



RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD AT
922 ROOSEVELT PARKWAY, SEPTEMBER 7, 1994

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 Bill Devers
Councilmember Ed Levinson
Councilmember Dan Hurt
Councilmember Alan Politte
Councilmember Mike Cullen
Councilmember Linda Tilley

ABSENT

None

The Pledge of Allegiance was led by Mayor Jack Leonard.

Mr. Tim Bishop from Church of the Latter Day Saints led the City Council in prayer.

Mayor Jack Leonard presented Proclamations to Ms. Peggy Umansky for her efforts during the flood recover effort and to the Chesterfield Explorer Post #9270 for their recent achievements obtained at the 1994 National Law Enforcement Explorer Conference. Explorers participating in this Conference were David Ovca, Jeff Ovca, Angie Green, Derrick Hariiman, Chris Morris, Matthew Stenberg and Michael Connelly.

The minutes of the August 15, 1994, meeting was submitted for approval. A motion was made by Councilmember Hilbert, seconded by Councilmember Flachsbart, to approve the minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

COMMUNICATIONS AND PETITIONS

Mr. John Walters, who resides at 15204 Kempwood Drive, represented the Chesterfield Homeowners Association and expressed its concern with the irregularities in reporting campaign contributions by certain elected officials.

Ms. Millie Hill, who resides at 46 Witmer Drive, represented the Chesterfield Association for Informed Residents and expressed its concern with the irregularities in reporting campaign contributions by certain elected officials.

Mr. Royce Engle, who resides at 135 Ridgecrest Drive, expressed his concern with allegations that Chesterfield Civic Progress did not report its campaign contributions to various candidates.

INTRODUCTORY REMARKS

Mayor Leonard reported that the Intergovernmental Relations Committee recommended that the contract with the Chesterfield Community Development Corporation for the services of Mr. Lee McKinney, Consultant, be renewed for an additional six (6) months, effective November 1, 1994, at the current rate of \$3,500 per month. A motion was made by Councilmember Hurt, seconded by Councilmember Hilbert, to approve the extension of Mr. McKinney's contract at the rate of \$3,500 per month. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

CITY COUNCIL COMMITTEES

Finance and Administration

Councilmember Colleen Hilbert, Chairperson of the Finance and Administration Committee, reported that Bill #969, which grants a non-exclusive license to companies involved in fiber optic communications within the community, will be considered for adoption under the Legislation portion of the agenda.

In addition, Bill #'s 970, which establishes a procedure for rate regulation of basic cable television service, and #971, which adopts customer service rules regarding cable television systems, will be considered for adoption under the Legislation portion of the agenda. Resolution #169, which establishes joint Rate Review Commission involving Chesterfield, Ballwin and Town and Country, will be held for further review. During Work Session discussion City Council expressed its desire for a more equal representation on the Commission regarding United Video Cablevision. This issue will be resolved by the next Council meeting.

Councilmember Hilbert next reported on the entitlement for the 1995-1996 funding year for Community Development Block Grant funds in the amount of \$78,992 and the proposed activities for next year's application for funds. The City of Chesterfield is considering activities in three (3) areas: Rehabilitation of Private Properties (Home Improvement Program) in the amount of \$12,065; Removal of Architectural Barriers which would include Rehabilitation of Private Properties (Home Improvement Program) in the amount of \$12,065; Removal of Architectural Barriers which would include the removal of sidewalk barriers and constructing sidewalk ramps in their place, in the amount of \$51,927; and under the same category as above the funding for Playground Equipment for the Disabled in the amount of \$15,000. A motion was made by Councilmember Hilbert, seconded by Councilmember Flachsbart, to approve the amount of \$78,992 for the CDBG funding year 1995-1996. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hilbert next reported on the Community Attitude Survey. The Committee voted unanimously to employ the use of the computer assisted telephone survey process which will be utilized on the information presented by the University of Missouri - St. Louis and Assistant City Administrator/Personnel Director Brenda Collins. The computer assisted telephone survey process will include a sample of 400 residents for a cost of \$4,800. Funds for this expenditure have already been budgeted for the printing of the Chesterfield Citizen in 1994. The survey will begin around the end of November. A motion was made by Councilmember Hilbert, seconded by Councilmember Levinson, to approve \$4,800 to randomly sample 400 residents through the use of the computer assisted telephone survey process. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. These funds will be taken from the Newsletter Account. City Council will review and approve the survey questions submitted by the University of Missouri - St. Louis.

Councilmember Hilbert announced that the next meeting of this Committee has been scheduled for September 26, 1994, at 5:30 P.M.

Public Works/Parks

Councilmember Ed Levinson, Chairperson of the Public Works/Parks Committee, reported that the Heberer Equipment Company had accepted the City's offer of settlement in the amount of \$6,500 for the tractor damaged during the 1993 flood. The Public Works/Parks Committee recommends approval of the settlement amount. A motion was made by Councilmember Levinson, seconded by Councilmember Flachsbart, to accept the settlement. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Levinson next reported that the Bill #'s 967 and 968 with regard to the Wilson Road Projects will be considered for adoption under the Legislation portion of the agenda.

Councilmember Levinson next reported that the U.S. Army Corps of Engineers has

scheduled a "recognizance" meeting to share information regarding their effort to date concerning the analyzing the potential for a 500-year levee in Chesterfield. This meeting will provide the opportunity to communicate to the Corps the importance of this project for continued growth and development in the Chesterfield Valley. The Committee instructed Mr. Herring to prepare a resolution stating the City's support for a 500-year levee. A motion was made by Councilmember Levinson, seconded by Councilmember Devers, to adopt Resolution #168. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Levinson next reported that the Committee recommends the addition of the pin oak tree to the street tree list. A motion was made by Councilmember Levinson, seconded by Councilmember Hilbert, to approve the addition of the pin oak to the street tree list. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Levinson next reported that the Street Department Negotiating Team to secure property for the Public Works facility recommends that a letter be prepared and sent to property owners east of Long Road and south of Highway 40 concerning the City's search for 5 - 10 acres to house the Public Works facility. Those property owners who have less than 5 - 10 acres could also submit a proposal of an assemblage of contiguous property that would be within the 5 - 10 acre range. A motion was made by Councilmember Levinson, seconded by Councilmember Politte, to direct Staff to send a letter to the property owners within the designated area above for the purpose of securing property for the Public Works facility. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Levinson announced that the next meeting of this Committee has been scheduled for September 22, 1994 at 7:30 P.M.

Planning and Zoning

Councilmember Dan Hurt, Chairperson of the Planning and Zoning Committee, reported that the cost to mail a letter and ordinance to the residents within the proposed southern annexation area would be \$560. The Committee recommends approval of this expenditure. A motion was made by Councilmember Politte, seconded by Councilmember Hurt, to approve the mailing of the letter and ordinance to residents within the proposed area south of Clayton Road. A voice vote was taken with an affirmative result (Councilmembers Flachsbart and Tilley voted "No") and the motion was declared passed. A motion was made by Councilmember Tilley, seconded by Councilmember Hilbert, to amend the motion to revise the letter by advising the residents that they had a choice of either being annexed by Ballwin, Chesterfield or remaining unincorporated. A voice vote was taken with an unanimous affirmative result and the motion was declared passed. A motion was then made by Councilmember Politte, seconded by Councilmember Levinson, to accept the amended motion to send the letter with the addition options for the residents to consider. A voice vote was taken with an affirmative result (Councilmembers Flachsbart and Tilley voted "No") and

the motion was declared passed.

Councilmember Hurt next reported that a petition to vacate an easement in the Seasons of Schoettler has been received by the City. A motion was made by Councilmember Hurt, seconded by Councilmember Flachsbart, to refer this petition to the Planning Department for review. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt next reported that the petitioner for Bill #955 has requested that the bill be held until the October 3 City Council meeting.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Politte to table Bill #958. A voice vote was taken with an affirmative result (Councilmember Levinson voted "No") and the motion was declared passed.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for September 8, 1994, at 5:30 P.M.

Public Health and Safety

Councilmember Linda Tilley, Chairperson of the Public Health and Safety Committee, announced that the next meeting of this Committee has been scheduled for September 12, 1994, at 8:00 P.M.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring announced that a Public Hearing has been scheduled by the Corps of Engineers on September 12, 1994, at 7:00 P.M. at the Doubletree Hotel and Conference Center for the purpose of sharing information with regard to their efforts to date concerning the analyzing the potential for a 500-year levee in Chesterfield.

LEGISLATION

BILL #967 PROVIDES FOR THE CITY OF CHESTERFIELD TO ENTER INTO CONTRACTS WITH THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION RELATING TO FEDERAL FUNDING FOR PROPOSED ROAD IMPROVEMENTS TO BE MADE LOCATED WITHIN THE CITY OF CHESTERFIELD (FIRST READING)

A motion was made by Councilmember Levinson, seconded by Councilmember Hurt, for the first reading of Bill #967. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #967 was read for the first time.

A motion was made by Councilmember Levinson, seconded by Councilmember Hurt, 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 Cullen, to table Bill #'s 967 and 968. A roll call vote was taken with the following results: Ayes - Cullen, Tilley. Nays - Flachsbart, Hilbert, Devers, Levinson, Hurt, Politte. The motion was declared defeated.

A motion was made by Councilmember Levinson, seconded by Councilmember Politte, for a second reading of Bill #967. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #967 was read for the second time. A roll call vote was taken for passage and approval of Bill #967, with the following results: Ayes - Flachsbart, Hilbert, Devers, Levinson, Hurt, Politte. Nays - Cullen and Tilley. Whereupon Mayor Leonard declared Bill #967 approved, passed it and it became ORDINANCE #943.

BILL #968 PROVIDES FOR THE CITY OF CHESTERFIELD TO ENTER INTO A CONTRACT WITH THE MISSOURI HIGHWAY AND TRANSPORTATION COMMISSION RELATING TO THE FEDERAL FUNDING FOR A PORTION OF THE PROPOSED IMPROVEMENTS TO BE MADE TO WILSON ROAD LOCATED WITHIN THE CITY OF CHESTERFIELD (FIRST READING)

A motion was made by Councilmember Levinson, seconded by Councilmember Hurt, for the first reading of Bill #968. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #968 was read for the first time.

A motion was made by Councilmember Levinson, seconded by Councilmember Hurt, 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 Levinson, seconded by Councilmember Politte, for a second reading of Bill #968. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #968 was read for the second time. A roll call vote was taken for passage and approval of Bill #968, with the following results: Ayes - Flachsbart, Hilbert, Devers, Levinson, Hurt, Politte. Nays - Cullen and Tilley. Whereupon Mayor Leonard declared Bill #968 approved, passed it and it became ORDINANCE #944.

BILL #969 GRANTS TO MFS COMMUNICATIONS COMPANY, INC. A LICENSE TO CONSTRUCT, OPERATE, MAINTAIN AND REPLACE COMMUNICATION TRANSMISSION LINES IN AND UPON PUBLIC ROADS, RIGHTS-OF-WAY AND EASEMENTS IN THE CITY OF CHESTERFIELD, MISSOURI; PROVIDING FOR THE REGULATION OF THE LICENSE SO GRANTED AND PROVIDING FOR COMPENSATION TO THE CITY OF CHESTERFIELD FOR THE GRANT HEREOF (FIRST AND SECOND READING - FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS APPROVAL)

A motion was made by Councilmember Hilbert, seconded by Councilmember Flachsbart, for the first reading of Bill #969. A voice vote was taken with a unanimous affirmative result and the

motion was declared passed. Bill #969 was read for the first time.

A motion was made by Councilmember Hilbert, seconded by Councilmember Flachsbart, 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 Hilbert, seconded by Councilmember Flachsbart, for a second reading of Bill #969. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #969 was read for the second time. A roll call vote was taken for passage and approval of Bill #969, with the following results: Ayes - Flachsbart, Hilbert, Devers, Levinson, Hurt, Politte, Cullen and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #969 approved, passed it and it became ORDINANCE #945.

BILL #970 ESTABLISHES PROCEDURES AND STANDARDS FOR THE REGULATION OF RATES FOR BASIC CABLE TELEVISION SERVICE AND EQUIPMENT (FIRST AND SECOND READING RECOMMENDED - FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS APPROVAL)

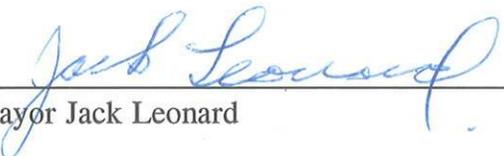
A motion was made by Councilmember Hilbert, seconded by Councilmember Flachsbart, for the first reading of Bill #970. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #970 was read for the first time.

BILL #971 ADOPTS CERTAIN CUSTOMER SERVICE RULES REGARDING OPERATORS OF CABLE TELEVISION SYSTEMS (FIRST AND SECOND READING RECOMMENDED - FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS APPROVAL)

A motion was made by Councilmember Hilbert, seconded by Councilmember Flachsbart, for the first reading of Bill #971. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #971 was read for the first time.

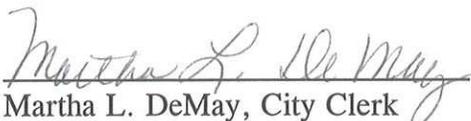
ADJOURNMENT

A motion was made by Councilmember Flachsbart, seconded by Councilmember Tilley, 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 8:15 P.M.



Mayor Jack Leonard

ATTEST:



Martha L. DeMay, City Clerk