



## RECORD OF PROCEEDING

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

**October 21, 2002**

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

The Pledge of Allegiance was led by Girl Scout Troop #111 from Parkway Central Middle School: Molly Anderson, Elizabeth Belew, Devon Cramer, Hannah Deck, Samantha Dauphinais, Melanmie Guenther, Emmeline Kuo, Karen Michelson and Susan Reina. Also in attendance were Troop Leaders Lynn Reina and Jill Anderson.

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

A roll call was taken with the following results:

**PRESENT**

Mayor John Nations  
Councilmember Barry Flachsbart  
Councilmember Jane Durrell  
Councilmember Barry Streeter  
Councilmember Bruce Geiger  
Councilmember Dan Hurt  
Councilmember Mary K. Brown  
Councilmember Connie Fults

**ABSENT**

Councilmember Mike Casey

**APPROVAL OF MINUTES**

The minutes of the October 7, 2002, City Council meeting were submitted for approval. Councilmember Fults made a motion, seconded by Councilmember Brown, to approve the City Council minutes. Councilmember Geiger made a motion, seconded by Councilmember Streeter, to amend the October 7, 2002 City Council minutes to reflect a change in the Investment Policy. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A voice vote was then taken for approval of the October 7, 2002 minutes, as amended. Mayor Nations declared the vote unanimous and the October 7, 2002 minutes approved.

## **INTRODUCTORY REMARKS**

Mayor Nations introduced Dan Rothwell, member of the Historical Commission and the Landmarks Preservation Commission, who unveiled the pictures he had taken during the City Hall construction process. Mayor Nations commended Mr. Rothwell for his excellent photography and dedicating this piece of art to the City for all to enjoy in the years to come.

Chief Ray Johnson presented “National Night Out” awards to Cathy Lasatre from Chesterfield Hills and Sharon Brennan from the Bluffs of Wildhorse for their excellent programs and to Sue Brown from Shenandoah subdivision for outstanding participation. “National Night Out” was held on August 6.

Mayor Nations announced that a special City Council meeting would be held October 29 at 12:30 p.m. to approve debt refinancing for the Public Works Facility.

Mayor Nations next reminded those in attendance to turn their clocks back to central standard time on Sunday, October 27.

## **COMMUNICATIONS AND PETITIONS**

Julie Nolfo, Crawford Bunte and Brammeier, 1830 Craig Park Court, supported the right turn in, right turn out concept in Bill No. 2112 (Chesterfield Commons Office Building Three) ordinance amendment.

Mike Doster, attorney for the petitioner, 17107 Chesterfield Airport Road, suggested that Bill No. 2112 (Chesterfield Commons Office Building Three) be held until the next meeting and, in addition, he noted that there were neon signs located in the area of the proposed Walgreens.

Dean Burns, representative for THF Realty, supported the right turn in, right turn out concept in Bill No. 2112 (Chesterfield Commons Office Building Three) ordinance amendment.

## **COUNCIL COMMITTEE REPORTS**

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

Councilmember Barry Flachsbart, Chairperson of the Public Works/Parks Committee, reported that the Committee has authorized Staff to submit a full application for a “Municipal Parks Grant” to add additional lighted fields, landscaping and construct ADA sidewalks and bleacher pads at the Chesterfield Athletic Complex. In order to submit the application for said grant funds, it would be necessary to adopt Resolution #287, which authorizes the City Administrator to sign and execute the necessary documents for forwarding this project to the Municipal Parks Grant Committee. Councilmember Flachsbart made a motion, seconded by Councilmember Brown, to adopt Resolution No. 287. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart next reported that Bill No. 2105 (authorizes the revised agreement with MoDOT regarding Highway 340 Enhancement project) and Bill No. 2110 (approves the

installation of a fire hydrant on Kehrs Mill Road) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Flachsbart announced that the next meeting of this Committee has been scheduled for November 20 at 5:30 p.m.

### **Finance and Administration Committee**

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee, reported that Bill No. 2106 (authorizes an extension of the Charter Cable franchise) would be considered for adoption and Bill No. 2115 (approves refinancing of debt with regard to the Public Works Maintenance Facility) will be read for the first time under the “Legislation” portion of the agenda.

Councilmember Geiger announced that a special City Council meeting would be held Oct. 29 at 12:30 p.m. for refinancing the Public Works Facility debt.

Councilmember Geiger announced that the next meeting of this Committee has been scheduled for Nov.6 at 5:30 p.m. and following that meeting, there will be a meeting to review the proposed FY2003 Budget.

### **Planning and Zoning Committee**

Councilmember Dan Hurt, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2099 (P.Z. 38-2001, Davis Land Company), Bill No. 2112 (Chesterfield Commons Office Building Three Ordinance Amendment), Bill No. 2113 (approves a vacation of a portion of right-of-way on Old Olive Street Road) and Bill No. 2114 (approves a record plat for Chesterfield Business Park Lot 2) will be considered for adoption and Bill No. 2111 (P.Z. 12-2002, TDG Acquisitions (Junior Achievement) will be read for the first time under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Hurt next reported that City Council will have an automatic review of the site development plan for the proposed Walgreens; however, City Council has been requested to define what issues specifically are to be reviewed and who shall address these concerns. Councilmember Streeter made a motion, seconded by Councilmember Geiger, to forward this Power of Review to the Planning and Zoning Committee for further discussion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

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

### **Public Health and Safety Committee**

Councilmember Mary Brown, Chairperson of the Public Health and Safety Committee, reported that Bill No. 2108 (amends Code sections regarding Police reserves) and Bill No. 2109 (amends Code sections regarding the Board of Police Commissioners) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Brown announced that the next meeting of this Committee has been scheduled for October 28 at 5:30 p.m.

## **REPORT OF THE CITY ADMINISTRATOR**

City Administrator Mike Herring reported that bids were recently sought for landscaping of the Phase Two of the Timberlake Manor interchange project. Based upon Director of Public Works/City Engineer Mike Geisel's recommendation, Mr. Herring joined with him in recommending that a contract be entered into with Farinella Brothers Nursery, in an amount not to exceed \$34,910. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to enter into a contract with Farinella Brothers Nursery, in an amount not to exceed \$34,910 for the landscaping project. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

City Administrator Herring next reported that Staff is recommending for City Council's consideration, competitive lighting bids for the athletic fields, which are good for a three-year period, between October 1, 2002 – September 30, 2003. He noted that there are no funds within the FY2002 budget and there are no purchases being sought at the present time. By approving these specific bids, the City of Chesterfield will be able to access this pricing anytime during the above-noted 3-year period and be guaranteed that these prices will hold constant throughout that time. Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, to secure the lighting bids for the period of time from October 1, 2002 – September 30, 2003. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **LEGISLATION**

**BILL NO. 2105** AUTHORIZES THE CITY ADMINISTRATOR TO EXECUTE A MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, STP-URBAN PROGRAM SUPPLEMENTAL AGREEMENT REGARDING THE DESIGN AND CONSTRUCTION OF THE "HIGHWAY 340 ENHANCEMENT PROJECT" (**SECOND READING – PUBLIC WORKS/PARKS COMMITTEE**)

Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, for a second reading of Bill No. 2105. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2105 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2105, with the following results: Ayes – Flachsbart, Geiger, Streeter, Hurt, Durrell, Brown and Fults. Nays - None. Whereupon Mayor Nations declared Bill No. 2105 approved, passed it and it became **ORDINANCE NO. 1881**.

**BILL NO. 2106** EXTENDS THE TERM OF A NON-EXCLUSIVE CABLE TELEVISION FRANCHISE TO CHARTER COMMUNICATIONS ENTERTAINMENT I, L.P. (**SECOND READING - FINANCE AND ADMINISTRATION COMMITTEE**)

Councilmember Geiger made a motion, seconded by Councilmember Flachsbart, for a second reading of Bill No. 2106. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2106 was read for the second time. A roll call vote was

taken for passage and approval of Bill No. 2106, with the following results: Ayes – Streeter, Durrell, Flachsbart, Fults, Hurt, Brown and Geiger. Nays - None. Whereupon Mayor Nations declared Bill No. 2106 approved, passed it and it became **ORDINANCE NO. 1882.**

**BILL NO. 2108** AMENDS ORDINANCE 136, SECTION 7 AND CODE SECTION 24-92 RELATING TO THE POWERS AND DUTIES OF THE POLICE RESERVE FORCE OF THE CITY OF CHESTERFIELD (**SECOND READING – PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Brown made a motion, seconded by Councilmember Flachsbart, to amend Bill No. 2108 to change the wording in Section 1 .....must be under the direct and immediate accompaniment of a certified peace officer of the same agency at all times while performing primary law enforcement functions. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Brown made a motion, seconded by Councilmember Fults, to hold Bill No. 2108, as amended, and place it on the agenda for the next Public Health and Safety Committee meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO. 2109** INTENDS TO CLARIFY AND UPDATE VARIOUS SECTIONS OF THE CITY CODE RELATIVE TO THE BOARD OF POLICE COMMISSIONERS (**SECOND READING – PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Brown made a motion, seconded by Councilmember Flachsbart, for a second reading of Bill No. 2109. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2109 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2109, with the following results: Ayes – Hurt, Flachsbart, Durrell, Geiger, Fults, Brown and Streeter. Nays - None. Whereupon Mayor Nations declared Bill No.2109 approved, passed it and it became **ORDINANCE NO. 1883.**

**BILL NO. 2110** APPROVES THE INSTALLATION OF A FIRE HYDRANT ON KEHRS MILL ROAD, LOCATED WITHIN THE CITY OF CHESTERFIELD (**FIRST AND SECOND READINGS – PUBLIC WORKS/PARKS COMMITTEE**)

Councilmember Flachsbart made a motion, seconded by Councilmember Hurt, to hold Bill No. 2110 until clarification is received as to the exact location of this proposed fire hydrant. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO. 2115** APPROVES THE DELIVERY OF \$2,325,000\* PRINCIPAL AMOUNT OF CERTIFICATES OF PARTICIPATION (CITY OF CHESTERFIELD, MISSOURI, LESSE), SERIES 2002, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS OF REFUNDING THE SERIES 1995 CERTIFICATES OF

PARTICIPATION; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION WITH THE DELIVERY OF THE CERTIFICATES; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE DELIVERY OF THE CERTIFICATES (**FIRST READING – FINANCE AND ADMINISTRATION RECOMMENDS APPROVAL**)

Councilmember Geiger made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2115. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2115 was read for the first time.

### **LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2099** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “C-8” PLANNED COMMERCIAL DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 1.983 ACRE TRACT OF LAND, LOCATED BETWEEN CLARKSON ROAD AND OLD BAXTER ROAD, SOUTH OF CHESTERFIELD PARKWAY EAST (P.Z. 38-2001) (**SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, AS AMENDED**)

Councilmember Hurt made a motion, seconded by Councilmember Geiger, for a second reading of Bill No. 2099. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2099 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2099, with the following results: Ayes – Streeter, Fults, Geiger, Hurt, Durrell, Flachsbart and Brown. Nays - None. Whereupon Mayor Nations declared Bill No. 2099 approved, passed it and it became **ORDINANCE NO. 1884**.

**BILL NO. 2111** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT AND AN “FPNU” FLOOD PLAIN NON-URBAN DISTRICT TO A “PI” PLANNED INDUSTRIAL DISTRICT FOR A 5.3 ACRE TRACT OF LAND, LOCATED NORTH OF NORTH OUTER FORTY ROAD, WEST OF BOONE’S CROSSING (P.Z. 12-2002 TDG ACQUISITIONS – JUNIOR ACHIEVEMENT) (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Streeter, for the first reading of Bill No.2111. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2111 was read for the first time.

**BILL NO. 2112**

AMENDS CITY OF CHESTERFIELD ORDINANCE NO. 1627 FOR A NEW AMENDED ORDINANCE RELATING TO A “C-8” PLANNED COMMERCIAL DISTRICT, FOR A TRACT OF LAND LOCATED NORTH AND SOUTH OF CHESTERFIELD AIRPORT ROAD, EAST OF BOONE’S CROSSING (ORIGINALLY P.Z.24-1997 THF DEVELOPMENT L.L.C./CHESTERFIELD COMMONS) (**FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL OF AMENDMENT; PLANNING AND ZONING COMMITTEE RECOMMENDS DENIAL**)

Councilmember Hurt made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2112. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2112 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Streeter, to hold Bill No. 2112 for further review. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO. 2113**

VACATES THE REMAINING PORTION OF RIGHT-OF-WAY OF OLD OLIVE STREET ROAD, REFERRED TO AS THE ABICHANDANI TRACT, EXCEPT FROM ANY REQUEST FOR VACATION OF RIGHTS OR EASEMENTS OWNED BY SOUTHWESTERN BELL TELEPHONE COMPANY DEPICTED ON THE EXHIBIT “A”, BEING PART OF U.S. SURVEY 2031, TOWNSHIP 45 NORTH, RANGE 4 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI (**FIRST AND SECOND READINGS – DEPARTMENTS OF PLANNING AND PUBLIC WORKS RECOMMEND APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Streeter, for the first reading of Bill No.2113. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2113 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 2113. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2113 was read for the second time. A roll call vote was taken for passage and approval of Bill No.2113, with the following results: Ayes – Flachsbart, Geiger, Streeter, Brown, Fults, Hurt and Durrell. Nays - None. Whereupon Mayor Nations declared Bill No. 2113 approved, passed it and it became **ORDINANCE NO. 1885**.

**BILL NO. 2114**

PROVIDES FOR THE APPROVAL OF THE RECORD PLAT FOR LOT 2 OF THE CHESTERFIELD BUSINESS PARK, A 1.72 ACRE TRACT OF LAND IN A “PI” PLANNED INDUSTRIAL DISTRICT, LOCATED EAST OF CHESTERFIELD BUSINESS PARKWAY, SOUTH OF CHESTERFIELD AIRPORT ROAD (**FIRST AND SECOND**

**READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2114. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2114 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 2114. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2114 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2114, with the following results: Ayes – Durrell, Hurt, Fults, Brown, Streeter, Geiger and Flachsbart. Nays - None. Whereupon Mayor Nations declared Bill No. 2114 approved, passed it and it became **ORDINANCE NO. 1886**.

**ADJOURNMENT**

Mayor Nations adjourned the meeting at 8:04 p.m.

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Mayor John Nations

**ATTEST:**

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Martha L. DeMay, City Clerk