



RECORD OF PROCEEDING

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

November 6, 2000

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

A roll call was taken with the following results:

PRESENT

Mayor Nancy Greenwood
Councilmember Jane Durrell
Councilmember Barry Streeter
Councilmember John Nations
Councilmember Dan Hurt
Councilmember Mary K. Brown
Councilmember Charles Scheidt

ABSENT

Councilmember Barry Flachsbart
Councilmember Mike Casey

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

APPROVAL OF MINUTES

The minutes of the October 16, 2000, City Council meeting were submitted for approval. Councilmember Durrell made a motion to approve the City Council minutes. Councilmember Streeter seconded the motion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Greenwood announced that the City of Chesterfield received a generous donation from Councilmember Mary Brown to build a pavilion at the Chesterfield Valley Athletic Complex. Mayor Greenwood thanked Councilmember Brown for this generous donation, which will be a memorable tribute to her late husband, Roger Brown.

Mayor Greenwood presented Darcy Capstick, Chairperson of the Citizens Committee for the Environment, and her Committee members with a proclamation in recognition of America/Missouri/Chesterfield Recycles Day.

Mayor Greenwood urged everyone to vote in the national election tomorrow.

Mayor Greenwood announced that the Government Center would be closed on Friday, November 10 in observance of Veterans Day holiday.

COMMUNICATIONS AND PETITIONS

Harvey Present, who resides at 1073 Appalachian Trail, represented Shenandoah Subdivision and supported Bill Nos. 1892, 1893, 1894 and 1895, Greater Missouri Builders.

Roger Cox, developer for Greater Missouri Builders, supported Bill Nos. 1892, 1893, 1894 and 1895, which pertain to his project.

Ted Allison, who resides at 2126 Chesterfield Place, spoke in support of the City's vote to defeat Bill No. 1866, P.Z. 19-2000, THF Development (Bluestone Commons).

Ben Murphy, who resides at 15696 Silverlake Court, criticized the City for the article regarding the Charter Commission Public Hearing that appeared recently in the *Chesterfield Citizen*.

Carol Broemmer, who resides at 5 River Bend, announced the 150th Anniversary of Central Plank Road, which started in 1851 at Olive Street in the City of St. Louis and followed the Old Bonhomme trail west to Howell's Ferry at the Missouri River. Several other municipalities, as well as Faust Park, will participate in this event in May 2001.

Susan Gamble, represented Laurus Real Estate Partnership/Barnes-Jewish Hospital, P.Z. 23-3000, and supported this petition.

APPOINTMENTS

Mayor Greenwood placed the name of Mr. Keith Mange in nomination as member of the Chesterfield Transportation Committee. Councilmember Nations made a motion, seconded by Councilmember Streeter, to approve this appointment. A voice vote was

taken with a unanimous affirmative result and the motion was declared passed. Mr. Mange's term will expire November 6, 2003.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Barry Streeter, Chairperson of the Finance and Administration Committee, reported that the Committee recommends changing City policy to allow for expanding the membership of the Historical Commission, due to requests from residents to serve on this Committee. The new policy will expand the membership to six members per ward and six members at-large, or a total of 30 members. Councilmember Streeter made a motion, seconded by Councilmember Nations, to change the current policy to reflect six members per ward and six members at-large for this Commission only. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Streeter announced that the next meeting of this Committee has been scheduled for Wednesday, December 27 at 5:30 p.m.

Planning and Zoning Committee

Councilmember Dan Hurt, Chairperson of the Planning and Zoning Committee, reported that Bill No. 1867 (P.Z. 09-2000, Levinson Building and Realty – Mill Valley Estates), Bill No. 1869 (P.Z. 10-2000, Levinson Building and Realty – Mill Valley Estates), Bill No. 1889 (P. Z. 3-2000, Highway 40 park, Lot C), Bill No. 1892 (P.Z. 20-2000, Greater Missouri Builders – rezoning), Bill No. 1893 (P.Z. 21-2000, , Greater Missouri Builders – PEU), Bill No. 1895 (P.Z. 22-2000, greater Missouri Builders) will be read for the first time under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Hurt next discussed Bill No. 1891 (P.Z. 18-2000, Terra Investments, L.L.C. After some discussion, Councilmember Hurt made a motion, seconded by Councilmember Streeter, to refer this bill back to the Planning and Zoning Committee for further review/discussion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt next reported that P.Z. 23-2000, Laurus Real Estate Partnership/Barnes-Jewish Hospital has requested to have this petition received and filed. After some discussion regarding other proposed legislation's impact on this petition, Councilmember Hurt made a motion, seconded by Councilmember Nations, to hold this petition until the next City Council meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for Thursday, November 9 at 5:30 p.m.

Public Works/Parks Committee

Councilmember Mary Brown, Chairperson of the Public Works/Parks Committee, announced that the City is sponsoring a Turkey Trot, which is a 5K run/walk, on Thanksgiving Day morning. The event will take place at Central City Park.

Councilmember Brown reported that the Chesterfield sewer lateral tax, approved by Chesterfield residents, is included in the current property tax bill, which has recently been mailed to residents by St. Louis County. Even though only buildings with six or fewer units would be covered by the program, the County had sent bills to all condo units. Those not eligible for the program should not be taxed; however, the County is taxing all property that is assessed as residential. As a result, a refund mechanism needs to be put into place to resolve this situation. Councilmember Brown made a motion, seconded by Councilmember Streeter, to authorize Staff to create a refund mechanism for all of those properties, which are not eligible for participation in the sewer lateral program. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Brown next recognized City Attorney Doug Beach, who addressed proposed Resolution No. 266 and Bill Nos. 1884, 1885 and 1886. Mr. Beach explained that the world of telecommunications and fiber optics is changing so rapidly that companies are approaching the City for permission to lay their cable in the City's rights-of-way. The St. Louis County Municipal League formed a Consortium, in which the City of Chesterfield participates, to develop a County-wide rights-of-way ordinance pertaining to this issue. In the meantime, in order to comply with state and federal laws, it is necessary to issue temporary licenses to companies who have approached the City to lay their cable in the rights-of-way. Mr. Beach explained that Resolution No. 266 would approve the City of Chesterfield communications rights-of-way application form. Bill No. 1884 would approve a fee schedule for applications to the City of Chesterfield for use of rights-of-way for communications/cable purposes. Bill No. 1885 would approve an interim rights-of-way use agreement regarding fiber optic cable and related facilities for telecommunications and Bill No. 1886 would approve a right-of-way agreement with Metricom, Inc., which is a wireless company. The noted legislation is designed to grant fees and licenses to companies, such as Metricom, Inc., who will be paying a franchise fee or a fee of 5% of the company's gross receipts for using the City's rights-of-way. Some discussion ensued.

Councilmember Brown made a motion, seconded by Councilmember Streeter, to approve Resolution No. 266, as it pertains to the telecommunications rights-of-way application form. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Resolution No. 266 was approved, as written. Bill Nos. 1884, 1885 and 1886 will be read for the first time under the "Legislation" portion of the agenda.

Councilmember Brown next reported that Bill No. 1887, which approves acceptance of public streets within Twin Estates at Meadowbrook Subdivision, will be read for the first time under the "Legislation" portion of the agenda.

Councilmember Brown announced that the next meeting of this Committee has been scheduled for Wednesday, January 24, 2001 at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that Director of Public Works/City Engineer Mike Geisel and Construction Manager, S. M. Wilson, recommend acceptance of the bid submitted by International Fire for installation of the fire protections systems associated with the construction of our Government Center. The total bid/contract will not exceed \$216,600. Having reviewed this information, he joined with Mr. Geisel and the Construction Manager in recommending award of a contract to International Fire, in an amount not to exceed \$216,600. Councilmember Hurt made a motion, seconded by Councilmember Scheidt, to award a contract to International Fire for installation of the fire protections systems associated with the construction of the Government Center, in an amount not to exceed \$216,600. 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 six-inch trailer-mounted pump, as provided for within the FY2000 Budget. Having reviewed this information, he joined with Mr. Geisel in recommending approval of the low bid submitted by K & K Supply, in the net amount of \$10,499. Mr. Herring noted that the FY2000 Budget provides \$14,420 for this purchase. Councilmember Hurt made a motion, seconded by Councilmember Streeter, to accept the low bid submitted by K & K Supply, in an amount not to exceed \$10,499, for the six-inch trailer-mounted pump. 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 sidewalk replacement projects throughout the City of Chesterfield. Having reviewed this information, he joined with Mr. Geisel in recommending that a contract be awarded to M & H Concrete, in an amount not to exceed \$54,500. Councilmember Brown made a motion, seconded by Councilmember Streeter, to accept the bid submitted by M & H Concrete, in an amount not to exceed \$54,500, for sidewalk replacement projects. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that due to the generosity of Councilmember Mary Brown, the City of Chesterfield was able to seek bids for the construction of a new pavilion at the Chesterfield Valley Athletic Complex. Having reviewed the information provided by Director of Public Works/City Engineer Mike Geisel, Mr. Herring joined with him in recommending award of a contract to Harlan Company, in an amount not to exceed \$83,837. Councilmember Brown's donation of \$50,000 makes this project possible. Councilmember Streeter made a motion, seconded by Councilmember Scheidt, to award a contract to Harlan Company, in an amount not to exceed \$83,837, for construction of a new pavilion at the Chesterfield Valley Athletic Complex, in memory of Roger Brown. 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. 1884 APPROVES A FEE SCHEDULE FOR APPLICATIONS TO THE CITY FOR USE OF THE RIGHTS-OF-WAY FOR COMMUNICATIONS AND CABLE PURPOSES (**FIRST READING – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Brown made a motion, seconded by Councilmember Nations, for the first reading of Bill No. 1884. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1884 was read for the first time.

BILL NO. 1885 APPROVES AN INTERIM RIGHTS-OF-WAY USE AGREEMENT FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF FIBER OPTIC CABLE AND RELATED FACILITIES FOR TELECOMMUNICATIONS AND RELATED CAPABILITIES (**FIRST READING – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Brown made a motion, seconded by Councilmember Nations, for the first reading of Bill No. 1885. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1885 was read for the first time.

BILL NO. 1886 APPROVES A RIGHT-OF-WAY AGREEMENT WITH METRICOM, INC. (**FIRST READING – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Brown made a motion, seconded by Councilmember Nations, for the first reading of Bill No. 1886. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1886 was read for the first time.

BILL NO. 1887 PERTAINS TO THE ACCEPTANCE OF PUBLIC STREETS WITHIN TWIN ESTATES AT MEADOWBROOK SUBDIVISION IN THE CITY OF CHESTERFIELD (**FIRST READING – PUBLIC WORKS/PARKS COMMITTEE**)

Councilmember Brown made a motion, seconded by Councilmember Nations, for the first reading of Bill No. 1887. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1887 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 1867 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “FPR-2” FLOOD PLAIN 15,000 SQUARE-FOOT RESIDENCE DISTRICT TO AN “R-2” 15,000 SQUARE-FOOT RESIDENCE DISTRICT FOR A 10.1 ACRE TRACT OF LAND LOCATED ON THE WEST SIDE OF CREVE COEUR MILL ROAD, NORTH OF OLIVE BOULEVARD (P.Z. 09-2000, MILL VALLEY ESTATES) **(FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Nations, for the first reading of Bill No.1867. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1867 was read for the first time.

BILL NO. 1869 ESTABLISHES A PLANNED ENVIRONMENT UNIT (PEU) SPECIAL PROCEDURE IN THE “R-2” 15,000 SQUARE –FOOT RESIDENCE DISTRICT AND THE “FPR-2” FLOOD PLAIN 15,000 SQUARE-FOOT RESIDENCE DISTRICT FOR A 37.4 ACRE TRACT OF LAND LOCATED ON THE WEST SIDE OF CREVE COEUR MILL ROAD, NORTH OF OLIVE BOULEVARD (P.Z. 10-2000, MILL VALLEY ESTATES) **(FIRST READING - PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Nations, for the first reading of Bill No. 1869. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.1869 was read for the first time.

BILL NO. 1889 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “FPNU” FLOOD PLAIN NON-URBAN DISTRICT AND AN “M-3” PLANNED INDUSTRIAL DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 6.8 ACRE TRACT OF LAND LOCATED ON LONG ROAD, SOUTH OF HIGHWAY 40 AND NORTH OF CHESTERFIELD AIRPORT ROAD (P.Z. 03-2000, KEHR DEVELOPMENT, L.L.C./HIGHWAY FORTY PARK, LOT C) **(FIRST READING - PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Nations, for the first reading of Bill No. 1889. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.1889 was read for the first time.

BILL NO. 1892 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "NU" NON-URBAN DISTRICT TO AN "R-4" 7,500 SQUARE-FOOT RESIDENCE DISTRICT FOR A 14.53 ACRE TRACT OF LAND LOCATED ON THE SOUTHEAST SIDE OF OLIVE BOULEVARD, SOUTHWEST OF APPALACHIAN TRAIL (P.Z. 20-2000, GREATER MIDWEST BUILDERS, LTD dba GREATER MISSOURI BUILDERS) (**FIRST READING** - PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Nations, for the first reading of Bill No.1892. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1892 was read for the first time. Due to an error that appears in the bill title and body, a motion was made by Councilmember Hurt, seconded by Councilmember Brown, to delete "NU" NON-URBAN DISTRICT" TO "MXD" MIXED USE DEVELOPMENT DISTRICT" in the bill title and body of the legislation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

BILL NO. 1893 ESTABLISHES A PLANNED ENVIRONMENT UNIT (PEU) SPECIAL PROCEDURE IN THE "R-4" 7,5000 SQUARE FOOT RESIDENCE DISTRICT FOR A 14.53 ACRE TRACT OF LAND LOCATED ON THE SOUTHEAST SIDE OF OLIVE BOULEVARD, SOUTHWEST OF APPALACHIAN TRAIL (P.Z. 21-2000, GREATER MIDWEST BUILDERS, LTD dba GREATER MISSOURI BUILDERS) (**FIRST READING** - PLANNING COMMISSION RECOMMENDS APPROVAL)

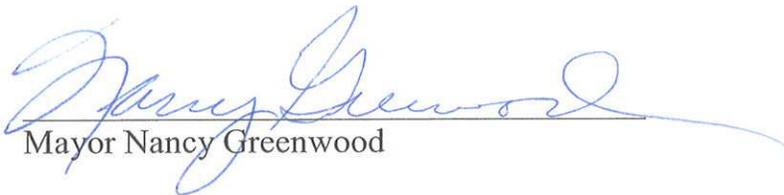
Councilmember Hurt made a motion, seconded by Councilmember Nations, for the first reading of Bill No. 1893. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1893 was read for the first time. Councilmember Nations made a motion to amend Attachment A Section II A by inserting the word "feet" after twenty-eight (28). A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

BILL NO. 1895 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "MXD" MIXED USE DEVELOPMENT DISTRICT TO AN "R-3" 10,000 SQUARE-FOOT RESIDENCE DISTRICT FOR 13.3 ACRES OF LAND LOCATED SOUTHEAST OF OLIVE BOULEVARD, SOUTHWEST OF APPALACHIAN TRAIL AND NORTHWEST AND SOUTHEAST OF APPALACHIAN TRAIL AND NORTHWEST AND SOUTHEAST OF HITCHCOCK ROAD (P.Z. 22-2000, GREATER MIDWEST BUILDERS, LTD dba GREATER MISSOURI BUILDERS) (**FIRST READING** - PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Nations, for the first reading of Bill No. 1895. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.1895 was read for the first time. Councilmember Nations made a motion, seconded by Councilmember Streeter, to amend Attachment A by deleting paragraph D and paragraph C would read “The declaration of restrictions attached hereto and marked Exhibit B shall be executed and filed for record with the St. Louis County Recorder of Deeds prior to the submittal of the site plan.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

ADJOURNMENT

Mayor Greenwood entertained a motion to adjourn the meeting to go into Executive Session (closed meeting) to discuss RSMo 610.021 (1) litigation. Councilmember Streeter made a motion to adjourn the meeting to go into Executive Session (closed meeting). Councilmember Nations seconded the motion. A roll call vote was taken with the following results: Ayes – Brown, Nations, Streeter, Hurt, Scheidt, and Durrell. Nays – None. Mayor Greenwood declared the motion passed. The meeting was adjourned at 8:10 p.m.



Mayor Nancy Greenwood

ATTEST:



Martha L. DeMay, City Clerk