



RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD
AT 922 ROOSEVELT PARKWAY
MAY 15, 1995

The meeting was called to order at 7:00 P.M.

A roll call was taken with the following results:

PRESENT

Mayor Jack Leonard
Councilmember Barry Flachsbart
Councilmember Colleen Hilbert
Councilmember Ed Levinson
Councilmember Barry Streeter
Councilmember Dan Hurt
Councilmember Alan Politte
Councilmember Linda Tilley

ABSENT

Councilmember Mike Cullen

The Pledge of Allegiance was led by Boy Scout Troop #848 from Highcroft Ridge School: Thaddeus Hartmann, Gabriel Hartmann, Ryan Brand, Jon Henning, Adam Weintrop, Jason Daniels, Ryan Harris, Karl Balsara, Tommy Sander, Kalyan Tatineny, Jason Hunley, Kevin Harris, Richard Koch. Also in attendance was Troop Leader Tom Smyka.

Mayor Jack Leonard led the City Council in prayer.

APPROVAL OF MINUTES

The minutes of the May 1, 1995, City Council meeting were submitted for approval. A motion was made by Councilmember Levinson, seconded by Councilmember Tilley, to approve the minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

PRESENTATION OF CERTIFICATE

Mayor Jack Leonard presented a Certificate of Recognition to Sergeant Christopher Connelly of the Chesterfield Police Department who was the recent recipient of the William H. Spurgeon III Award. Sgt. Connelly was recognized for his effort and dedication in working with Explorer Post #9270.

COMMUNICATIONS AND PETITIONS

Mr. Richard Nelson, who resides at 1928 Newburyport Road, expressed his concern with the disrepair of the streets in Chesterfield Meadow subdivision.

Ms. Jane Durrell, who resides at 177 Gunston Hall Court, expressed her opposition to the proposed Butterfly House and supported the historical village in Faust Park.

Ms. Barbara Larimore, who resides at 18725 Wild Horse Creek Road, urged the City of Chesterfield to drop its lawsuit against the newly-incorporated City of Wildwood.

Ms. Mary K. Brown, who resides at 15966 Quiet Oak Road, expressed her concerns about the proposed Butterfly House in Faust Park.

Mr. Michael Hardgrove, who resides at 15944 Quiet Oak, expressed his opposition to the proposed Butterfly House in Faust Park.

Ms. Terry Wundelich, who resides at 16 Foxhunt, expressed her opposition to the Butterfly House in Faust Park.

INTRODUCTORY REMARKS

Mayor Jack Leonard noted that, at the request of City Council, a proposed letter had been prepared and could be sent to the Chairpersons of Boards/Commissions/Committees/Task Forces regarding comments made by individual members of these various Committees which can be perceived as an "official" position of the City. A motion was made by Councilmember Hilbert to remove this issue from the agenda. The motion was seconded by Councilmember Flachsbart. A voice vote was taken with an affirmative result (Councilmember Hurt voted "No") and the motion was declared passed.

A motion was then made by Councilmember Politte that the Council liaison of each Board/Commission/Committee/Task Force be directed to inform the Chairperson of the policy whereby the Chairperson should make every effort to indicate that members of the Committee are speaking as a private citizen and not on behalf of the City of Chesterfield. The motion was seconded by Councilmember Hilbert. A voice vote was taken with an affirmative result (Councilmember Levinson voted "No") and the motion was declared passed.

COUNCIL COMMITTEE REPORTS

Public Health and Safety

Councilmember Colleen Hilbert, Chairperson of the Public Health and Safety Committee, announced that the next meeting of this Committee has been scheduled for May 25, 1995, at 5:30 P.M.

Planning and Zoning

Councilmember Ed Levinson, Chairperson of the Planning and Zoning Committee, reported that Bill #'s 1069, 1070 and 1073 will be considered for adoption under the Legislation portion of the agenda.

Councilmember Levinson announced that the next meeting of this Committee has been scheduled for May 31, 1995, at 5:30 P.M.

Public Works/Parks

Councilmember Alan Politte, Chairperson of the Public Works/Parks Committee, reported that the Public Works/Parks Committee voted to recommend that City Council endorse the concept of the Butterfly House in Faust Park. However, due to the need for additional information, this issue was put on hold. In addition, he commended the citizens who have worked so diligently on the historical village in Faust Park.

Councilmember Politte moved for the passage of Resolution #185 to approve the \$390,000 contract with Booker Associates for the design and construction supervision of parks facilities, which will be paid by Bond proceeds. The motion was seconded by Councilmember Levinson. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Politte next reported on the proposed Chesterfield Arts Commission. The concept of this type of Commission has been developed by the Parks, Recreation and Arts Citizens Advisory Committee. A motion was made by Councilmember Politte, seconded by Councilmember Hilbert, to approve the proposal for the creation of the Chesterfield Arts Commission, as developed by the Parks, Recreation and Arts Citizens Advisory Committee and to authorize City Attorney Doug Beach to draft an ordinance pertaining to this Commission. There will be no financial commitment by the City. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

A motion was made by Councilmember Politte, seconded by Councilmember Levinson, to adopt Resolution #184 which would approve a Public Works Mutual Aid Agreement with neighboring West County municipalities to establish a policy for mutual cooperation in the event of natural disasters. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Politte next reported that Bill #1074 will be considered for adoption under the Legislation portion of the agenda.

Councilmember Politte announced that the next meeting of this Committee has been scheduled for June 6, 1995, at 7:00 P.M.

Finance and Administration

Councilmember Linda Tilley, Chairperson of the Finance and Administration Committee, announced that the Finance and Administration Citizens Advisory Committee cancelled the meeting originally scheduled for May 16, 1995, at 7:30 A.M. and rescheduled the meeting for May 22, 1995, at 5:00 P.M.

Councilmember Tilley reported that the Committee recommends that a transfer of \$879,105 from the Unappropriated Fund Balance take place to cover the expenses from outstanding 1994 purchase orders. Funds for these expenditures were returned to fund balance when the purchase orders lapsed December 31, 1994. Adequate funds are available in the City's fund balance to cover these expenses in 1995. A motion was made by Councilmember Tilley, seconded by Councilmember Streeter, to approve the transfer of \$879,105 to cover the expenses incurred by 1994 purchase orders. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Tilley next reported that relocation expenses associated with the move of the Public Works Department to the interim Public Works facility total \$46,752. The Committee voted unanimously to recommend to City Council that \$46,752 be transferred from the Contingency Account to the Public Works budget to cover the relocation expenses. A motion was made by Councilmember Tilley, seconded by Councilmember Politte, to approve the moving expenses in the amount of \$46,752. A voice vote was taken with an affirmative result (Councilmember Levinson voted "No") and the motion was declared passed.

Councilmember Tilley next reported that Bill #'s 1071 and 1072 will be considered for adoption under the Legislation portion of the agenda. Councilmember Tilley noted that Bill #1071 includes the need to appropriate \$13,549 for 6 months salary for the new Assistant Court Administrator position, beginning July 1 and \$3,200 to cover the cost of temporary services to assist the Court Clerk until that time. The funding will come from increased Court revenues. On a motion by Councilmember Tilley, seconded by Councilmember Streeter, Council voted unanimously to appropriate these funds.

Councilmember Tilley next reported that Magna Bank requested to transfer the business license from the Bank of Chesterfield to Magna Bank, at no charge. This transaction could not be done without City Council approval according to the City's current ordinance. The Committee agreed that this type of transfer of a business license was a matter which could be handled administratively and recommended that the ordinance be changed to reflect this change. Bill #1072 reflects this proposed change to the business license ordinance and will

be considered for adoption under the Legislation portion of the agenda. A motion was made by Councilmember Tilley, seconded by Councilmember Flachsbart, to approve the transfer of the business license, at no charge, from Bank of Chesterfield to Magna Bank. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Tilley next reported that the Committee recommends adoption of Resolution #183 regarding the Tax Increment Financing application and application fee. With this application, an applicant will pay an application fee of \$4,000 to sufficiently cover the consultant expenses that the City will incur to prepare a thorough review of any TIF proposal received. A motion was made by Councilmember Tilley, seconded by Councilmember Streeter, to adopt Resolution #183. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Tilley next reported that the Committee noted that under the City's current flower policy that flowers are not sent to employees where sickness or hospitalization are involved. The Committee voted to delete from the policy the provision to send flowers to the elected officials in cases of sickness and hospitalization. This was provided as information only.

Councilmember Tilley next reported that it was brought to the attention of the Committee that the policy regarding letters to State representatives should be amended in order to provide more timely response to proposed legislation in Jefferson City when alerted by the Missouri Municipal League or the St. Louis County Municipal League. The proposed change would allow such letters to be sent if both the City Administrator and Mayor "agree" that the position recommended is in the City's best interest. If there is no agreement, the matter will be referred to the appropriate Council Committee. However, phone calls must be made to determine a majority of City Council support. A motion was made by Councilmember Tilley, seconded by Councilmember Levinson, to approve this policy. A voice vote was taken with an affirmative result (Councilmember Flachsbart voted "No") and the motion was declared passed.

Councilmember Tilley announced that the next meeting of this Committee has been scheduled for June 8, 1995, at 5:30 P.M.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that an auction was recently conducted by the Ellisville Police Department. At said auction one of the Chesterfield police officers bid on a used vehicle, previously owned by the Metropolitan Enforcement Group, participated in by the Cities of Chesterfield, Ballwin, Manchester and Ellisville. The vehicle was completely inoperable and the bid submitted by the officer was \$350.00. The Purchasing Manual prohibits the sale of City surplus property to any employee or elected/appointed officials of the City of Chesterfield. However, the Manual notes that City Council may waive this restriction, if desired. Mr. Herring recommends that City Council waive this restriction in this particular situation. However, Mr. Herring recommended that the

restriction remain in place and that the employees be reminded of this prohibition. A motion was made by Councilmember Flachsbart, seconded by Councilmember Levinson, to waive the restriction on this purchase by the City employee. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that the following liquor license renewals have been submitted for City Council approval:

The following restaurant/bars have submitted liquor license renewal applications to serve all kinds of intoxicating liquor by the drink for consumption on the premises and Sunday sales, fee \$700.00:

Blayney's, 18272 Edison Avenue
Brunswick, 176 Four Seasons Center
Doubletree Hotel, 16625 Swingley Ridge
Four Seasons Country Club, 615 Broadmoor Drive
Hunan Empress, 162-64 Four Seasons Center
KC Masterpiece, 16123 S. Chesterfield Parkway
Mama Talayna's, 68 Four Seasons Center
Michael's, 13419 Olive Boulevard
P.J.'s Bar and Grill, 13373-75 Olive Boulevard
Pizzeria Uno, 15525 Olive Boulevard
Salina's Mexican Restaurant, 20 Clarkson Center
Schnuck's Restaurant, 141 Hilltown Village
Smitty's, 14874-76 Clayton Road
Summer Palace, 13399 Olive Boulevard

A motion was made by Councilmember Levinson, seconded by Councilmember Tilley, for approval of the liquor license renewals. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

The following have applied for liquor license renewals to serve all kinds of intoxicating liquor by the drink for consumption on the premises, fee \$450.00:

Massa's, Restaurant, 75 Forum Center
Orville and Wilbur's, 18000 Chesterfield Airport Road
Pueblo Nuevo West, 41 Forum Center
The Wine Chateau, 12 Clarkson/Wilson Centre

A motion was made by Councilmember Levinson, seconded by Councilmember Tilley, to approve the liquor license renewals. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

A liquor license renewal has been requested by the following to sell liquor in the original packages and Sunday sales, fee \$450.00:

7-Eleven, 13491 Olive Boulevard
Clarkson Square Pharmacy, 1737 Clarkson Road
Dierberg's, 1730 Clarkson Road
Dierberg's, 8 Four Seasons Center
Petro Mart, 14024 Olive Boulevard
Schnuck's, 141 Hilltown Village
The Wedge, 18423 Olive Street Road

A motion was made by Councilmember Levinson, seconded by Councilmember Tilley, to approve the liquor license renewals. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

The following businesses have requested renewal liquor licenses to serve beer, wine and Sunday sales, fee \$355.00:

Forest Lake Tennis Club, 1012 North Woods Mill Road
Kent's Deli and Market, 207 Chesterfield Mall
Shermie's, 1637 Clarkson Road

A motion was made by Councilmember Levinson, seconded by Councilmember Tilley, to approve the liquor license renewals. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

The Cheese Place, 14746 Clayton Road has requested a renewal license to serve all kinds of intoxicating liquor in the original packages, fee \$150.00. A motion was made by Councilmember Levinson, seconded by Councilmember Tilley, to approve the liquor license renewal. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Chesterfield Memorial Building Association (American Legion) has requested a renewal liquor license to serve all kinds of intoxicating liquor by the drink to be consumed on the premises and Sunday sales, no fee (501(C)(3)). A motion was made by Councilmember Hurt, seconded by Councilmember Levinson, to approve the liquor license renewal. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were recently opened for the purchase of uniforms for members of the Public Works Department. Director of Public Works/City Engineer Mike Geisel recommends that the bid be awarded to the third low bidder, Clean Uniform Company. The budget contains an appropriation of \$16,145, which should be adequate to cover the departmental needs, even with the slightly higher price per employee. The bids submitted by the two lowest bidders were not acceptable, due to a long delivery time for their uniforms. A motion was made by Councilmember Levinson, seconded by Councilmember Politte, to award the bid to Clean Uniform Company. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring announced that the Government Center will be closed on Monday, May 29, 1995, in observance of Memorial Day.

NEW BUSINESS

There was no new business.

LEGISLATION

BILL #1071 AMENDS ORDINANCE #217 OF THE CITY OF CHESTERFIELD TO CLASSIFY A POSITION IN A POSITION CLASSIFICATION PLAN (ASSISTANT COURT ADMINISTRATOR) (**FIRST AND SECOND READING** - FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS APPROVAL)

A motion was made by Councilmember Tilley, seconded by Councilmember Levinson, to suspend the rules of Council to have both the first and second readings of this proposed ordinance at this Council meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

A motion was made by Councilmember Tilley, seconded by Councilmember Politte, for the first reading of Bill #1071. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1071 was read for the first time.

A motion was made by Councilmember Tilley, seconded by Councilmember Politte, for a second reading of Bill #1071. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1071 was read for the second time. A roll call vote was taken for passage and approval of Bill #1071, with the following results: Ayes - Flachsbart, Hilbert, Levinson, Streeter, Hurt, Politte and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #1071 approved, passed it and it became **ORDINANCE #1029**.

BILL #1072 REPEALS SECTION 11 OF ORDINANCE #433 REGARDING THE TRANSFER OF BUSINESS LICENSES AND SUBSTITUTING THEREFORE A NEW SECTION AUTHORIZING STAFF TO APPROVE THE TRANSFER OF BUSINESS LICENSES (**FIRST READING** - FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS APPROVAL)

A motion was made by Councilmember Tilley, seconded by Councilmember Levinson, for the first reading of Bill #1072. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1072 was read for the first time.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Hilbert, to omit the typographical error in the title of Bill #1072. A voice vote was taken with a

unanimous affirmative result and the motion was declared passed.

BILL #1074 **PERTAINS TO THE ACCEPTANCE OF PUBLIC STREETS WITHIN PRINCETON GATE SUBDIVISION IN THE CITY OF CHESTERFIELD (FIRST READING - PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)**

A motion was made by Councilmember Politte, seconded by Councilmember Levinson, for the first reading of Bill #1074. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1074 was read for the first time.

LEGISLATION - PLANNING COMMISSION

BILL #1069 **AMENDS CITY OF CHESTERFIELD ORDINANCE #882 PROVIDING FOR A "M-3" PLANNED INDUSTRIAL DISTRICT KNOWN AS CHESTERFIELD EXECUTIVE PARK LOCATED ON THE SOUTH SIDE OF CHESTERFIELD AIRPORT ROAD AT CEPI DRIVE. (P.C. 164-83, CHESTERFIELD EXECUTIVE PARK, INC. AND P.Z. 2-92, WEST COUNTY SOCCER CLUB, INC.) (PLANNING COMMISSION RECOMMENDS APPROVAL)**

A motion was made by Councilmember Levinson, seconded by Councilmember Hurt, for the first reading of Bill #1069. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1069 was read for the first time.

A motion was made by Councilmember Levinson, seconded by Councilmember Tilley, for a second reading of Bill #1069. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1069 was read for the second time. A roll call vote was taken for passage and approval of Bill #1069, with the following results: Ayes - Flachsbart, Hilbert, Levinson, Streeter, Hurt, Politte and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #1069 approved, passed it and it became **ORDINANCE #1030.**

BILL #1070 **AMENDS CITY OF CHESTERFIELD ORDINANCE #439 WHICH GOVERNS THE "C-8" PLANNED COMMERCIAL DISTRICT DEVELOPMENT LOCATED ON THE NORTH SIDE OF SWINGLEY RIDGE DRIVE BETWEEN CHESTERFIELD VILLAGE PARKWAY NORTH AND NARDIN DRIVE (P.C. 177-86, POINT DEVELOPMENT COMPANY AND P.Z. 10-95, CHESTERFIELD HOTEL, INC.) (PLANNING COMMISSION RECOMMENDS APPROVAL)**

A motion was made by Councilmember Levinson, seconded by Councilmember Hurt, for the first reading of Bill #1070. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1070 was read for the first time.

A motion was made by Councilmember Levinson, seconded by Councilmember Hurt, for a second reading of Bill #1070. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1070 was read for the second time. A roll call vote was taken for passage and approval of Bill #1070, with the following results: Ayes - Flachsbart, Hilbert, Levinson, Streeter, Hurt, Politte and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #1070 approved, passed it and it became **ORDINANCE #1031.**

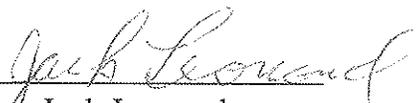
BILL #1073 PROVIDES FOR THE APPROVAL OF THE RESUBDIVISION PLAT OF LOT 30 OF HIGHCROFT ESTATES PLAT NO. 1 AND LOT 2 OF OLD BAXTER PLACE; SOUTHEAST SIDE OF OLD BAXTER ROAD, NORTHEAST OF BAXTER ROAD (PLANNING COMMISSION RECOMMENDS APPROVAL)

A motion was made by Councilmember Levinson, seconded by Councilmember Hurt, for the first reading of Bill #1073. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1073 was read for the first time.

A motion was made by Councilmember Levinson, seconded by Councilmember Tilley, for a second reading of Bill #1073. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1073 was read for the second time. A roll call vote was taken for passage and approval of Bill #1073, with the following results: Ayes - Flachsbart, Hilbert, Levinson, Streeter, Hurt, Politte and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #1073 approved, passed it and it became **ORDINANCE #1032.**

ADJOURNMENT

Mayor Leonard noted that it would no longer be necessary to go into Executive Session, as originally planned and advertised. A motion was made by Councilmember Levinson, seconded by Councilmember Flachsbart, that the meeting be adjourned. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. The meeting was adjourned at 8:05 P.M.



Mayor Jack Leonard

ATTEST:



Martha L. DeMay, City Clerk