



RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD AT 690 CHESTERFIELD PARKWAY WEST

October 5, 2005

The meeting was called to order at 7:30p.m.

Mayor Nations led everyone in the Pledge of Allegiance and followed with a moment of silent prayer.

Mayor Nations presented a Proclamation to Brad Schlosser in recognition of having won first place in “Class C” in the 24th Annual U.S. Chess Class Championship Tournament, sponsored by the United States Chess Federation (USCF). Brad is in the eighth grade at Parkway Central Middle School, where he is a member of both the track and cross-country team.

Mayor Nations next introduced Councilmember Jane Durrell, Council liaison to the Historical Commission, who was instrumental in the establishment of the Landmarks Preservation Commission. Mayor Nations also recognized the members of the Landmarks Preservation Commission in attendance for this special presentation. Mayor Nations, with the assistance of Councilmember Durrell, presented plaques to the owners of three historic structures, which have now been placed on Chesterfield’s Local Register of Historic Places. The owners of the historic properties are Betty Brandt, owner of the Ravens - Queathem House located at 14319 Olive Blvd., Al and Charlene Doty, owner of the Eberwein – Howe House, located at 1734 Old Baxter Road and Mr. and Mrs. Joe Bonwich, owners of the James Moss Payne House, located at 16 Greymore Drive.

Mayor Nations next recognized City Clerk Marty DeMay and a roll call was taken with the following results:

PRESENT

Mayor John Nations

ABSENT

None

Councilmember Barry Flachsbart
Councilmember Jane Durrell
Councilmember Barry Streeter
Councilmember Bruce Geiger
Councilmember Dan Hurt
Councilmember Mike Casey
Councilmember Mary K. Brown
Councilmember Connie Fults

City Attorney Doug Beach was not in attendance for this meeting.

APPROVAL OF MINUTES

The minutes of the September 19, 2005, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Streeter, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor John Nations announced that the next meeting of City Council has been scheduled for October 17.

COMMUNICATIONS AND PETITIONS

There were no communications and petitions at this meeting.

APPOINTMENTS

Mayor Nations placed the name of Mr. Jerry Right, 536 Upper Conway Circle (Ward 2) in nomination, to fill an unexpired term as the Arts Commission's representative on the Architectural Review Board. Councilmember Streeter made a motion, seconded by Councilmember Geiger, to appoint Mr. Right to fill this unexpired term as the Arts Commission's representative on the Architectural Review Board. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Right's term on the Architectural Review Board will expire June 1, 2007.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Jane Durrell, Chairperson of the Finance and Administration Committee, reported that the IRS has set up a "Leave Bank Program", through which employees can donate vacation time and the City will donate the value of that vacation time, untaxed, to a pre-approved organization, for Hurricane Katrina relief. The City currently shows all accumulated vacation time as a "liability", in terms of its financial statements. If

approved by City Council, the actual cost/value of this donated time would be paid from Fund Reserves. The Committee's recommendation would be to allow each employee to donate no more than one-half of his/her accrued vacation leave balance, for this purpose. This donation would be made to the Red Cross. Councilmember Durrell made a motion, seconded by Councilmember Flachsbart, to permit employees to donate no more than half of their accrued vacation leave balance for Hurricane Katrina relief, with all funds going to the American Red Cross. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Durrell announced that the next meeting of this Committee has been scheduled for October 5 at 5:30 p.m. [NOTE: This meeting was subsequently changed to 8:15pm, on Wednesday, October 5, following the City Council meeting.]

Public Works/Parks Committee

Councilmember Barry Streeter, Chairperson of the Public Works/parks Committee, reported that Bill No. 2386 (approves parking restrictions on Leiman Drive) will be read for the first time under the Legislation portion of the agenda.

Councilmember Streeter announced that the next meeting of this Committee has not been scheduled.

Planning and Zoning Committee

Councilmember Mike Casey, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2387 (P.Z. 21-2005, Stages – St. Louis) has been scheduled to be read for the first time. However, the President of Stages has requested that this legislation be given both first and second readings in order to expedite the process. Bill No. 2384 (P.Z. 12-2004 (P.Z. 12-2005, City of Chesterfield (Adult Entertainment Uses) and Bill No. 2388 (Approves a boundary adjustment plat for Conway on the Grove) will be considered for adoption under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Casey announced that the next meeting of this Committee has been scheduled for Thursday, October 6 at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that a liquor license request has been received from Moe's Southwest Grill, located at 17402 Chesterfield Airport Road, to sell all kinds of liquor by-the-drink and Sunday sales. The application has been recommended for approval by both the Department of Planning and the Police Department. Councilmember Casey made a motion, seconded by Councilmember Geiger, to approve issuance of a liquor license to Moe's Southwest Grill. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Director of Public Works/City Engineer Mike Geisel has successfully negotiated with Amcom Municipal Concrete, LLC to secure a bid for completion of sidewalk repairs, citywide. Amcom is currently performing contractual street repairs for the City. With this in mind, Mr. Herring joined with Mr. Geisel in recommending that the current contract between the City of Chesterfield and Amcom Municipal Concrete, LLC be increased by \$110,000, which would result in a total current authorization of \$1,310,000. This additional \$110,000 will enable completion of remaining sidewalk projects. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to approve this recommendation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that he has joined with Mr. Geisel in recommending award of a contract to The Plastic Lumber Company, in an amount not to exceed \$44,373, for the purpose of replacing existing City Limit signs. Mr. Herring noted that this bid is actually \$2,000 below the budget allocation. Councilmember Flachsbart made a motion, seconded by Councilmember Brown, to award a contract to The Plastic Lumber Company, in an amount not to exceed \$44,373, for the purpose of replacing existing City Limit signs. 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 a change order be approved to a previously authorized contract, coordinated by the Monarch-Chesterfield Levee District, involving earthwork at the Chesterfield Valley Athletic Complex (CVAC). The actual quantities and cost of work could not be fully defined at that time and quantities were estimated. This work has since been completed and final pay quantities agreed upon. Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, to approve a change order for the Stienmann & Sons grading contract, via the Monarch-Chesterfield Levee District in the amount totaling \$4,533.40. Mr. Herring noted that this entire expense is funded by the proceeds resulting from the passage of Proposition "P".

NEW BUSINESS

Councilmember Brown reported that not-for-profit organizations and other organizations located on the Chesterfield Parkway might be interested in having banners along, which could hang from the light fixtures, recently installed by the City, on the Chesterfield Parkway. After some discussion, this matter was forwarded to the Planning and Zoning Committee for further consideration.

LEGISLATION

BILL NO. 2386 AMENDS ORDINANCE NO. 35, SCHEDULE IX OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THERETO TO RESTRICT PARKING ON

**LEIMAN DRIVE (FIRST READING – PUBLIC
WORKS/PARKS COMMITTEE)**

Councilmember Streeter made a motion, seconded by Councilmember Geiger, for the first reading of Bill No. 2386. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2386 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2383 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO AN “E-2ACRE” ESTATE DISTRICT FOR A 25.1- ACRE TRACT OF LAND LOCATED NORTH OF WILDHORSE CREEK ROAD, EAST OF EATHERTON (P.Z. 06-2005, WILDHORSE CREEK INVESTORS, INC.) **(SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL AS AMENDED)**

Councilmember Casey made a motion, seconded by Councilmember Fults, for a second reading of Bill No. 2383. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2383 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2383, with the following results: Ayes – Geiger, Hurt, Brown, Casey, Durrell, Streeter, Flachsbart and Fults. Nays - None. Whereupon, Mayor Nations declared Bill No. 2383 approved, passed it and it became **ORDINANCE NO. 2205.**

BILL NO. 2384 AMENDS THE CITY OF CHESTERFIELD ZONING ORDINANCE SECTION 1003.140 AND SECTION 1003.150 TO INCLUDE ADULT ENTERTAINMENT USES IN THE “PC” PLANNED COMMERCIAL DISTRICT AND “PI” PLANNED INDUSTRIAL DISTRICT PERMITTED USES (P.Z. 12-2005, CITY OF CHESTERFIELD – ADULT ENTERTAINMENT USES) **(SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Casey made a motion, seconded by Councilmember Geiger, for a second reading of Bill No. 2384. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2384 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2384, with the following results: Ayes – Hurt, Streeter, Flachsbart, Fults, Durrell, Casey, Brown and Geiger. Nays - None. Whereupon, Mayor Nations declared Bill No. 2384 approved, passed it and it became **ORDINANCE NO. 2206.**

BILL NO. 2387 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CREATING A MUSEUM ARTS AREA (MAA) WITHIN AN 8.175 –ACRE “C-8/PC” PLANNED COMMERCIAL DISTRICT – ZONED PARCEL LOCATED AT THE INTERSECTION OF CHESTERFIELD AIRPORT ROAD AND CHESTERFIELD PARKWAY WEST, NEAR THE INTERSECTION OF CHESTERFIELD PARKWAY WEST AND HIGHWAY 40/INTERSTATE 64 (P.Z. 21-2005, STAGES ST. LOUIS) (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS RECOMMENDED WITHIN THE ATTACHED “GREEN SHEET”**)

Councilmember Casey made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 2387. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2387 was read for the first time. Councilmember Casey made a motion, seconded by Councilmember Geiger, to adopt the “green sheet” amendment attached to this legislation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2387 was amended. Councilmember Flachsbart made a motion, seconded by Councilmember Brown, to suspend the rules and have the second reading of Bill No. 2387. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Flachsbart next made a motion for the second reading of Bill No. 2387, as amended. The motion was seconded by Councilmember Brown. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2387 was read for the second time. Councilmember Casey next made a motion to further amend the previous “green sheet” amendment, to include the words, “as determined by the City of Chesterfield”, to the last sentence of the language contained within the original “green sheet”. Councilmember Flachsbart seconded this motion, which was approved unanimously, by voice vote. A roll call vote was taken for passage and approval of Bill No. 2387, as amended, with the following results: Ayes – Flachsbart, Casey, Fults, Durrell, Brown, Geiger, Streeter and Hurt. Nays - None. Whereupon, Mayor Nations declared Bill No. 2387 approved, passed it and it became **ORDINANCE NO. 2207.**

BILL NO. 2388 APPROVES A BOUNDARY ADJUSTMENT PLAT OF CONWAY ON THE GROVE, LOTS 4 AND 5, CITY OF CHESTERFIELD, COUNTY OF ST. LOUIS, STATE OF MISSOURI (**FIRST AND SECOND READINGS – DEPARTMENT OF PLANNING RECOMMENDS APPROVAL**)

Councilmember Casey made a motion, seconded by Councilmember Brown, for the first reading of Bill No. 2388. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2388 was read for the first time.

Councilmember Casey made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 2388. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2388 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2388, with the following results: Ayes – Durrell, Brown, Fults, Streeter, Hurt, Flachsbart, Geiger and Casey. Nays - None. Whereupon, Mayor Nations declared Bill No. 2388 approved, passed it and it became **ORDINANCE NO. 2208.**

ADJOURNMENT

Mayor Nations adjourned the meeting at p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk