



## RECORD OF PROCEEDING

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

April 18, 2005

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

Girl Scout Troop #4567 led everyone in the Pledge of Allegiance: Lauren Sanders, Erin Cromer, Lindsey Spencer and Christine Holland. Also in attendance were Troop Leaders Shelly Guariglia and Bridget Cromer.

Mayor Nations called on Father Dennis Stehly from Ascension Catholic Church to give the invocation.

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

#### ABSENT

Councilmember Connie Fults

#### APPROVAL OF MINUTES

The minutes of the March 21, 2005, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Durrell, to approve the City Council minutes. A voice vote was taken with an affirmative result (Councilmember Brown abstained) and the motion was declared passed.

## **INTRODUCTORY REMARKS**

Mayor John Nations announced that the Chesterfield Kiwanis Club was hosting a Prayer Breakfast at the Doubletree Hotel and Conference Center on April 28 at 7 a.m. and urged everyone to attend.

Mayor Nations next recognized Chief of Police Ray Johnson, who announced that the City has been awarded the status of a “Five Star Community”, as recognized by the Employer Support for Guard and Reserve (ESGR). It is a function of the Department of Defense, created in 1965, when the military draft ended and the country went to an all-volunteer military. Chief Johnson stated that the mission of the ESGR is to promote employers’ support of the men and women serving in the National Guard and military reserves. He further stated that there is one Public Works employee who has been serving in Iraq for the past seven months and a police captain now preparing for activation to full duty in about two weeks.

Mayor Nations announced that the next meeting of City Council has been scheduled for May 2 at 7 p.m.

## **SWEARING-IN CEREMONY**

Mayor Nations recognized and requested Judge Rick Brunk to preside at the swearing-in ceremony. Judge Brunk administered the Oath of Office to Councilmember Jane Durrell – Ward I, Councilmember Barry Streeter – Ward II, Councilmember Dan Hurt – Ward III, Councilmember Mary Brown – Ward IV and Mayor John Nations.

A roll call vote was taken, again, this time with the re-elected officials of the City of Chesterfield 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

### **ABSENT**

Councilmember Connie Fults

Mayor Nations recessed the meeting at 7: 40 p.m. in order to have a reception for all of the City officials and their family/friends and guests in attendance.

Mayor Nations reconvened the meeting at 8:10 p.m.

## **COMMUNICATIONS AND PETITIONS**

Darcy Capstick and Ken Denson, Co-Chairpersons for the Citizens Committee for the Environment, announced the upcoming environmental events this spring season.

Thomas McLain, who resides at 1725 Old State Road, supported Bill No. 2342, 18061 Wild Horse Creek Road.

Renee Heney, resident of Wildhorse Subdivision, opposed P.Z. 13-2004, Vision Ventures.

Steve Kling opposed P.Z. 13-2004, Vision Ventures.

James T. Melka, who resides at 14176 Trailtop Drive, supported adoption of the obscenity ordinances.

Cindy Reznikov, who resides at 14313 Cobble Court, supported adoption of the obscenity ordinances.

Mike Horton, who resides at 14151 Ladue Road, supported adoption of the obscenity ordinances.

Doug Brown, who resides in Wildhorse Subdivision, supported adoption of the obscenity ordinances.

Eric Winschel, who resides at 1678 Ansonborough Drive, supported adoption of the obscenity ordinances.

## **APPOINTMENTS**

Mayor Nations placed the name of Gene Schenberg, who resides at 402 Country Oak Drive, for appointment to the Chesterfield Community Development Corporation. Mr. Schenberg would be a new appointment to fill a current vacancy on the Board. Councilmember Durrell made a motion, seconded by Councilmember Flachsbar, to appoint Gene Schenberg as a member of the Chesterfield Community Development Corporation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **COUNCIL COMMITTEE REPORTS**

### **Planning and Zoning Committee**

Councilmember Bruce Geiger, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2341 (Record Plat for Conway Heights, Lot 585 of Shenandoah Plat 7), Bill No. 2342 (Lot split, McClain property located at 18061 Wild Horse Creek Road), Bill No. 2343 (Record Plat for Spirit Trade Center, Lot 6) and Bill No. 2344 (Boundary Adjustment Plat, Lot 305 of Chesterfield Plantation and Lot 4 of Dolan Place)

will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Geiger announced that the next meeting of this Committee has been scheduled for April 21 at 5:30 p.m.

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

Councilmember Dan Hurt, Chairperson of the Public Works/Parks Committee, reported that the Committee concurred with the recommendation of the Finance and Administration Committee to restore up to \$300,000 for Capital Equipment Purchases that were deferred from the 2005 fiscal budget and to forward to City Council for their consideration. Fund Reserves will be used to cover these expenditures. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to Public Works/Parks Committee. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt next reported that the Committee reviewed Staff’s analysis of inspection fees and special use permit fees. The Committee recommends that City Council approve these recommendations regarding increasing inspection fees and special use permit fees. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to approve Staff recommendations regarding the increase of inspection fees and special use permit fees. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt next reported that Bill No. 2345 (Pertains to the removal and disposal of animal waste) and Bill No. 2346 (Amends the traffic schedules) will be read for the first time under the “Legislation” portion of the agenda.

### **REPORT OF THE CITY ADMINISTATOR**

Acting-City Administrator Mike Geisel reported that the Finance and Administration Committee recommends the adoption of Resolution No. 317, which authorizes a contract between the City of Chesterfield and Col. Lee McKinney for professional services regarding the restoration of the Monarch Levee. Councilmember Casey made a motion, seconded by Councilmember Brown, to adopt Resolution No. 317. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Geisel next reported that Staff is recommending that City Council authorize/approve a comprehensive contract for a wide variety of services, involving various improvements and the expansion of the Chesterfield Valley Athletic Complex. Mr. Geisel recommends award of a contract to Engineering Design Source, Inc. (EDSI) in an amount not to exceed \$950,000. The entire amount of the professional services contract will be paid from bond proceeds resulting from the passage of Proposition “P” approved by voters in November 2004. The contract for these services will include detailed analysis and recommendations regarding recreational planning, civil site engineering, traffic management, architecture, surveying, geotechnical, landscape architecture, electrical, mechanical structural and mechanical systems recommendations. Councilmember

Flachsbart made a motion, seconded by Councilmember Streeter, to approve this comprehensive contract for a wide variety of services at the Chesterfield Valley Athletic Complex to EDSI in an amount not to exceed \$950,000. 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 contractual services to mulch trees, shrubs and planting areas at the various beautification locations throughout the City, as well as City Hall. The budget estimate for this work was \$39,974. Only one bid was received for this work. However, it was submitted by the company (Mulch-Tech) who has performed this work in the past for the City and it should be noted that few firms have the capacity to perform mulching on this scale. Councilmember Flachsbart made a motion, seconded by Councilmember Brown, to accept the bid received by Mulch-Tech, in an amount not to exceed \$43,120, to provide mulch in various locations around the City. 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 excavation earthwork and asphalt base replacement for the Miracle Field project at the Chesterfield Valley Athletic Complex (CVAC). Based upon information obtained by Mr. Geisel, he recommended award of a contract to Byrne and Jones Construction in an amount not to exceed \$149,000. Mr. Geisel noted that this entire project is funded from various sources, including the Municipal Parks Grant Commission, Catch-22 Foundation (Mike Matheny), Major League Baseball Player's Trust for Children (Albert Pujois) and the City of Chesterfield. Councilmember Flachsbart made a motion, seconded by Councilmember Hurt, to award a contract to Byrne and Jones Construction in an amount not to exceed \$149,000 for excavation earthwork and asphalt base replacement for the Miracle Field project at CVAC. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **NEW BUSINESS**

Councilmember Durrell reported that the following President Pro Tem and Council Committee Chairpersons and members were presented as follows:

### **President Pro Tem**

Councilmember Bruce Geiger (appointed by acclamation)

### **Finance and Administration Committee**

**Chairperson: Councilmember Jane Durrell – Ward I**

Councilmember Bruce Geiger, Ward II

Councilmember Dan Hurt, Ward III

Councilmember Mary Brown, Ward IV

**Public Works / Parks Committee**

**Chairperson: Councilmember Barry Streeter, Ward II**

Councilmember Barry Flachsbart, Ward I

Councilmember Dan Hurt, Ward III

Councilmember Mary Brown, Ward IV

**Planning and Zoning Committee**

**Chairperson: Councilmember Mike Casey, Ward III**

Councilmember Jane Durrell, Ward I

Councilmember Bruce Geiger, Ward II

Councilmember Connie Fults – Ward IV

**Public Health and Safety Committee**

**Chairperson: Councilmember Connie Fults, Ward IV**

Councilmember Barry Flachsbart, Ward I

Councilmember Bruce Geiger – Ward II

Councilmember Mike Casey, Ward III

Councilmember Durrell made a motion, seconded by Councilmember Flachsbart, to approve the 2005-2006 City Council Committee assignments. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**LEGISLATION**

**BILL NO. 2345** AMENDS CHAPTER 5, ANIMALS AND FOWLS, OF THE CODE OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THERETO REGARDING THE REMOVAL AND DISPOSAL OF ANIMAL WASTE (**FIRST READING – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 2345. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2345 was read for the first time.

**BILL NO. 2346** AMENDS ORDINANCE NO. 35, APPENDIX C. MODEL TRAFFIC ORDINANCE – SCHEDULE I THROUGH SCHEDULE XV OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY AMENDING THE SCHEDULE TITLES AND DESCRIPTIONS (**FIRST READING – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 2346. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2346 was read for the first time.

### **LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2341** PROVIDES FOR THE APPROVAL OF A RECORD PLAT FOR CONWAY HEIGHTS, LOT 585 OF SHENANDOAH PLAT 7; A 3.109 ACRE TRACT OF LAND ZONED “R-1A” PLANNED ENVIRONMENT UNIT, LOCATED NORTH OF CONWAY ROAD AND WEST OF BAYLE LANE (**FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2341. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2341 was read for the first time.

Councilmember Geiger made a motion, seconded by Councilmember Hurt, for a second reading of Bill No. 2341. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2341 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2341, with the following results: Ayes – Casey, Brown, Geiger, Flachsbart, Hurt, Streeter and Durrell. Nays - None. Whereupon, Mayor Nations declared Bill No. 2341 approved, passed it and it became **ORDINANCE NO. 2162.**

**BILL NO. 2342** PROVIDES FOR THE APPROVAL OF A LOT SPLIT FOR 18061 WILD HORSE CREEK ROAD; A 7.4 ACRE TRACT OF LAND ZONED “N-U” NON-URBAN, LOCATED AT THE INTERSECTION OF WILD HORSE CREEK ROAD AND PINE BEND ROAD (**FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2342. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2342 was read for the first time.

Councilmember Geiger made a motion, seconded by Councilmember Hurt, for a second reading of Bill No.2342. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2342 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2342, with the following results: Ayes – Hurt, Durrell, Geiger, Streeter, Brown, Flachsbart and Casey. Nays - None. Whereupon, Mayor Nations declared Bill No. 2342 approved, passed it and it became **ORDINANCE NO. 2163.**

**BILL NO. 2343** PROVIDES FOR THE APPROVAL OF RECORD PLAT FOR SPIRIT TRADE CENTER LOT 6; A 5.9 ACRE TRACT OF LAND ZONED “M-3” PLANNED INDUSTRIAL DISTRICT,

**LOCATED ON THE SOUTH SIDE OF CHESTERFIELD  
AIRPORT ROAD, AND EAST OF SPIRIT DRIVE (FIRST AND  
SECOND READINGS – PLANNING COMMISSION  
RECOMMENDS APPROVAL)**

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2343. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2343 was read for the first time.

Councilmember Geiger made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2343. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2343 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2343, with the following results: Ayes – Streeter, Geiger, Flachsbart, Hurt, Brown, Durrell and Casey. Nays - None. Whereupon, Mayor Nations declared Bill No. 2343 approved, passed it and it became **ORDINANCE NO. 2164.**

**BILL NO. 2344** APPROVES A BOUNDARY ADJUSTMENT PLAT FOR 305 OF CHESTERFIELD PLANTATION AND LOT 4 OF DOLAN PLACE LOCATED NORTH OF CONWAY ROAD, SOUTH OF OLIVE BOULEVARD, WEST OF APPALACHIAN TRAIL, AND EAST OF CHESTERFIELD PARKWAY IN THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, STATE OF MISSOURI **(FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2344. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2344 was read for the first time.

Councilmember Geiger made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2344. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2344 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2344, with the following results: Ayes – Durrell, Hurt, Streeter, Brown, Casey, Flachsbart and Geiger. Nays - None. Whereupon, Mayor Nations declared Bill No. 2344 approved, passed it and it became **ORDINANCE NO. 2165.**

**ADJOURNMENT**

Prior to adjournment, Councilmember Geiger reported that Jade Gardner Bute, former Councilmember, was in the hospital, due to an intestinal blockage.

Mayor Nations next reported that he attended a spectacular emergency preparedness exercise at Westfield Shoppingtowne - Chesterfield. Many other jurisdictions and agencies participated in this practice event, in addition to members of CERT (Community Emergency Response Team). Chesterfield Police Captain Graham Burnley was in charge of the event. Councilmember Flachsbart suggested that with Capt. Burnley being

deployed to the Middle East within the near future, perhaps it was time for City Council to review the “time protection” for employees being deployed. It is one year at the present time and perhaps this time period might need to be extended. The Finance and Administration Committee will look into this matter.

Mayor Nations adjourned the meeting at 9:09 p.m.

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Mayor John Nations

ATTEST:

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Martha L. DeMay, City Clerk