

RECORD OF PROCEEDING

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

May 6, 2002

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

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

The Pledge of Allegiance was led by Boy Scout Troop #677 from Ellisville United Methodist Church: Daniel McCluskey, Spencer Templeton, Matt Peterson, Brandon Linn, Eric Witthaus, David Welker, Matt Whittenberg, Ryan Bell, Drew Auer, Sean McCoy, Brian Schrottenboer and Shawn Brands.

Also in attendance were Troop Leaders Gregg Peterson, John Schrottenboer and Dan Witthaus.

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

APPROVAL OF MINUTES

The minutes of the April 15, 2002, City Council meeting were submitted for approval. Councilmember Casey made a motion to approve the amended City Council minutes. Councilmember Streeter seconded the motion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

COMMUNICATIONS AND PETITIONS

Mayor Nations recognized Congressman Todd Akin who was in attendance for the Millennium Green Project presentation.

Darcy Capstick, Co-Chair of the Citizens Committee for the Environment, provided a presentation on the Millennium Green Project. Mrs. Capstick reported that “America the Beautiful” selected two identified oldest living trees in the City of Chesterfield to represent the State of Missouri in their Federal Landmark Tree Roster and this roster will be archived in the Library of Congress.

Dan Rothwell, Chairperson of the Landmarks Preservation Commission, spoke in support of funding for Mark Leach’s book titled, “A Guide To Chesterfield’s Ancient History.”

Allan Sheppard, who resides at 826 Judson Manor Drive, spoke on behalf of Judson Manor Subdivision regarding white topping City streets and resident’s concerns regarding lack of project notification. Councilmember Flachsbart stated that the notification issue is a problem and that this project will be addressed at the next Public Works/Parks Committee meeting.

APPOINTMENTS

Mayor Nations placed the names of Victoria Sherman, Stephanie Macaluso and Rachel Nolen in nomination to re-appoint them as members of the Planning Commission. Councilmember Geiger made a motion, seconded by Councilmember Streeter, to re-appoint Ms. Sherman, Ms. Macaluso and Ms. Nolen to the Planning Commission. A voice vote was taken with an affirmative result and the motion was declared passed. Their terms will expire June 3, 2006.

Mayor Nations next placed the name of Kathy Goldner in nomination to serve as a member of the Landmarks Preservation Commission. Councilmember Durrell made a motion, seconded by Councilmember Flachsbart, to appoint Ms. Goldner to the Landmarks Preservation Commission. A voice vote was taken with an affirmative result and the motion was declared passed. Ms. Goldner’s term will expire June 30, 2003.

Mayor Nations next placed the names of Dennis Riggs and Doug Elliott in nomination to re-appoint them as members of the Chesterfield Community Development Corporation. Councilmember Brown made a motion, seconded by Councilmember Fults, to re-appoint Mr. Riggs and Mr. Elliott to the Chesterfield Community Development Corporation. A voice vote was taken with an affirmative result and the motion was declared passed. Their terms will expire July 20, 2008.

COUNCIL COMMITTEE REPORTS

Public Works/Parks Committee

Councilmember Flachsbart, Chairperson of the Public Works/Parks Committee, reported that Bill No. 2062, which approves the contract with St. Louis County regarding the Pathway on the Parkway, and Bill No. 2063, which approves a forward-funding agreement for sanitary sewer pump station (TIF funding), will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Flachsbart announced that the next meeting of this Committee has been scheduled for May 30 at 5:30 p.m. This meeting will begin with a public meeting to discuss the possible connection of Baxter Crossing Lane to Wilson Road, which would link Wilson Road to Baxter Road. Councilmember Flachsbart stated that locations are being sought on resident’s property on Wilson Road and Wilson Spur to place meeting notice signs.

Finance and Administration Committee

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee, deferred to Councilmember Jane Durrell, who reported a recommendation to authorize funds (forward-funding) to publish a Landmarks Preservation Commission book. Councilmember Hurt made a motion, seconded by Councilmember Durrell, to approve the forward funding recommendation up to a maximum of \$10,000 for Mr. Mark Leach’s book on archeological sites within the City of Chesterfield. The funds will be transferred from contingency. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Durrell next reported a recommendation regarding open purchase orders from Fiscal Year 2001. Councilmember Durrell made a motion, seconded by Councilmember Flachsbart, to approve the budget adjustment to reappropriate funds for all open purchase orders carried forward from Fiscal Year 2001. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger announced that the next meeting of this Committee has been scheduled for June 12 at 5:30 p.m.

Planning and Zoning Committee

Councilmember Dan Hurt, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2070, P.Z. 3-2002, (amends zoning ordinance), Bill No. 2071, P.Z. 4-2002, (amends zoning ordinance) and Bill No. 2072, P.Z. 5- 2002, (amends zoning ordinance) will be read for the first time under the “Legislation” portion of the agenda. Mayor

Nations stated the language in Bill No. 2072 requires that “all” projects go to the Landmarks Preservation Commission. Councilmember Hurt stated that the language suggests that the Planning Commission has to designate historical significance. Mayor Nations stated that Bill No. 2072 should read: “to review projects of historical significance *as determined by the Planning Commission.*” Councilmember Hurt asked Councilmember Durrell her opinion of the two offered solutions. Councilmember Durrell responded that the intent was for the wording to be “shall” so projects would need to be reviewed by the Landmarks Preservation Commission if the project has historical significance.

Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to hold Bill No. 2073 (The Courts II) till the May 20, 2002, City Council meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt next reported that Bill No. 2064, regarding the Long Road Plaza, will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for May 9, 2002 (5:30 p.m.).

Public Health and Safety Committee

Councilmember Mary Brown, Chairperson of the Public Health and Safety Committee, reported that Bill No. 2060 (prohibits blocking of public streets) will be considered for adoption under the “Legislation” portion of the agenda.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Michael G. Herring reported that St. Louis All-Star Restaurant & Sports Bar, located at 14810 Clayton Road, has applied to the City for a liquor license to sell all kinds of liquor by the drink for consumption on premises and Sunday sales. Councilmember Casey made a motion, seconded by Councilmember Fults, to approve the liquor license. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that the City’s Financial Advisor, Michelle Bock, has left employment with Stern Brothers and is now employed by U.S. Bancorp Piper Jaffray. Based upon the recommendation of Jan Hawn, Director of Finance and Administration, Mr. Herring recommended that approval be given to transfer the contracts for financial advisor services to Piper Jaffray, for the services of Michelle Bock to serve as the City of Chesterfield Financial Advisor, under the same terms and conditions as previously awarded by City Council in June, 2001. Councilmember Geiger made a motion, seconded by Councilmember Streeter, to transfer the contracts for financial advisor

services from Stern Brothers to Piper Jaffray. 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 renovation of Soccer Field “B”, at the C.V.A.C. Based upon a recommendation submitted by Brian McGownd, Acting Director of Public Works, Mr. Herring recommended award of a contract to Florissant Sod Company, in an amount not to exceed \$14,500. Councilmember Casey made a motion, seconded by Councilmember Streeter, to accept the bid submitted by Florissant Sod Company, in an amount not to exceed \$14,500, for renovation of Soccer Field “B” at the C.V.A.C. 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 and installation of two, five-row bleachers, to be installed at the C.V.A.C. Based upon Mr. McGownd’s recommendation, Mr. Herring recommended award of a contract to Dant Clayton Corporation, in an amount not to exceed \$14,076. The budget contains \$11,500 for this purchase and the Parks, Recreation & Arts Division has realized savings, which will cover the overage. Councilmember Casey made a motion, seconded by Councilmember Brown, to accept the bid submitted by Dant Clayton Corporation, in an amount not to exceed \$14,076, for purchase and installation of two, five-row bleachers, to be installed at the C.V.A.C. A voice vote was taken with a unanimous affirmative result and the motion was declared passed

LEGISLATION

BILL NO. 2060 PROHIBITS THE BLOCKING OF VEHICULAR TRAFFIC ON PUBLIC STREETS/ROADWAYS (**SECOND READING – PUBLIC HEALTH & SAFETY COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2060. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2060 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2060, with the following results: Ayes – Hurt, Geiger, Brown, Fults, Flachsbart, Streeter, Casey and Durrell. Nays – None. Whereupon Mayor Nations declared Bill No. 2060 approved, passed it and it became **ORDINANCE NO. 1844**.

BILL NO. 2062 APPROVES A COOPERATIVE AGREEMENT BETWEEN THE CITY OF CHESTERFIELD AND ST. LOUIS COUNTY RELATIVE TO THE PATHWAY ON THE PARKWAY (**SECOND READING – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, for a second reading of Bill No. 2062. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2062 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2062, with the following results: Ayes – Fults, Geiger, Hurt, Streeter, Durrell, Brown, Flachsbart and Casey. Nays - None. Whereupon Mayor Nations declared Bill No. 2062 approved, passed it and it became **ORDINANCE NO. 1845**.

BILL NO. 2063 APPROVES A FORWARD FUNDING AGREEMENT FOR THE CONSTRUCTION OF SANITARY SEWER PUMPS STATION NO. 4 AND ASSOCIATED SANITARY SEWER SYSTEM, A TIF PRIORITY PROJECT (**SECOND READING** – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)

Councilmember Flachsbart made a motion, seconded by Councilmember Brown, for the second reading of Bill No. 2063. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2063 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2063, with the following results: Ayes – Durrell, Streeter, Casey, Fults, Flachsbart, Brown, Hurt and Geiger. Nays - None. Whereupon Mayor Nations declared Bill No. 2063 approved, passed it and it became **ORDINANCE NO. 1846**.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2064 AMENDS CITY OF CHESTERFIELD ORDINANCE NO. 1417 GOVERNING LONG ROAD PLAZA, A “C8” PLANNED COMMERCIAL DISTRICT, LOCATED ON THE WEST SIDE OF LONG ROAD, SOUTH OF CHESTERFIELD AIRPORT ROAD (**SECOND READING** – PLANNING COMMISSION RECOMMENDS APPROVAL/PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, WITH AMENDMENT)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the second reading of Bill No. 2064. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2064 was read for the second time. Mayor Nations stated that Bill No. 2064 deals with the rear yard setback on the west side of Long Road and reduces it to one foot. Mayor Nations asked what principle the City would be operating on if a one-foot setback were approved. Councilmember Streeter responded that the City Attorney stated that the issue of precedent is based on the particular situation. Discussion ensued. A roll call vote was taken for passage and approval of Bill No. 2064, with the following results: Ayes – Brown, Casey, Hurt,

Streeter, Fults and Durrell. Nays – Geiger and Flachsbart. Whereupon Mayor Nations declared Bill No. 2064 approved, passed it and it became **ORDINANCE NO. 1847**.

BILL NO. 2070 AMENDS PARAGRAPH 10, SECTION 1003.167 (MISCELLANEOUS REGULATIONS) OF THE CITY OF CHESTERFIELD ZONING ORDINANCE TO ALLOW FOR ISSUANCE OF GRADING PERMITS FOR THE PURPOSE OF STOCKPILING OR THE SURCHARGING OF A FUTURE BUILDING PAD OF SITES IN CHESTERFIELD VALLEY GOVERNED BY A PLANNED DISTRICT, SENIOR RESIDENCE DISTRICT, MIXED USE DISTRICT OR SPECIAL PROCEDURE PRIOR TO APPROVAL OF SITE DEVELOPMENT PLANS, SITE DEVELOPMENT CONCEPT PLANS, OR SITE DEVELOPMENT CONCEPT PLANS BY THE PLANNING COMMISSION OR DEPARTMENT OF PLANNING (P.Z. 3-2002, CITY OF CHESTERFIELD) (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2070. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2070 was read for the first time.

BILL NO. 2071 AMENDS PARAGRAPH 16, SECTION 1003.167 (MISCELLANEOUS REGULATIONS) OF THE CITY OF CHESTERFIELD ZONING ORDINANCE TO AUTHORIZE THE CHIEF OF POLICE TO ISSUE PERMITS FOR AMUSEMENT DEVICES AND ACTIVITIES (P.Z. 4-2002) (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2071. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2071 was read for the first time.

BILL NO. 2072 AMENDS THE CITY OF CHESTERFIELD ZONING ORDINANCE TO INCLUDE SECTION 1003.190, WHICH ALLOWS THE PLANNING COMMISSION TO UTILIZE THE LANDMARKS PRESERVATION COMMISSION TO REVIEW PROJECTS OF HISTORICAL SIGNIFICANCE AND PROVIDE RECOMMENDATIONS DURING THE PRELIMINARY PLAN, SITE DEVELOPMENT PLAN AND SITE PLAN PROCESS (P.Z. 5-2002) (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2072. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2072 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to amend Bill No. 2072, Attachment A, to add the following: “as determined by the Planning Commission.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

[Councilmember Durrell introduced Mark Leach, author of the book, “A Guide To Chesterfield’s Ancient History.”]

ADJOURNMENT

Councilmember Streeter made a motion, seconded by Councilmember Casey, to adjourn the meeting to go into Executive Session (closed meeting) to discuss RSMo 610.021(3) and (13) to discuss personnel compensation issues. A roll call vote was taken with the following results: Ayes – Geiger, Streeter, Hurt, Fults, Durrell, Flachsbart, Casey and Brown. Nays – None. The motion was declared passed. The meeting was adjourned at 8:12 p.m.

Mayor John Nations

ATTEST:

Judith A. Naggiar, Deputy City Clerk