

RECORD OF PROCEEDING

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

August 20, 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 Mike Casey
Councilmember Mary K. Brown
Councilmember Charles Scheidt

ABSENT

None

Mayor John Nations led those in attendance in the Pledge of Allegiance, followed by a moment of silent prayer.

APPROVAL OF MINUTES

The minutes of the, August 6, 2001, City Council meeting and the tax rate for the Parks Bond Issue Public Hearing were submitted for approval. Councilmember Casey made a motion to approve both sets of minutes. Councilmember Brown seconded the motion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

SWEARING-IN CEREMONY

Mayor John Nations recognized and requested Judge Rick Brunk to preside at the swearing-in ceremony. Judge Brunk administered the Oath of Office to Ward II Councilmember-Elect Bruce Geiger.

A roll call vote was taken, again, this time with the newly-elected Councilmember of Ward II, 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 Charles Scheidt

ABSENT

None

Mayor Nations recognized Chief of Police Ray Johnson, who introduced Police Chaplain T. D. Stubblefield, Pastor of the First Baptist Church of Chesterfield, who will be serving as the Police Chaplain. Chief Johnson praised the work Chaplain Stubblefield has done thus far with the Police Department.

Mayor Nations recessed the meeting at 7:15 p.m. in order to have the reception for the City officials.

Mayor Nations reconvened the meeting at 7:45 p.m.

INTRODUCTORY REMARKS

Mayor Nations announced that the Government Center would be closed Monday, September 3 in observance of Labor Day.

COMMUNICATIONS AND PETITIONS

Jane Cunningham, State Representative for District 86, invited everyone to attend the Highway 141 Extension meeting from 10 a.m. – noon, on Saturday, August 25 at Incarnate Word Catholic Church. She thanks Mayor Nations for co-sponsoring this event.

David Volz, Volz Engineering, 10849 Indian Head Industrial Drive, supported Bill No. 1998, Nooning Tree – PEU ordinance amendment, which allows for an entrance to White Road.

Nancy Greenwood, who resides at 14441 Corallin, opposed Bill No. 1998, Nooning Tree – PEU ordinance amendment, which allows for an entrance to White Road.

Charles Guess, who resides at 14250 Finger Lake Drive, opposed Bill No. 1998, Nooning Tree – PEU ordinance amendment, which allows for an entrance to White Road.

Gary Evans, who resides at 304 Dinsmoor, opposed Bill No. 1998, Nooning Tree – PEU ordinance amendment, which allows for an entrance to White Road.

Donald Pearline, who resides at 14449 Tealcrest, opposed Bill No. 1998, Nooning Tree – PEU ordinance amendment, which allows for an entrance to White Road.

Ann Fleming, who resides at 15101 Rustic Carousel Court, supported Bill No. 1998, Nooning Tree – PEU ordinance amendment, which allows for an entrance to White Road.

Gail Strum, who resides at 1041 Speckledwood Manor Court, supported Bill No. 1998, Nooning Tree – PEU ordinance amendment, which allows for an entrance to White Road.

Steve Greenwood, who resides at 14441 Corallin, opposed Bill No. 1998, Nooning Tree – PEU ordinance amendment, which allows for an entrance to White Road.

Jeff Davis, who resides at 14548 White Birch Valley Lane, opposed Bill No. 1998, Nooning Tree – PEU ordinance amendment, which allows for an entrance to White Road.

Karen Einig, who resides at 14747 Thornhill Terrace Lane, opposed Bill No. 1998, Nooning Tree – PEU ordinance amendment, which allows for an entrance to White Road.

Cindy Gustatson, who resides at 14132 Thornhill Terrace Drive, opposed Bill No. 1998, Nooning Tree – PEU ordinance amendment, which allows for an entrance to White Road.

Mark Bitzes, who resides at 395 Branch Port Drive, opposed Bill No. 1998, Nooning Tree – PEU ordinance amendment, which allows for an entrance to White Road.

Scott Lieberman, who resides at 1194 Nooning Tree Drive, supported Bill No. 1998, Nooning Tree – PEU ordinance amendment, which allows for an entrance to White Road.

David Blatt, who resides at 15215 Carriage House Court, supported Bill No. 1998, Nooning Tree – PEU ordinance amendment, which allows for an entrance to White Road.

Due to the interest in Bill No. 1998, as evident by the number of speakers on this topic, Councilmember Streeter made a motion, seconded by Councilmember Brown, to suspend the rules to address this bill. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

BILL NO. 1998 AMENDS ORDINANCE NO. 1271, A PLANNED ENVIRONMENT UNIT (PEU) SPECIAL PROCEDURE IN THE “R-3” 10,000 SQUARE FOOT RESIDENCE DISTRICT FOR A 30.47 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF OLIVE BOULEVARD, WEST OF THE INTERSECTION OF OLIVE BOULEVARD AND WHITE ROAD AND ON THE WEST SIDE OF WHITE ROAD, SOUTH OF THE INTERSECTION OF OLIVE BOULEVARD AND WHITE ROAD **(FIRST AND SECOND READINGS)** (PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL)

Councilmember Scheidt made a motion to hold Bill Nos. 1997 and 1998 until the next City Council meeting. Discussion ensued. A roll call vote was taken with the following results: Ayes - Geiger, Scheidt, Flachsbar, Casey, Brown and Durrell. Nays – Hurt and Streeter. Mayor Nations declared the motion passed.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Jane Durrell, Chairperson of the Finance and Administration Committee, reported that Bill No. 2000, which re-adopts procedures for disclosure of conflicts for municipal officials, will be considered for adoption under the “Legislation” portion of the agenda.

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

Public Works/Parks Committee

Councilmember Barry Streeter, Chairperson of the Public Works/Parks Committee, reported that Chesterfield Arts, Inc. has offered Caypac Raymi, an original piece of artwork, for display at the new Government Center. Councilmember Streeter made a motion, seconded by Councilmember Flachsbart, to accept the artwork offered by Chesterfield Arts, Inc. for display in the new Government Center. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Streeter next reported that Bill No. 1996, which authorizes the City Administrator to execute an amendment to the Levee District Intergovernmental Agreement and Bill No. 1950, which sets the tax rate relative to the Parks Bond Issue debt service, will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Streeter next reported that Bill No. 1994, which prohibits parking of construction vehicles on abutting streets during construction, and Bill No. 1995, which amends the Solid Waste Ordinance to preclude placement of waste containers curbside prior to 5 p.m. on the evening before regular collection, will be read for the first time under the “Legislation” portion of the agenda.

Councilmember Streeter next reported that cost estimates to install lights at the Chesterfield Valley Athletic Complex, to light the parking lot, would cost approximately \$30,000. Councilmember Streeter made a motion, seconded by Councilmember Casey, to spend up to \$30,000 from the Contingency Fund for lights within the CVAC field. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Streeter announced that a Mayor/City Council/Staff retreat has been scheduled for October 6 and asked those attending to come prepared to talk about the direction the City wants/needs to take regarding parks.

Public Health and Safety Committee

Councilmember Mike Casey, Chairperson of the Public Health and Safety Committee, reported that the next meeting of this Committee has been scheduled for September 20 at 7:30 p.m.

Planning and Zoning Committee

Councilmember Charles Scheidt, Chairperson of the Planning and Zoning Committee, reported that Bill No. 1999, which vacates a portion of Old Olive Street Road, and Bill No. 1993, which amends the tree ordinance and manual, will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Scheidt next introduced Resolution No. 275, which approves amendments with regard to low intensity industrial uses in the Chesterfield Valley. Councilmember Scheidt made a motion, seconded by Councilmember Brown, to approve the amendments as recommended by the Valley Master Development Plan Committee and the Comprehensive Plan Committee. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Scheidt announced that the next meeting of this Committee has been scheduled for August 23 at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that a liquor license request has been received from Red Lobster, located at 17201 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 Casey made a motion, seconded by Councilmember Streeter, to approve issuance of a liquor license to Red Lobster. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that it is necessary for City Council to authorize a change order to the original contract between the City of Chesterfield and Bond + Wolfe Architects, in conjunction with the design of the new Government Center. Director of Public Works/City Engineer Mike Geisel has recommended and Mr. Herring joined with him in recommending an increase in this contract of \$123,000, resulting in a total authorized contract amount of \$723,000. Councilmember Casey made a motion, seconded by Councilmember Brown, to authorize the increase in the contract with Bond + Wolfe in an amount of \$123,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that it is necessary to amend the original contract with Gartland Irrigation, by a total of \$5,086, resulting in a new authorized total contract value of \$82,457. Mr. Herring joined Mr. Geisel in recommending this change to the original contract. Councilmember Casey made a motion, seconded by Councilmember Brown to amend the original contract with Gartland Irrigation by a total of \$5,086 for their irrigation services. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Staff recommends that the original contracts with Affton Fabrication, for structural and architectural steelwork at the new Government Center, be amended by \$16,354. Funds for this additional work are already contained within the contingency accounts established for both previous contracts. As a result, this change order will result in no additional cost. However, it would be necessary that City Council approve amending the original amounts of these contracts by the \$16,354 figure noted above. Councilmember Casey made a motion, seconded by Councilmember Streeter, to amend the original amounts of the contracts with Affton Fabrication for structural and architectural steelwork in the amount of \$16,354. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Mr. Geisel is recommending that the City award a contract to Sunrise Construction, in an amount not to exceed \$76,000. This contract will include concrete sidewalk construction, at the Chesterfield Valley Athletic Complex, to make them ADA accessible. He noted that this project would be funded with the use of \$53,000 from the St. Louis County Community Development Block Grant program and \$23,000 from the Fiscal Year 2001 Budget. Mr. Herring assured City Council that adequate funds exist within the current

Budget to cover the local share of \$23,000 for this project. Councilmember Streeter made a motion, seconded by Councilmember Brown, to award a contract to Sunrise Construction, in an amount not to exceed \$76,000, for sidewalk construction to make them ADA accessible at CVAC. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

There was no new business.

LEGISLATION

BILL NO. 1990 FIXES THE RATE OF TAXATION FOR THE YEAR 2001 AND LEVIES A TAX ON ALL PROPERTY MADE TAXABLE BY THE LAW WITHIN THE CORPORATE LIMITS OF THE CITY OF CHESTERFIELD, MISSOURI, FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE GENERAL OBLIGATION BOND ISSUE FOR PARKS; EFFECTIVE WHEN (**SECOND READING** – PUBLIC WORKS COMMITTEE)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 1990. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1990 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1990, with the following results: Ayes – Streeter, Scheidt, Brown, Hurt, Casey, Durrell, and Geiger. Nays - Flachsbart. Whereupon Mayor Nations declared Bill No. 1990 approved, passed it and it became **ORDINANCE NO. 1774**.

BILL NO. 1994 AMENDS ORDINANCE NO. 169 OF THE CITY OF CHESTERFIELD AND CODE SECTION 18-109 RELATIVE TO PROHIBITING PARKING ON ABUTTING STREETS DURING CONSTRUCTION UNDER THE AUTHORITY OF A CHESTERFIELD ORDINANCE (**FIRST READING** – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 1994. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1994 was read for the first time.

BILL NO. 1995 AMENDS CHAPTER 25, SECTION 25-28 (A), OF THE CODE OF THE CITY OF CHESTERFIELD RELATIVE TO THE TIME FOR WHICH WASTE CONTAINERS CAN BE SET OUT (**FIRST READING** – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)

Councilmember Durrell made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 1995. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Durrell made a motion, seconded by Councilmember Flachsbart, to amend Bill No. 1995 to read “5 p.m. instead of 6 p.m.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1995 was read for the first time, as amended.

BILL NO. 1996 AUTHORIZES THE CITY ADMINISTRATOR TO EXECUTE AN AMENDMENT AND RESTATED INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE CITY OF CHESTERFIELD AND THE MONARCH-CHESTERFIELD LEVEE DISTRICT (**FIRST AND SECOND READINGS - PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Streeter made a motion, seconded by Councilmember Casey, to suspend the rules of Council to have both first and second readings of Bill No. 1996. 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 the first reading of Bill No. 1996. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1996 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 1996. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1996 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1996, with the following results: Ayes – Brown, Durrell, Geiger, Flachsbart, Scheidt, Streeter, Hurt, and Casey. Nays - None. Whereupon Mayor Nations declared Bill No. 1996 approved, passed it and it became **ORDINANCE NO. 1775**.

BILL NO. 2000 RE-ADOPTS THE PROCEDURE ESTABLISHED IN ORDINANCE NO. 605 OF THE CITY OF CHESTERFIELD AS THE PROCEDURE FOR DISCLOSURE OF CONFLICTS FOR CERTAIN MUNICIPAL OFFICIALS (**FIRST AND SECOND READINGS – FINANCE AND ADMINISTRATION COMMITTEE**)

Councilmember Durrell made a motion, seconded by Councilmember Flachsbart, to suspend the rules of Council to have both first and second readings of Bill No. 2000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Durrell made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2000 was read for the first time.

Councilmember Durrell made a motion, seconded by Councilmember Flachsbart, for a second reading of Bill No. 2000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2000 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2000, with the following results: Ayes – Hurt, Streeter, Scheidt, Flachsbart, Brown, Durrell, Geiger and Casey. Nays - None. Whereupon Mayor Nations declared Bill No. 2000 approved, passed it and it became **ORDINANCE NO. 1776**.

LEGISLATION – PLANNING COMMISSION

BILL NO. 1993 REVISES ORDINANCE NO. 1345 RELATIVE TO TREE PROTECTION AND TREE STANDARDS WITHIN THE CITY OF

**CHESTERFIELD (SECOND READING – PLANNING AND ZONING
COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 1993. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1993 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1993, with the following results: Ayes – Brown, Streeter, Durrell, Hurt, Geiger, Casey and Scheidt. Nays - Flachsbart. Whereupon Mayor Nations declared Bill No. 1993 approved, passed it and it became **ORDINANCE NO. 1777**.

**BILL NO. 1999 VACATES A PORTION OF RIGHT-OF-WAY OF OLD OLIVE
STREET ROAD (FIRST AND SECOND READINGS –
DEPARTMENTS OF PLANNING AND PUBLIC WORKS
RECOMMEND APPROVAL)**

Councilmember Scheidt made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 1999. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.1999 was read for the first time.

Councilmember Scheidt made a motion, seconded by Councilmember, Brown for a second reading of Bill No. 1999. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1999 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1999, with the following results: Ayes – Casey, Brown, Streeter, Hurt, Scheidt, Durrell, and Flachsbart. Nays - None. Abstained – Geiger. Whereupon Mayor Nations declared Bill No. 1999 approved, passed it and it became **ORDINANCE NO. 1778**.

ADJOURNMENT

Mayor Nations entertained a motion to adjourn the meeting. Councilmember Casey made a motion to adjourn the meeting. Councilmember Streeter seconded the motion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. The meeting was adjourned at 9:10 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk