

RECORD OF PROCEEDING

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

May 21, 2001

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 Dan Hurt
Councilmember Mary K. Brown
Councilmember Charles Scheidt

ABSENT

Councilmember Mike Casey

The Pledge of Allegiance was led by Girl Scout Troop #646 from Riverbend School: Madelaine Azar, Katie Goddard, Jennifer Kaiser, Mikayla Kennedy, Bria Nathanson and Shannon Reader. Also in attendance was Troop Leader Bernie Kaiser.

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

APPROVAL OF MINUTES

The minutes of the May 7, 2001, City Council meeting were submitted for approval. Councilmember Brown made a motion to approve the City Council minutes. Councilmember Durrell seconded the motion. Mayor Nations entertained a motion to amend two items in the minutes under "Appointments" and "Legislation" portion of the agenda. Councilmember Streeter made a motion, seconded by Councilmember Brown, to amend the May 7, 2001 meeting minutes. There was no discussion. A voice vote taken with a unanimous affirmative result to amend the minutes and the motion was declared passed. A voice vote taken with a unanimous affirmative result to approve the minutes of May 7, as amended, and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor John Nations invited and encouraged everyone to attend the dedication ceremony of the pavilion in memory of Roger Brown, late husband of Councilmember Mary Brown, at the Chesterfield Valley Athletic Complex on Friday, May 25 at 11 a.m. This pavilion was made possible through the generosity of Councilmember Brown.

Mayor Nations announced that the Chesterfield Family Aquatic Park will open on May 26 at 10 a.m.

Mayor Nations presented a proclamation to the City of Chesterfield's Public Works Department in recognition of "National Public Works Week," May 20 – May 26. Mayor Nations next presented a proclamation in honor of Ms. Bonnie Hubert, Superintendent of Engineering Services for the City of Chesterfield, for her outstanding skill, competency, dedication and leadership within the Engineering Division of the Public Works Department.

Councilmember Hurt, on behalf of City Council, wished Michael Herring a Happy Birthday on May 25, Councilmember Durrell a Happy Birthday on May 26 and Councilmember Streeter a Happy Birthday on June 3.

COMMUNICATIONS AND PETITIONS

Mike Doster, 16475 Chesterfield Airport Road, supported passage of Bill No. 1956, P.Z. 27-2000, Lou Fusz Properties.

Kent Kehr, 13334 Fairfield Square, Town & Country, MO, opposed Bill No. 1957, due to the green space requirements.

APPOINTMENTS

Mayor Nations nominated Ms. Laura Lueking, from Ward II and Mr. Robert Tucker, from Ward I, for re-appointment to the Board of Adjustment. Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, to appoint Ms. Laura Leuking and Mr. Robert Tucker for a five-year term to the Board of Adjustment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Ms. Lueking and Mr. Tucker terms will expire on June 1, 2006.

COUNCIL COMMITTEE REPORTS

Public Health and Safety

Councilmember Flachsbart, on behalf of Councilmember Mike Casey, Chairperson of the Public Health and Safety Committee, reported that Bill No. 1950 (3-way stop at Chesterfield Estates Drive and Riverdale Circle) and Bill No. 1951 (restricts parking on North Outer Forty at Chesterfield Valley Athletic Complex) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Flachsbart announced that the next meeting of the Public Health and Safety Committee will be held on May 31 at 5:30 p.m.

Planning and Zoning Committee

Councilmember Charles Scheidt, Chairperson of the Planning and Zoning Committee, reported that Bill No. 1954 (P.Z. 43-2000, Burgundy Arrow), Bill No. 1956 (P.Z. 27-2000, Lou Fusz), Bill No. 1957 (P.Z. 13-2001, City of Chesterfield) and Bill No. 1959 (approves a boundary adjustment plat for Waverly Place, Lots 11, 12 and 13) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Scheidt announced that the next meeting of this Committee has been scheduled for May 24 at 5:30 p.m.

Public Works/Parks Committee

Councilmember Streeter announced that the next meeting of the Public Works/Parks Committee has been scheduled for May 23 at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

Director of Public Works/City Engineer Mike Geisel, on behalf of City Administrator Mike Herring, reported that he, along with the Construction Manager, S. M. Wilson, are requesting change orders for two (2) existing contracts with Myron Plumbing and C. Rallo Construction. Myron Plumbing’s change order is for \$41,472, making the new proposed contract value \$380,534 and the remaining contingency for this contract is \$16,146. C. Rallo Construction’s change order is for \$71,162, making the new proposed contract value \$863,662 and the remaining contingency for this contract is \$10,557. Mr. Geisel noted that this does not affect the overall project budget. It simply adjusts the individual contract allocations for each of these firms. Councilmember Flachsbart made a motion, seconded by Councilmember Brown, to approve the change orders. 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 reconstruction of a portion of Wilson Road, between Chesterfield Lakes and Wilson Manors in the amount of \$290,960.00. Councilmember Brown made a motion, seconded by Councilmember Flachsbart, for the approval of the street reconstruction of Wilson Road. A voice vote was

taken with a unanimous affirmative result and the result was declared passed. The project should last approximately 45 days.

Mr. Geisel next reported that Fuji Sushi Japanese Restaurant, located at 84 Clarkson-Wilson Centre, has requested a liquor license to sell beer and wine only by the drink. Councilmember Streeter made a motion, seconded by Councilmember Durrell, to approve issuance of a liquor license to Fuji Sushi Japanese Restaurant. A voice vote was taken with a unanimous affirmative result and the result was declared passed.

Mr. Geisel next reported that The Olive Garden, located at 17198 Airport Road, has requested a liquor license to sell all kinds of liquor by the drink and Sunday sales. Councilmember Streeter made a motion, seconded by Councilmember Durrell, to approve issuance of this liquor license. A voice vote was taken with a unanimous affirmative result and the result was declared passed.

NEW BUSINESS

There was no new business.

LEGISLATION

BILL NO. 1950 AMENDS ORDINANCE NO. 35, SCHEDULE VI OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING A PROVISION FOR A 3-WAY STOP SIGN AT THE INTERSECTION OF CHESTERFIELD ESTATES DRIVE AND RIVERDALE CIRCLE THERETO (**SECOND READING – PUBLIC HEALTH AND SAFETY COMMITTEE**)

Councilmember Flachsbart made a motion, seconded by Councilmember Brown, for the second reading of Bill No. 1950. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1950 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1950, with the following results: Ayes – Hurt, Durrell, Brown, Streeter, Scheidt, and Flachsbart. Nays - None. Whereupon Mayor Nations declared Bill No. 1950 approved, passed it and it became **ORDINANCE NO. 1743**.

BILL NO. 1951 AMENDS ORDINANCE NO. 35, SCHEDULE IX OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THERETO TO RESTRICT PARKING ON NORTH OUTER FORTY, ADJACENT TO THE CHESTERFIELD VALLEY ATHLETIC COMPLEX (**SECOND READING – PUBLIC HEALTH AND SAFETY COMMITTEE**)

Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, for the second reading of Bill No. 1951. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1951 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1951, with the following

results: Durrell, Streeter, Hurt, Scheidt, Brown and Flachsbart. Nays – None. Whereupon Mayor Nations declared Bill No. 1951 approved, passed it and it became **ORDINANCE NO. 1744.**

LEGISLATION – PLANNING COMMISSION

BILL NO. 1954 CHANGES IN ZONING FROM “M-3” PLANNED INDUSTRIAL DISTRICT TO “PI” PLANNED INDUSTRIAL DISTRICT FOR A 7 ACRE TRACT OF LAND LOCATED SOUTH OF CHESTERFIELD AIRPORT ROAD AND WEST OF PUBLIC WORKS DRIVE (P.Z. 43-2000, BURGUNDY ARROW) (**SECOND READING – PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Scheidt made a motion, seconded by Councilmember Flachsbart, for the second reading of Bill No. 1954. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1954 was read for the second time. Councilmember Flachsbart made a motion to delete “(u)” from page 1 of Attachment A. The motion died from lack of a second. Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, to delete “(qq)” from page 2 of Attachment A. A voice vote was taken with a unanimous affirmative result to amend Bill No. 1954. Councilmember Flachsbart made a motion to delete “(vv)” on page 3 of Attachment A. The motion died for to a lack of a second. Councilmember Brown made a motion, seconded by Councilmember Scheidt, to determine the location of the communications tower at the time of the request. Councilmember Brown withdrew her motion after brief discussion. This was accepted by Councilmember Scheidt. Councilmember Brown made the motion, seconded by Councilmember Scheidt, to approve the restrictions set forth by Director of Planning Teresa Price with regard to limitations and conditions regarding the telecommunication tower. A voice vote was taken with a unanimous affirmative result. Mayor Nations called for a roll call vote for the passage and approval of the amended Bill No. 1954, with the following results: Scheidt, Durrell, Brown, Streeter and Hurt. Nays – Flachsbart. Whereupon Mayor Nations declared amended Bill No. 1954 approved, passed it and it became **ORDINANCE NO. 1745.**

BILL NO. 1956 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “C-8” PLANNED COMMERCIAL DISTRICT, “NU” NON-URBAN DISTRICT, AND AN “M-3” PLANNED INDUSTRIAL DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 6.497 ACRE TRACT OF LAND LOCATED ON CHESTERFIELD AIRPORT ROAD, SOUTH OF HIGHWAY 40 AND EAST OF LONG ROAD (P.Z. 27-2000, LOU FUSZ PROPERTIES, L.L.C. (**SECOND READING – PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL**))

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for the second reading of Bill No. 1956. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1956 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1956, with the following results: Scheidt, Streeter, Brown, Flachsbart, Hurt and Durrell. Nays – None. Whereupon Mayor Nations declared Bill No. 1956 approved, passed it and it became **ORDINANCE NO. 1746.**

BILL NO. 1957 AMENDS SECTION 1003.140, SUBSECTION 4, ITEM 6 OF THE CHESTERFIELD ZONING ORDINANCE BY PROVIDING ADDITIONAL CRITERIA FOR THE PERFORMANCE STANDARDS OF RETAIL DEVELOPMENT (P.Z. 13-2001, CITY OF CHESTERFIELD (**SECOND READING** – PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for the second reading of Bill No. 1957. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1957 was read for the second time. Councilmember Hurt made a motion, seconded by Councilmember Streeter, to amend Bill No. 1957 to read that the following be added as the last sentence in Section 1, “these standards shall apply to those developments filed after the date of this ordinance.” A voice vote was taken with a unanimous affirmative result and the motion to amend Bill No. 1957 was declared passed. A roll call vote was taken for passage and approval of amended Bill No. 1957, with the following results: Ayes – Hurt, Durrell, Brown, Streeter, Flachsbart and Scheidt. Nays – None. Whereupon Mayor Nations declared amended Bill No. 1957 approved, passed and it became **ORDINANCE NO. 1747.**

BILL NO. 1959 PROVIDES FOR THE APPROVAL OF THE BOUNDARY ADJUSTMENT PLAT, FOR WAVERLY PLACE, LOTS 11, 12 AND 13, A RESIDENTIAL SUBDIVISION LOCATED ON THE WEST SIDE OF BAXTER ROAD, SOUTH OF THE INTERSECTION OF CLAYTON ROAD (**FIRST AND SECOND READINGS** – PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for the first reading of Bill No. 1959. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1959 was read for the first time.

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for the second reading of Bill No. 1959. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1959 was read for the second time. A roll call vote was taken for the passage and approval of Bill No. 1959, with the following results: Ayes – Hurt, Scheidt, Durrell, Brown, Flachsbart and Streeter. Nays – None. Whereupon Mayor Nations declared Bill No. 1959 approved, passed it and it became **ORDINANCE NO. 1748.**

ADJOURNMENT

Mayor Nations entertained a motion to adjourn the meeting. Councilmember Flachsbart made a motion, seconded by Councilmember Scheidt, to adjourn the meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. The meeting adjourned at 7:48 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk