

## **RECORD OF PROCEEDING**

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

**June 4, 2001**

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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 Mike Casey  
Councilmember Mary K. Brown  
Councilmember Charles Scheidt

**ABSENT**

None

The Pledge of Allegiance was led by Girl Scout Troop #313 from River Bend School: Christine Munyikwa, Anna Delabar, Kelsey West, Shana Tozer, Michelle Man and Cathy Goessman. Also in attendance was Troop Leader Cheri West.

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

**APPROVAL OF MINUTES**

The minutes of the May 21, 2001, City Council meeting were submitted for approval. Councilmember Streeter made a motion to approve the City Council minutes. Councilmember Scheidt seconded the motion. A voice vote was taken with an affirmative result (6-1, Councilmember Casey “abstained”) and the motion was declared passed.

## **INTRODUCTORY REMARKS**

Mayor Nations read a proclamation recognizing Flag Day, June 14, and urged all residents to reflect and celebrate this symbol of our nation's unity and devotion to freedom.

Mayor Nations next announced that a special election will be held Tuesday, August 7 to fill the vacancy for Councilmember in Ward II. The following is a list of the candidates who have filed for candidacy:

Bruce Geiger, 14787 Greenloch Court  
Patrick Flynn, 14884 Grantley Drive  
Ben Murphy, 15696 Silverlake Court

Mayor Nations urged everyone in Ward II to vote in this special election.

Mayor Nations next announced the beginning of the Concert in the Park series, with the first concert being held Tuesday, June 12. He urged all residents to take advantage of this wonderful opportunity to enjoy a variety of concerts throughout the summer season.

Mayor Nations recognized Councilmember Mike Casey, Council liaison to the Citizens Committee for the Environment. Councilmember Casey congratulated CCE for recognition received by the Midwest Environmental Resource Center – Gateway Region for the giant steps taken in the City of Chesterfield to improve the environment in the community. Chesterfield Mall was honored for its environmental programs and promotions, City of Chesterfield Police Department for their distribution of waste reduction kits and recycling shredded confidential documents and Ms. Darcy Capstick, Chairperson of CCE, for her leadership role and effective persuasiveness to make many positive recycling things happen in the City. Councilmember Casey also reported that the City of Chesterfield has been designated as a Tree City USA for the past several years.

Mayor Nations announced that a Town Hall meeting has been scheduled for 7 p.m. on June 7 at the Daniel Boone Library for discussion on improvements to Clayton Road. Representatives from MoDOT, the City of Ballwin and surrounding communities will be in attendance to discuss this issue with residents.

Mayor Nations recognized State Representative Jane Cunningham. Representative Cunningham said a few words then introduced Kelly Scott, her District Director, to the Mayor and City Council.

Mayor Nations next recognized City Attorney Doug Beach. Mr. Beach reported that the City of Chesterfield has been involved in two lawsuits over the past several years – one with Lenette Realty, southwest corner of Clayton and Baxter Roads and the other with Mobil Mart, on the northwest corner of the same intersection. Mr. Beach announced that after many negotiating sessions, both lawsuits have been resolved. The Lenette Realty litigation resulted in the City rezoning that parcel of land through the passage of Bill No.

1966, Ordinance No. 1749 in Executive Session. Bill No. 1967, Ordinance No. 1750 was adopted in the Executive Session also with the intention of resolving issues surrounding the proposed Mobil Mart development.

## **COMMUNICATIONS AND PETITIONS**

There were no communications or petitions.

## **APPOINTMENTS**

There were no appointments.

## **COUNCIL COMMITTEE REPORTS**

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

Councilmember Barry Streeter, Chairperson of the Public Works/Parks Committee, reported that solid waste hauling proposals have been obtained and analyzed. The Committee voted affirmatively to approve Staff's recommendation on the proposal submitted by Midwest Waste. Midwest Waste's proposal was based upon the basic service, which is once a week curbside garbage and recycling pickup. All other bid services were identified as optional services. The proposed contract is for a period of five years with increases of 3% per year for years 2 – 4 and then a 1% for years 4 and 5. Councilmember Streeter made a motion, seconded by Councilmember Brown, to approve the solid waste contract with Midwest Waste for a period of five years and that the contract include a clause allowing additional annual extensions of the contract, assuming the contractor is meeting all the terms of the contract, and that such extension would be based on mutually agreed upon prices, not to exceed a 3% increase per year, after year five of the current contract. There followed much discussion. A voice vote was taken with an affirmative result (Councilmember Flachsbart voted "No") and the motion was declared passed.

Councilmember Streeter next reported that the agricultural levee located on the Chesterfield Valley Athletic Complex property was experiencing severe erosion. The levee provides protection to the farmland between the Missouri River and the Monarch-Chesterfield Levee. Councilmember Streeter made a motion, seconded by Councilmember Flachsbart, to direct Staff to pursue engineering services to design a method of repair to the agricultural levee located at the CVAC, with the cost of the engineering services to be funded by a transfer from Contingency. The cost of the repair is to be budgeted for FY2002. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Streeter next deferred to Councilmember Brown, who gave a brief overview of the offer made by Mr. Joe Norton, Director of the Butterfly House, to sponsor a butterfly garden within the City of Chesterfield. The Committee voted to accept the offer made by Mr. Norton and the Butterfly House and to direct the

Beautification Committee to find a location for the Butterfly Garden, with the location being approved by Director of Public Works/City Engineer Mike Geisel. This was accepted as information by City Council.

Councilmember Streeter announced that the next meeting of this Committee has been scheduled for July 25 at 5:30 p.m.

### **Planning and Zoning Committee**

Councilmember Charles Scheidt, Chairperson of the Planning and Zoning Committee, reported that Bill No. 1960 (P.Z. 10-2001, The Seasons at Schoettler addition (rezoning) and Bill No. 1962 (P.Z. 11-2001, The Seasons at Schoettler addition (PEU) will be read for the first time under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Scheidt next reported that Bill No. 1963 (August Hill on Conway – PEU ordinance amendment), Bill No. 1964 (P.C. 91-88, Sitemen Organization – Spirit Trade Center ordinance amendment) and Bill No. 1965 (West County Christian Church boundary adjustment plat) 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 June 7 at 5:30 p.m.

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

City Administrator Mike Herring reported that bids were recently sought for the asphalt paving associated with the construction of the new Government Center. Based upon the recommendation submitted by Mr. Geisel, Mr. Herring joined with him in recommending that a contract be awarded to Sunrise Asphalt, in an amount not to exceed \$114,950. Councilmember Streeter made a motion, seconded by Councilmember Casey, to award a contract to Sunrise Asphalt, in an amount not to exceed \$114,950. Much discussion ensued with regard the use of asphalt versus concrete on the parking areas of the new Government Center. A roll call vote was taken for passage of the motion with the following results – Ayes – Brown, Casey and Streeter. Nays – Flachsbart, Scheidt, Durrell and Hurt. The motion was declared defeated. Several members of City Council directed Mr. Herring to obtain additional information from Mr. Geisel, regarding the concrete alternative and to forward this item back to City Council at the June 18 meeting.

Mr. Herring next reported that the City has received a liquor license request from O’ Charley’s, located at 17276 Chesterfield Airport Road, to sell all kinds of liquor by the drink for consumption on the premises and Sunday sales. The application has been reviewed and approved by the Police and Planning Departments. Councilmember Scheidt made a motion, seconded by Councilmember Casey, to approve issuance of the liquor license to O’Charley’s restaurant. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## NEW BUSINESS

There was no new business.

## LEGISLATION

There was no legislation to be considered at this meeting.

## LEGISLATION – PLANNING COMMISSION

**BILL NO. 1960** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO AN “R-2” RESIDENTIAL DISTRICT FOR A 5.28 ACRE TRACT OF LAND LOCATED ON SCHOETTLER ROAD, EXTENDING SUMMER BLOSSOM AND SPRING BREEZE LANES (P.Z. 10-2001, SEASONS AT SCHOETTLER ADDITION) (**FIRST READING** – PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for the first reading of Bill No. 1960. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1960 was read for the first time.

**BILL NO. 1962** ESTABLISHES A PLANNED ENVIRONMENT UNIT SPECIAL PROCEDURE IN THE “R-2” RESIDENTIAL DISTRICT FOR A 5.28 ACRE TRACT OF LAND LOCATED ON SCHOETTLER ROAD, EXTENDING SUMMER BLOSSOM AND SPRING BREEZE LANES (P.Z. 11-2001, SEASONS AT SCHOETTLER ADDITION) (**FIRST READING** – PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL)

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for the first reading of Bill No. 1962. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1962 was read for the first time.

**BILL NO. 1963** AMENDS CITY OF CHESTERFIELD ORDINANCE NO. 1662 GOVERNING AUGUST HILL ON CONWAY, A “R-3” 10,000 SQUARE-FOOT PLANNED ENVIRONMENT UNIT (PEU) ON A 13.7 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF CONWAY ROAD, EAST OF DELMAR GARDENS (**FIRST AND SECOND READINGS** – PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Scheidt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 1963. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1963 was read for the first time.

Councilmember Scheidt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 1963. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1963 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1963, with the following results: Ayes – Brown, Scheidt, Hurt, Streeter, Durrell, Casey and Flachsbart. Nays - None. Whereupon Mayor Nations declared Bill No. 1963 approved, passed it and it became **ORDINANCE NO. 1751.**

**BILL NO. 1964** AMENDS ST. LOUIS COUNTY ORDINANCE NO. 13,935 AN “M-3” PLANNED INDUSTRIAL DISTRICT LOCATED ON THE SOUTH SIDE OF CHESTERFIELD AIRPORT ROAD, WEST OF LONG ROAD (P.C. 91-88, THE SITEMAN ORGANIZATION) **(FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for the first reading of Bill No. 1964. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1964 was read for the first time.

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 1964. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1964 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1964, with the following results: Ayes – Durrell, Scheidt, Hurt, Casey, Flachsbart, Streeter, and Brown. Nays - None. Whereupon Mayor Nations declared Bill No. 1964 approved, passed it and it became **ORDINANCE NO. 1752.**

**BILL NO. 1965** APPROVES A BOUNDARY ADJUSTMENT PLAT OF WEST COUNTY CHRISTIAN CHURCH, MORE PARTICULARLY DESCRIBED AS A TRACT OF LAND BEING PART OF US SURVEY 109, TOWNSHIP 45 NORTH, RANGE 4 AND 5 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI **(FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for the first reading of Bill No. 1965. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1965 was read for the first time.

Councilmember Scheidt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 1965. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1965 was read for the second time.

A roll call vote was taken for passage and approval of Bill No. 1965, with the following results: Ayes – Hurt, Scheidt, Flachsbart, Casey, Durrell, Streeter and Brown. Nays - None. Whereupon Mayor Nations declared Bill No. 1965 approved, passed it and it became **ORDINANCE NO. 1753**.

**ADJOURNMENT**

Mayor Nations entertained a motion to adjourn the meeting. Councilmember Flachsbart made a motion to adjourn the meeting. Councilmember Scheidt seconded the motion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. The meeting was adjourned at 7:50 p.m.

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Mayor John Nations

**ATTEST:**

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Martha L. DeMay, City Clerk