

RECORD OF PROCEEDING

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

November 5, 2001

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

A roll call was taken with the following results:

PRESENT

ABSENT

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

None

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

APPROVAL OF MINUTES

The minutes of the October 15, 2001, City Council meeting were submitted for approval. Councilmember Casey made a motion to approve the City Council minutes. Councilmember Scheidt seconded the motion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Nations announced that the Government Center would be closed November 12 in remembrance of Veteran's Day.

Mayor Nations next announced that the November 19 City Council meeting had been cancelled, due to the move to the new City Hall. The next meeting of City Council will be held December 3 at the new City Hall, located at 690 Chesterfield Parkway West.

Mayor Nations recognized Darcy Capstick, Chairperson of the Citizens for the Environment Committee, who reminded everyone that November 15 is American/Missouri/Chesterfield Recycles Day and urged everyone to recycle. Ms. Capstick introduced some of the members of this Committee, who modeled clothing made from recycled products.

Mayor Nations next recognized Councilmember Barry Streeter. Councilmember Streeter noted that in the Mayor/Council/Staff held a planning meeting on October 6. Discussion took place regarding the direction the City should move in the future. Since the City previously concentrated on infrastructure, primarily street repair, and addressed some of the storm water problems, that it was now time to perhaps move in another direction, such as parks. He urged the residents to consider what they wanted to see the City to set as goals for the future and to let their Councilmembers know their thoughts and ideas.

COMMUNICATIONS AND PETITIONS

Mike Doster, 16476 Chesterfield Airport Road, supported Bill No. 2017, P.Z. 41-2001, Howard Bend and Bill No. 2017, P.Z. 42-2001, Howard Bend.

Lynne Johnson, who resides at 15125 Conway Road, expressed concern with the proposed Bill No. 2021, P.Z. 21-2001, Bill No. 2022, P.Z. 22-2001 and Bill No. 2023, P.Z. 23-2001, all related to Delmar Gardens.

Clayton Hathway, who resides at 112 High Valley, expressed concerns related to Spirit Airport and supports the City addressing these issues.

Jerry Duepner, 16640 Chesterfield Grove, stated he would be happy to address any concerns related to Bill No. 2017, P.Z. 41-2001, Howard Bend and Bill No. 2018, P.Z. 42-2001, Howard Bend.

Connie Fultz, who resides at 129 Brighthurst, supported the installation of a traffic signal at Baxter Road and Ascension Drive.

Beth Cantalin, who resides at 223 Cheval Square Drive, supported the installation of a traffic signal at Baxter Road and Ascension Drive.

Suzie Marx, who resides at 156 Von Behren Drive, supported the installation of a traffic signal at Baxter Road and Ascension Drive.

William Lukas, who resides at 732 Stonebluff Court, supported the installation of a traffic signal at Baxter Road and Ascension Drive.

Cindy Stazzone, who resides at 16924 Crystal Springs, supported the installation of a traffic signal at Baxter Road and Ascension Drive.

Karyn Griffin, who resides in Chesterfield Manor, supported the installation of a traffic signal at Baxter Road and Ascension Drive.

John Vann, who resides at 16801 Chesterfield Bluffs Circle, opposed the installation of a traffic signal at Baxter Road and Ascension Drive.

Robert Paul, who resides at 16776 Chesterfield Bluffs Circle, opposed the installation of a traffic signal at Baxter Road and Ascension Drive.

Dan Ryan, who resides at 116 Chesterfield Bluffs Drive, opposed the installation of a traffic signal at Baxter Road and Ascension Drive.

Michael Pozsgay, who resides at 16827 Chesterfield Bluffs Circle, opposed the installation of a traffic signal at Baxter Road and Ascension Drive.

Kathy Teutenberg, who resides at 125 Chesterfield Bluffs Drive, opposed the installation of a traffic signal at Baxter Road and Ascension Drive.

Jay Marshall Saye, who resides at 121 Chesterfield Bluffs Drive, opposed the installation of a traffic signal at Baxter Road and Ascension Drive.

Vincent Perna, who resides at 16787 Chesterfield Bluffs Circle, opposed the installation of a traffic signal at Baxter Road and Ascension Drive.

Mary Purvines, who resides at 16863 Chesterfield Bluffs Circle, opposed the installation of a traffic signal at Baxter Road and Ascension Drive.

Helene Hennelly, who resides at 16781 Chesterfield Bluffs Circle, opposed the installation of a traffic signal at Baxter Road and Ascension Drive.

Ken Weintraub, President and CEO of the Jewish Community Center, opposed the installation of a traffic signal at Baxter Road and Ascension Drive.

Carmen Gassert, who resides at 271 Cheval Square, supported the installation of a traffic signal at Baxter Road and Ascension Drive.

Councilmember Streeter made a motion, seconded by Councilmember Durrell, to suspend the rules of Council and address the traffic signal issue at Baxter Road and Ascension Drive at this time. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Scheidt made a motion, seconded by Councilmember Brown, to approve the installation of a traffic signal at Baxter Road and Ascension Drive. Discussion

ensued. A roll call vote was taken with the following results: Ayes – Geiger, Streeter, Brown, Hurt, Durrell, Scheidt. Nays – Casey and Flachsbart. Mayor Nations declared the motion passed.

APPOINTMENTS

Mayor Nations nominated Mark Raisher for appointment and Arlene Taich for re-appointment to the Finance and Administration Citizens Advisory Committee. Councilmember Streeter made a motion, seconded by Councilmember Geiger, to appoint Mark Raisher and re-appoint Arlene Taich as members of the Finance and Administration Citizens Advisory Committee. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Both terms will expire June 15, 2004.

Mayor Nations next nominated Gladys Israel for appointment to the Human Rights Commission. Councilmember Durrell made a motion, seconded by Councilmember Flachsbart, to approve the appointment of Gladys Israel as a member of the Human Rights Commission. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Ms. Israel's term will expire May 6, 2004.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Jane Durrell, Chairperson of the Finance and Administration Committee, reported that the next meeting of this Committee has been scheduled for Wednesday, November 7 at 5:30 p.m.

Public Works/Parks Committee

Councilmember Barry Streeter, Chairperson of the Public Works/Parks Committee, reported that Bill No. 2027 regarding fire hydrants in Estates at Pacland Place will be considered for adoption under the "Legislation" portion of the agenda and that Bill No. 2028, regarding mutual aid agreement, will be read for the first time.

Councilmember Streeter announced that the next meeting of this Committee has been scheduled for Wednesday, November 28 at 5:30 p.m.

Planning and Zoning Committee

Councilmember Charles Scheidt, Chairperson of the Planning and Zoning Committee, reported that Bill No. 1998 (Nooning Tree) PEU amendment) will be held until the next meeting.

Councilmember Scheidt next reported that Bill No. 2017 (P.Z. 41-2001, Howard Bend), Bill No. 2018 (P.Z. 42-2001, Howard Bend) and Bill No. 2024 (approves City Council

ward redistricting) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Scheidt next reported that Bill No.2021, P.Z. 21-2001, Delmar Gardens, Bill No. 2022, P.Z. 22-2001, Delmar Gardens and Bill No. 2023, P.Z. 23-2001, Delmar Gardens, will be read for the first time under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Scheidt made a motion, seconded by Councilmember Hurt, to refer Bill No. 2025 (approves property maintenance code for non-residential structures) and Bill No. 2026 (approves property maintenance code for residential structures) back to Committee for additional review. A voice vote was taken with an affirmative result (Councilmembers Flachsbart and Streeter voted “No”) and the motion was declared passed.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that Director of Public Works/City Engineer Mike Geisel has recommended a change order to the contract previously approved by City Council with Jacobsmeyer-Mauldin, in an amount totaling \$80,056. That change would bring the original contract to a total of \$1,097,056. This change is required due to City Council’s decision to approve a cascading water feature for the new City Hall. Councilmember Hurt made a motion, seconded by Councilmember Casey, to approve the change order with Jacobsmeyer-Mauldin, in an amount totaling \$80,056 for work required in conjunction with the cascading water feature for the new City Hall. 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 is recommending a change order to the original contract between the City of Chesterfield and Schneider Electric, for a total amount of \$38,487. This change will bring the original authorization for the contract with Schneider Electric for a total amount of \$1,611,002. This change order is necessary to provide connections for the phone system and data racks in the server room; for the supply and installation of stone-like bollards at the plaza at the front of the building; and, to provide electrical facilities related to the cascading water feature and the audio/visual systems. Councilmember Streeter made a motion, seconded by Councilmember Flachsbart, to approve the change order with Schneider Electric, for a total amount of \$38,487, for electrical work necessary in various locations of the new City Hall. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that City Council previously authorized a contract with DeLuca Plumbing for the construction of fountain systems at the new City Hall. Mr. Geisel is recommending a change order, totaling \$10,000 to bring the original contract to a new total of \$298,718. This additional work is in conjunction with the cascading water feature recently approved by City Council. Councilmember Streeter made a motion, seconded by Councilmember Casey, to approve a change order, totaling \$10,000 for

work in conjunction with the cascading water feature. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that City Council previously authorized a contract with Mertens Plumbing, in an amount not to exceed \$400,534. Mr. Geisel is now recommending a change order, totaling \$17,185, bringing the total authorization to \$417,719. This additional work is necessary to meet the requirements of the Fire District, including the installation of an additional fire hydrant. Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, to approve the change order contract with Mertens Plumbing, in an amount not to exceed \$400,534 for costs associated with the installation of an additional fire hydrant. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that City Council previously authorized a contract with Eagle Management Systems, in an amount not to exceed \$161,217. As a result of meetings with the consultant and the Police Department, to insure that the security systems fully meets their needs, Mr. Geisel is now recommending that a change order, totaling \$36,416, be approved by City Council. However, due to the previously established contingencies, the total amount for this change, requiring City Council's authorization, is \$29,739, bringing the total authorization to \$190,956. Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, to approve the change order with Eagle Management Systems, in an amount not to exceed \$29,739, for work associated with the security systems in the new City Hall. 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 recommended that the original contract with S. M. Wilson, for construction management services, be amended by a total amount, not to exceed, \$90,615. This would result in a new total authorized contract in the amount of \$810,615. This additional work is due for testing services and miscellaneous site cleanup, provided directly by S. M. Wilson. Councilmember Brown made a motion, seconded by Councilmember Durrell, to approve the change order with S. M. Wilson for construction management services, in an amount not to exceed \$90,615. 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 recommended that a contract be awarded to Park Place Signs in an amount not to exceed \$25,000, for all building signage at the new City Hall. Councilmember Geiger made a motion, seconded by Councilmember Streeter, to award a contract to Park Place Signs, in an amount not to exceed \$25,000, for building signage for the new City Hall. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that due to a variety of problems involving the Ladue Royal Subdivision, the Public Works/Parks Committee had directed Staff to pursue the completion of subdivision improvements within this subdivision, due to basement flooding that was occurring in one of the homes and the failure of the developer to

complete required improvements. It is the intention of Staff to recover these costs and, with the assistance of the City Attorney, staff is presently pursuing this. Bids were recently sought to complete these improvements and Deputy Director of Public Works/Assistant City Engineer Brian McGownd recommends that a contract be awarded to Sunrise Construction Company, in an amount not to exceed \$50,000. The cost for this project will be deducted from the Capital Projects Storm Sewer Improvements Account, which has adequate funds to cover this total amount. Councilmember Streeter made a motion, seconded by Councilmember Durrell, to award a contract to Sunrise Construction Company, in an amount not to exceed \$50,000, for subdivision improvements in the Ladue Royal Subdivision. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for a storm water restoration project, as approved by the Public Works/Parks Committee. Deputy Director of Public Works/Assistant City Engineer Brian McGownd is recommending that a contract be approved with R & R Finish Grading, Inc. in an amount not to exceed \$218,000. This contract would require the transfer of \$70,400 from the Contingency Fund, to the Capital Projects Storm Sewer Improvements Account. Mr. Herring joined with Mr. Geisel and Mr. McGownd in recommending approval of these recommendations by City Council. Councilmember Streeter made a motion, seconded by Councilmember Geiger, to award a contract to R & R Finish Grading, Inc., in an amount not to exceed \$218,000, for the Bridle Creek storm water restoration. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring reported that it is time, once again, for City Council to act to extend the current contract with the Chesterfield Community Development Corporation for the professional services of Col. Lee McKinney, former head of the St. Louis division of the Corps of Engineers. This extension will be from November 1, 2001 - April 30, 2002. Councilmember Brown made a motion, seconded by Councilmember Scheidt, to adopt Resolution No. 278, which extends the contract with CCDC for the professional services of Col. Lee McKinney. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

Councilmember Brown expressed concern that the residents affected by the changes in Wards, due to redistricting, be notified of these changes. After some discussion, Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, to appropriate funds up to \$5,000 from Contingency, if needed, for the purpose of mailing notices to affected residents, informing them of ward changes, due to redistricting. A roll call vote was taken with the following results: Ayes – Brown, Scheidt, Durrell, Flachsbart, Hurt, Casey, Streeter and Geiger. Nays – None. Mayor Nations declared the motion passed. This issue is to be discussed by the Finance and Administration Committee of Council to determine if this should be pursued, at the November 7th meeting.

Councilmember Brown expressed her desire that City Council send a letter to the City of Ballwin opposing proposed development of any kind, other than residential, for the corner of Kehrs Mill Road and Clarkson Road. After some discussion, Councilmember Brown made a motion, seconded by Councilmember Flachsbart, to direct Mayor Nations to obtain information that was discussed at the City of Ballwin Public Hearing regarding this development and after reviewing the information, proceed with sending a letter to Ballwin expressing the type of development the City of Chesterfield would desire at that location. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

LEGISLATION

BILL NO. 2027 APPROVES THE INSTALLATION OF FIRE HYDRANTS IN ESTATES AT PACLAND PLACE SUBDIVISION LOCATED WITHIN THE CITY OF CHESTERFIELD (FIRST AND SECOND READINGS)

Councilmember Streeter made a motion, seconded by Councilmember Brown, for the first reading of Bill No. 2027. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2027 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 2027. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2027 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2027, with the following results: Ayes – Hurt, Brown, Geiger, Flachsbart, Scheidt, Casey, Streeter and Durrell. Nays - None. Whereupon Mayor Nations declared Bill No. 2027 approved, passed it and it became **ORDINANCE NO. 1799**.

BILL NO. 2028 AUTHORIZES AND DIRECTS THE EXECUTION OF AN AGREEMENT BY MAJOR JOHN NATIONS ON BEHALF OF THE CITY OF CHESTERFIELD WITH THE CITIES OF BALLWIN, CLARKSON VALLEY, ELLISVILLE, MANCHESTER, TOWN & COUNTRY, WILDWOOD AND WINCHESTER RELATIVE TO MUTUAL AID ASSISTANCE IN DISASTER OR EMERGENCY SITUATIONS (FIRST READING)

Councilmember Streeter made a motion, seconded by Councilmember Brown, for the first reading of Bill No. 2028. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2028 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2017 REQUESTS A CHANGE IN ZONING FROM “NU” NON-URBAN TO “R-3” 10,000 SQUARE FOOT RESIDENTIAL

DISTRICT FOR 39.18 ACRES OF LAND LOCATED ON OLIVE BOULEVARD, ACROSS FROM THE INTERSECTION OF LADUE ROAD AND OLIVE BOULEVARD (P.Z.41-2001, HOWARD BEND) (**SECOND READING** - PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 2017. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2017 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2017, with the following results: Ayes - Geiger, Brown, Durrell, Casey, Hurt, Scheidt and Streeter. Nays - Flachsbart. Whereupon Mayor Nations declared Bill No. 2017 approved, passed it and it became **ORDINANCE NO. 1800**.

BILL NO. 2018 ESTABLISHES A PLANNED ENVIRONMENT UNIT (PEU) SPECIAL PROCEDURE IN THE “R-3” 10,000 SQUARE FOOT RESIDENTIAL DISTRICT FOR A 39.18 ACRE TRACT OF LAND LOCATED ON OLIVE BOULEVARD, ACROSS FROM THE INTERSECTION OF LADUE ROAD AND OLIVE BOULEVARD (P.Z. 42-2001, HOWARD BEND) (**SECOND READING** - PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 2018. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2018 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2018, with the following results: Ayes –Casey, Geiger, Brown, Hurt, Scheidt, Durrell and Streeter. Nays - Flachsbart. Whereupon Mayor Nations declared Bill No. 2018 approved, passed it and it became **ORDINANCE NO. 1801**.

BILL NO. 2021 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF THE “NU” NON-URBAN DISTRICT TO “PC” PLANNED COMMERCIAL DISTRICT FOR AN 8.5 ACRE TRACT OF LAND ON THE NORTH SIDE OF NORTH OUTER FORTY ROAD, EAST OF DELMAR GARDENS (P.Z. 21-2000, DELMAR GARDENS) (**FIRST READING** – PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for the first reading of Bill No. 2021. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2021 was read for the first time.

BILL NO. 2022 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN

“NU” NON-URBAN DISTRICT TO AN “R-3” 10,000 SQUARE FOOT RESIDENCE DISTRICT FOR 6.3 ACRES OF LAND LOCATED ON THE SOUTH SIDE OF CONWAY ROAD, EAST OF DELMAR GARDENS (P.Z. 22-2001 – DELMAR GARDENS – BELLE MONTE ROAD) (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for the first reading of Bill No. 2022. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2022 was read for the first time.

BILL NO. 2023 ESTABLISHES A PLANNED ENVIRONMENT UNIT (PEU) SPECIAL PROCEDURE IN AN “R-3” 10,000 SQUARE FOOT RESIDENCE DISTRICT FOR 6.3 ACRES OF LAND LOCATED ON THE SOUTH SIDE OF CONWAY ROAD, EAST OF DELMAR GARDENS (P.Z. 23-2001, DELMAR GARDENS – BELLE MONTE ROAD) (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for the first reading of Bill No. 2023. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2023 was read for the first time.

BILL NO. 2024 REPEALS ORDINANCE NO. 724 IN ITS ENTIRETY AND ADOPTS A NEW ORDINANCE ESTABLISHING THE WARDS AND WARD BOUNDARIES OF THE CITY OF CHESTERFIELD (**FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for the first reading of Bill No. 2024. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2024 was read for the first time.

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 2024. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2024 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2024, with the following results: Ayes – Geiger, Flachsbart, Streeter, Durrell, Scheidt, Casey, Hurt, and Brown. Nays - None. Whereupon Mayor Nations declared Bill No. 2024 approved, passed it and it became **ORDINANCE NO. 1802**.

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