ayes – Nations, Casey, Durrell, Scheidt, Flachsbart, Brown, Hurt, and Streeter. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1937 approved, passed it and it became **ORDINANCE NO. 1728**.

RES. NO. 269 **CALLS FOR THE APPROVAL OF A NEW RIGHTS-OF-WAY USE AGREEMENT FOR COMMUNICATIONS FACILITIES (PUBLIC WORKS/PARKS COMMITTEE)**

Councilmember Brown made a motion, seconded by Councilmember Scheidt, for the adoption of Resolution No. 269. A roll call vote was taken with the following results: Ayes – Scheidt, Flachsbart, Hurt, Nations, Casey, Durrell, Streeter and Brown. Mayor Greenwood declared Resolution No. 269 approved.

BILL NO. 1938 APPROVES AN INTERIM RIGHT-OF-WAY USE AGREEMENT WITH AMERICAN FIBER SYSTEMS, INC. (SECOND READING - PUBLIC WORKS COMMITTEE)

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second 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 second time. A roll call vote was taken for passage and approval of Bill No. 1938, with the following results: Ayes – Scheidt, Streeter, Brown, Nations, Hurt, Casey, Flachsbart and Durrell. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1938 approved, passed it and it became **ORDINANCE NO. 1729**.

BILL NO. 1939 AMENDS CHAPTER 20, NUISANCES, OF THE CODE OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THERETO TO PROHIBIT THE DUMPING OF CERTAIN MATERIALS INTO A STORM SEWER SYSTEM (FIRST READING - PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No.1939. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1939 was read for the first time.

BILL NO. 1940 AMENDS CHAPTER 25, SOLID WASTE, OF THE CODE OF THE CITY OF CHESTERFIELD BY DELETING SECTION 25-61 AND SECTION 25-62 AND ADDING A NEW SECTION 25-61 THERETO REGARDING WASTE PICKUP IN RESIDENTIAL AND NON-RESIDENTIAL AREAS (FIRST READING – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 1940. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1940 was read for the first time.

LEGISLATION – PLANNING COMMISSION

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) (**SECOND READING** – PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second 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 second time. A roll call vote was taken for passage and approval of Bill No. 1935, with the following results: Ayes – Casey, Scheidt, Flachsbart, Durrell, Brown, Nations, Hurt, and Streeter. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1935 approved, passed it and it became **ORDINANCE NO. 1730**.

BILL NO. 1942 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “M-3” PLANNED INDUSTRIAL DISTRICT TO A “PI” PLANNED INDUSTRIAL DISTRICT FOR A TRACT OF LAND LOCATED ON NORTH OUTER FORTY, WEST OF LONG ROAD (P.Z. 24-2000, PRECISION PROPERTIES) (**FIRST READING** – PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 1942. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1942 was read for the first time.

BILL NO. 1943 AMENDS VARIOUS SECTIONS OF THE ZONING ORDINANCE (P.Z. 4-2000, CITY OF CHESTERFIELD PLANNING COMMISSION) (**FIRST READING** – PLANNING COMMISSION AND PLANNING AND ZONING COMMITTEE RECOMMEND APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 1943. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1943 was read for the first time.

BILL NO. 1944 PROVIDES FOR THE APPROVAL OF THE RECORD PLAT FOR CLAYTON POINTE SUBDIVISION FOR A 2.9 ACRE TRACT OF LAND ZONING “R-6A” 4,500 SQUARE FOOT RESIDENCE DISTRICT, LOCATED ON CLAYTON ROAD, AND SOUT OF CLAYMOOR DRIVE (**FIRST AND SECOND READING** - PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 1944. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1944 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 1944. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1944 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1944, with the following results: Ayes – Flachsbart, Scheidt, Nations, Casey, Streeter, Brown, Durrell, and Hurt. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1944 approved, passed it and it became **ORDINANCE NO. 1731.**

BILL NO. 1945 PROVIDES FOR THE APPROVAL OF THE RECORD PLAT FOR WINDGATE SUBDIVISION, A 15.894 ACRE TRACT OF LAND ZONING “E-2” ONE ACRE RESIDENCE DISTRICT, LOCATED ON KEHRS MILL ROAD, NORTH AND SOUTH OF JEFFREY’S CROSSING LANE, AND SOUTH OF COUNTRY RIDGE DRIVE (FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMEND APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 1945. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.1945 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 1945. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1945 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1945, with the following results: Ayes – Streeter, Hurt, Flachsbart, Nations, Durrell, Casey, Brown, and Scheidt. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1945 approved, passed it and it became **ORDINANCE NO. 1732.**

NEW BUSINESS

There was no new business.

ADJOURNMENT

Mayor Greenwood entertained a motion to adjourn the meeting. Councilmember Durrell made a motion to adjourn the meeting. Councilmember Nations seconded the motion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. The meeting was adjourned at 9:03 p.m.

Mayor Nancy Greenwood

ATTEST:

Martha L. DeMay, City Clerk