



## RECORD OF PROCEEDING

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

**April 19, 2004**

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

Girl Scout Troop #111 from Parkway Central High School led everyone in the Pledge of Allegiance: Susan Reina, Molly Anderson, Devon Cramer, Emmeline Kuo, Ana Bradley and Karen Michelson. Also in attendance were Troop Leaders Lynn Reina and Jill Anderson.

Mayor John Nations followed with a moment of silent prayer.

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 Connie Fults

ABSENT

None

APPROVAL OF MINUTES

The minutes of the March 15, 2004, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Geiger, 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 presented a proclamation to Rajiv Tarigopula for winning the Post Dispatch Spelling Bee in March and has won it for the second year in a row. Rajiv will represent the St. Louis area for the second straight year in the National Spelling Bee in Washington, D.C. in late May.

Mayor Nations announced that the next City Council meeting has been scheduled for May 3 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 Barry Flachsbart – Ward I, Councilmember Bruce Geiger – Ward II, Councilmember Mike Casey – Ward III and Councilmember Connie Fults – Ward IV.

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  
Councilmember Connie Fults

### **ABSENT**

None

Mayor Nations recessed the meeting at 7: 35 p.m. in order to have a reception for all of the City officials and all family/friends and guests in attendance.

Mayor Nations reconvened the meeting at 8:05 p.m.

## **COMMUNICATIONS AND PETITIONS**

Kurt Oldenwald, 3<sup>rd</sup> District St. Louis County Councilman, announced his candidacy for the St. Louis County Executive position and solicited support from the residents of Chesterfield.

Darcy Capstick and Ken Denson, Co-Chairpersons of the Citizens Committee for the Environment, outlined several upcoming environmental activities during the months of

April and May and encouraged all residents of the community to participate in these events.

Mike Doster and John Wagner, 17107 Chesterfield Airport Road, representatives for the petitioner, said they would answer any questions pertaining to Bill No. 2251, P.Z. 24-2003 THF Chesterfield Development LLC – The Commons).

Ed Griesedieck, representing the petitioner, supported Bill No. 2263 (P.Z. 13-2003, Fischer & Frichtel) with the right turn in and right turn out configuration.

Councilmember Durrell, liaison to the Historical Commission, reported that the Commission has been presenting Lewis and Clark Expedition programs within the last couple of months. The second to last program in the session is scheduled for April 22 at 7:30 p.m. at City Hall. She stated that the programs have been a tremendous success being well received by the audiences.

Councilmember Mike Casey reported that a new painting by local artist, Stu Morse, has been hung on the second story wall of City Hall. The City is fortunate to have such talented residents who are willing to loan their artwork to the City for all to enjoy.

Mayor Nations next recognized and welcomed a Boy Scout from Shenandoah Valley School who is working on his communications badge.

## **COUNCIL COMMITTEE REPORTS**

### **Planning and Zoning Committee**

Councilmember Barry Streeter, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2263 (P.Z. 13 & 14-2003, Fischer and Frichtel (Congregation Kol Am) will be read for the first time and Bill # 2251 (P.Z. 24-2003, THF Chesterfield Development, L.L.C. (The Commons) and Bill #2264 (Approves a record plat for Chesterfield Commons East will be considered for adoption under the “Legislation – Planning Commission” agenda.

Councilmember Streeter announced that the next meeting of this Committee has been scheduled for April 22 at 5:30 p.m.

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

Councilmember Mike Casey, Chairperson of the Public Health and Safety Committee, reported that the Committee addressed the discrepancy between City Ordinance and the City’s Resident Guide regarding the allowable number of dogs in a residence. Mr. Casey noted that the City Ordinance allows no more than 3 dogs unless the area is licensed as a kennel. The Resident Guide stated that 6 cats or 4 dogs or a combination of 5 (any mixture was acceptable. As a result of the discussion that took place, the Committee recommends that City Council approve changes to allow a maximum of 4 dogs or 6 cats

and change the definition of a kennel to 5 or more dogs (over the age of 4 months) or 7 or more cats (over the age of 4 months), or the keeping of more than 5 dogs and cats. After some discussion, Councilmember Casey stated that this issue will be forwarded to the Planning commission for a Public Hearing to amend the ordinance to permit 4 dogs per household.

Councilmember Casey reported that Bill # 2257 (Amends speed limit on newly-reconstructed Old Baxter Road), Bill #2223 (Amends school zone regulations to conform to St. Louis County standards) and Bill # 2258 (Amends trespassing ordinances with regard to the carrying of concealed weapons) will be read for the first time under the “Legislation” portion of the agenda.

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

Councilmember Connie Fults, Chairperson of the Public Works/Parks Committee, reported that after review and discussion regarding the lighting of Field 7 at the Chesterfield Valley Athletic Complex, the Committee recommends approval of this project. Councilmember Fults noted that the cost for the work to be done by CBSA would not exceed \$50,000 and since it was not included in the 2004 Budget, funding will have to come from Fund Reserves to be fully reimbursed by CBSA over a five year period. CBSA would totally fund the project by reimbursing the City an amount of \$10,000 per year for four years in an amount of up to \$10,000 for the fifth year. Councilmember Fults made a motion, seconded by Councilmember Streeter to approve an amount not to exceed \$50,000 to be taken from Fund Reserves for the lighting project of Field 7 at CVAC, with this amount being reimbursed by the CBSA at a rate of \$10,000 per year for each of the next four years and up to \$10,000 in the fifth year. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults next reported the Citizens Committee for the Environment has requested that a letter be sent on City letterhead to Congressman Aiken, Senator Talent and Senator Bond encouraging them to vote for the oak tree as the national tree.

Councilmember Fults next reported on the funding agreement and the use of TIF funds for major public infrastructure improvements in the Chesterfield Valley. The five parcels of land are located between Highway 40 and Chesterfield Airport Road. The proposal includes constructing potable water mains, roads, street lights and the mast plan storm drainage channel. These improvements are projected not to exceed \$3.5 million. Councilmember Fults made a motion, seconded by Council Flachsbar, for City Council to authorize Staff to enter into forward funding agreements providing for the construction of public infrastructure improvements for the development tracts known as Long Road Crossing, Chesterfield Corporate Park, Terra Corporate Park, Cambridge Engineering, Waller-Hoch and Chesterfield Exchange, consisting of engineering design, surveys, grading, road construction, storm sewer construction, potable water supply, street lights, retaining walls and associated ancillary work, in an amount not to exceed \$3.5 million, which is to be fully funded by the TIF Special Projects fund. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults next reported that the private streets within Stonehill Village developments were completed and met the City's construction standards for approval. Councilmember Fults stated that a few minor items remained to be addressed by the developers in each village and that these items would be complete within the near future, at which time escrow releases would be processed, releasing the developer from further obligations per the escrow agreement. Councilmember Fults made a motion, seconded by Councilmember Geiger, to approve the proposed policy regarding private street acceptance. A voice vote was taken with a unanimous affirmative result and the motion was declared passed

Councilmember Fults next reported that the committee was provided a brief summary and drawings of status of the Chesterfield Valley Stormwater update and learned that the work was substantially completed. Of the \$500,000 budgeted for this project, only \$300,000 was authorized from the TIF Special Projects Fund to cover the initial work. It would be beneficial to the consultant, Thomas & Hutton, to review functional equivalence proposals and to maintain and periodically update the master plan. A sum of \$100,000 could be authorized from the TIF Special Projects Fund for this purpose. Councilmember Fults made a motion, seconded Councilmember Brown, to authorize an additional expenditure with the firm of Thomas and Hutton, in an amount of \$100,000, bringing the level of authorization to \$400,000 for work associated with the Chesterfield Valley Master Storm Water Plan and to provide for additional services as needed throughout 2004. A voice vote was taken with a unanimous affirmative result and the motion was declared passed

Councilmember Fults reported that Bill # 2259 (Authorizes City Administrator to sign Quit Claim Deed re: Crown Industrial Court), Bill #2260 (Authorizes placement on the August, 2004 ballot, of a franchise agreement with Missouri American Water Company and Bill #2261 (Accepts public streets – Highland Forest subdivision) will be read for the first time and Bill # 2262 (Approves fire hydrants on North Outer 40 and Chesterfield Commons) will be considered for adoption under the "Legislation" portion of the agenda.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for May 26 at 5:45 p.m.

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

City Administrator Mike Herring reported that the following restaurants have applied for liquor licenses: All Star Sport's Café, 14808 Clayton Road, has applied for a liquor license to serve all kinds of liquor by-the-drink, for consumption on the premises and Sunday sales; Old Spaghetti Factory, 17384 Chesterfield Airport Road, has applied for a liquor license to serve all kinds of liquor by-the-drink, for consumption on the premises and Sunday sales; Mimi's Café, 17240 Chesterfield Airport Road has requested to serve all kinds of liquor by-the-drink, for consumption on the premises and Sunday sales; and lastly, Fuji Sushi and Teriyaki, 84 Clarkson/Wilson Center has requested a Sunday sales license. Councilmember Casey made a motion, seconded by Councilmember Streeter to

approve the liquor licenses. 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 street reconstruction projects as funded by the ½ cent sales tax for capital improvements. Having reviewed the information provided to him, he joined with Mr. Geisel, Director of Public Works/City Engineer, in recommending award of a contract to J.M. Marschuetz Construction, Inc., in an amount not to exceed \$1,497,000. Councilmember Streeter made a motion, seconded by Councilmember Casey, to award a contract to J.M. Marschuetz Construction, Inc., in an amount not to exceed \$1,497,000, for street reconstruction projects. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **NEW BUSINESS**

President Pro-Tem Mike Casey provided the Mayor and City Council with the proposed list regarding membership on the four (4) standing Committees on City Council for 2004-2005:

Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to approve the chairpersons and committee members for the four standing committees of City Council, as follows:

### **Finance and Administration Committee**

Councilmember Mary Brown – Ward IV (Chairperson)  
Councilmember Jane Durrell – Ward I  
Councilmember Bruce Geiger – Ward II  
Councilmember Mike Casey – Ward III

### **Planning and Zoning Committee**

Councilmember Bruce Geiger – Ward II (Chairperson)  
Councilmember Jane Durrell – Ward I  
Councilmember Dan Hurt – Ward III  
Councilmember Connie Fults – Ward IV

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

Councilmember Barry Flachsbart – Ward I (Chairperson)  
Councilmember Barry Streeter – Ward II  
Councilmember Mike Casey – Ward III  
Councilmember Connie Fults – Ward IV

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

Councilmember Dan Hurt – Ward III (Chairperson)  
Councilmember Barry Flachsbart – Ward I  
Councilmember Barry Streeter – Ward II  
Councilmember Mary Brown – Ward IV

Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to approve the City Council Committees as submitted. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

City Attorney Beach next stated that it would be necessary to elect a President Pro-Tem. Councilmember Flachsbart made a motion, seconded by Councilmember Casey to place the name of Councilmember Jane Durrell in nomination for President Pro Tem. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Casey made a motion, seconded by Councilmember Geiger, to close the nominations. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Flachsbart made a motion, seconded by Councilmember Fults, to appoint Councilmember Durrell, as President Pro Tem by acclamation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Casey expressed congratulations to Councilmember Durrell. Mayor Nations thanked Councilmember Casey for serving as President Pro-Tem for the past year.

## **LEGISLATION**

### **BILL NO. 2257**

AMENDS ORDINANCE NO. 35, SCHEDULE III OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY AMENDING THE SPEED LIMIT ON OLD BAXTER ROAD (**FIRST READING – PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Casey made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2257. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2257 was read for the first time.

### **BILL NO. 2223**

PROVIDES FOR THE ESTABLISHMENT OF SCHOOL SPEED ZONES, THE REGULATION OF MOTOR VEHICLE SPEED WITHIN SCHOOL SPEED ZONES, ENFORCEMENT AND PENALTIES FOR VIOLATIONS OF SAID SPEED ZONE (**FIRST READING - PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Casey made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2223. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2223 was read for the first time.

### **BILL NO. 2258**

AMENDS ORDINANCE 62, SECTION 21-57, OF THE CITY OF CHESTERFIELD CODE RELATING TO TRESPASSING (**FIRST READING – PUBLIC**

**HEALTH AND SAFETY COMMITTEE  
RECOMMENDS APPROVAL)**

Councilmember Casey made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2258. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2258 was read for the first time.

**BILL NO. 2259**

**AUTHORIZES THE CITY ADMINISTRATOR TO EXECUTE A QUIT CLAIM DEED ABANDONING THE CITY OF CHESTERFIELD INTEREST IN THE CROWN INDUSTRIAL COURT RIGHT-OF-WAY, THEREBY MAKING IT A PRIVATE STREET (FIRST READING – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2259. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2259 was read for the first time.

**BILL NO. 2260**

**PLACES BEFORE THE VOTERS OF THE CITY OF CHESTERFIELD THE QUESTION OF WHETHER TO APPROVE A FRANCHISE AGREEMENT WITH THE MISSOURI AMERICAN WATER COMPANY (FIRST READING – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2260. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2260 was read for the first time.

**BILL NO. 2261**

**PERTAINS TO THE ACCEPTANCE OF PUBLIC STREETS WITHIN HIGHLAND FOREST SUBDIVISION IN THE CITY OF CHESTERFIELD (FIRST READING – PUBLIC WORKS/PARKS COMMITTEE)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2261. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2261 was read for the first time.

**BILL NO. 2262**

**APPROVES THE INSTALLATION OF FIRE HYDRANTS ON NORTH OUTER 40 ROAD (PHASE ONE) NORTH OUTER 40 ROAD (PHASE TWO) AND IN CHESTERFIELD COMMONS SIX, LOCATED WITHIN THE CITY OF CHESTERFIELD (FIRST AND SECOND**

**READINGS – PUBLIC WORKS/PARKS  
COMMITTEE)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2262. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2262 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2262. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2262 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2262, with the following results: Ayes – Flachsbart, Brown, Geiger, Hurt, Fults, Casey, Streeter and Durrell. Nays - None. Whereupon, Mayor Nations declared Bill No. 2262 approved, passed it and it became **ORDINANCE NO. 2080.**

**LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2251**

REPEALS CITY OF CHESTERFIELD ORDINANCES 1600 AND 1627 AND CONSOLIDATES THEIR CONDITIONS INTO A SINGULAR ORDINANCE, WITH THE ADDITION OF SEASONAL OUTDOOR STORAGE FOR THE WESTERN MOST ANCHORED STORE OF CHESTERFIELD COMMONS, DIRECTLY EAST OF RHL BOULEVARD (P.Z. 24-2003, THF CHESTERFIELD DEVELOPMENT LLC – THE COMMONS) **(FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED BY THE ATTACHED “GREEN SHEET”)**

Councilmember Streeter made a motion, seconded by Councilmember Geiger, for the first reading of Bill No. 2251. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2251 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Hurt, to amend Page 2, I. Permitted Uses (B)(6) per 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. 2251, as amended. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2251 was read for the second time, as amended. A roll call vote was taken for passage and approval of Bill No. 2251, with the following results: Ayes – Durrell, Flachsbart, Geiger, Brown, Casey, Hurt, Streeter and

Fults. Nays - None. Whereupon, Mayor Nations declared Bill No.2251 approved, passed it and it became **ORDINANCE NO. 2081.**

**BILL NO. 2263**

AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO AN “R-3” RESIDENCE DISTRICT FOR A 3.7 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF CLAYTON ROAD, WEST OF THE INTERSECTION OF SCHOETTLER ROAD AND CLAYTON ROAD (P.Z. 13 & 14-2003, FISCHER AND FRICHTEL) (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED BY THE ATTACHED “GREEN SHEET”**)

Councilmember Streeter made a motion, seconded by Councilmember Geiger, for the first reading of Bill No. 2263. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2263 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Casey, to amend Bill No. 2263 by changing Attachment A, Section I – Permitted Uses A.(1), Items A and B, per 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 to amend Attachment A, Section V, Specific Criteria, 2. Access, Items a, b and c per the green sheet. A voice vote was taken with an affirmative result (5 – 3) and the motion was declared passed.

Councilmember Streeter made a motion, seconded by Councilmember Hurt, to amend Attachment A, Section V, Specific Criteria, 2. Access (d). A roll call vote was taken with the following results: Ayes – Durrell, Casey, Hurt, Streeter and Geiger. Nays – Brown, Fults and Flachsbart. Mayor Nations declared the motion passed.

Councilmember Streeter made a motion, seconded by Councilmember Casey to approve VII. Verification Prior to Approval (A)(3) (e) by adding the language that appears on the green sheet and Section XVI General Development Conditions (A) (9). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO. 2264**

PROVIDES FOR THE APPROVAL OF A RECORD PLAT FOR CHESTERFIELD COMMONS EAST, A 61.984 ACRE TRACT OF LAND ZONED “PC” PLANNED COMMERCIAL DISTRICT AND “C-8”

PLANNED COMMERCIAL DISTRICT, LOCATED  
SOUTH OF CHESTERFIELD AIRPORT ROAD,  
EAST OF CHESTERFIELD COMMONS DRIVE  
**(FIRST AND SECOND READINGS – PLANNING  
COMMISSION RECOMMENDS APPROVAL)**

Councilmember Streeter made a motion, seconded by Councilmember Geiger, for the first reading of Bill No. 2264. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2264 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2264. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2264 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2264, with the following results: Ayes – Geiger, Streeter, Flachsbart, Fults, Hurt, Brown, Casey and Durrell. Nays - None. Whereupon, Mayor Nations declared Bill No. 2264 approved, passed it and it became **ORDINANCE NO. 2082.**

**ADJOURNMENT**

Mayor Nations adjourned the meeting at 8:45 p.m.

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Mayor John Nations

**ATTEST:**

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Martha L. DeMay, City Clerk