



## RECORD OF PROCEEDING

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

NOVEMBER 20, 2000

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

A roll call was taken with the following results:

PRESENT

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

ABSENT

None

The Pledge of Allegiance was led by Scout Troop from Green Trails School: Emily Doerner, Freya Shroft, Alex Hoffman, Julia Levine, Molly Wagstaff, Megan Zusblatt, Susie Bonwich, Cece Bonwich, Ann Pfitenmaier, Kristen Latta and Maria Meyer. Also in attendance was Troop Leader Diana Doerner.

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

### APPROVAL OF MINUTES

The minutes of the November 6, 2000, City Council meeting were submitted for approval. Councilmember Streeter made a motion to approve the City Council minutes. Councilmember Nations seconded the motion. A voice vote was taken with an affirmative result (Councilmembers Flachsbart and Casey "Abstained") and the motion was declared passed.

## **INTRODUCTORY REMARKS**

Mayor Nancy Greenwood first reminded everyone that the Government Center would be closed on November 23 and 24 in observance of Thanksgiving.

Mayor Greenwood reported that the Kiwanis Club of Chesterfield is selling the Chesterfieldopoly game, which is similar to Monopoly, as a fundraising project. Proceeds from the sale will go to Camp Wyman and other charitable organizations that are sponsored by the Kiwanis Club.

Mayor Greenwood announced that she would not be seeking re-election as mayor in the Municipal election held in April 2001.

## **COMMUNICATIONS AND PETITIONS**

There were no communications or petitions.

## **APPOINTMENTS**

There were no appointments.

## **COUNCIL COMMITTEE REPORTS**

### **Planning and Zoning Committee**

Councilmember Dan Hurt, Chairperson of the Planning and Zoning Committee, reported that Bill No. 1867 (P.Z. 09-2000, Mill Valley Estates), Bill No. 1869 (P.Z. 10-2000, Mill Valley Estates) and Bill No. 1889 (P.Z. 03-2000, Highway 40 Park) will be considered for adoption under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Hurt next reported that Bill No. 1897 (provides a process to recover costs for removal/abatement of nuisances), Bill No. 1898 (authorizes contract with St. Louis County regarding collection of fees/costs associated with removal of nuisances) and Bill No. 1899 (vacates a portion of Hitchcock Drive) will have a first reading under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Hurt made a motion, seconded by Councilmember Nations, to hold Bill No. 1892 (P.Z. 20-2000, Greater Missouri Builders), Bill No. 1893 (P.Z. 21-2000, Greater Missouri Builders), Bill No. 1895 (P.Z. 22-2000, Greater Missouri Builders) and P.Z. 23-2000 (Laurus Real Estate Partnership -Garden View Care Center) until the next meeting of City Council. 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 November 30 at 5:30 p.m.

## **Public Works/Parks Committee**

Councilmember Mary Brown, Chairperson of the Public Works/Parks Committee, reported that Bill No. 1884 (approves a fee schedule for application to use City rights-of-way), Bill No. 1885 (approves interim rights-of-way use agreement regarding fiber optic cable and related facilities for telecommunications), Bill No. 1886 (approves right-of-way use agreement for Metricom), and Bill No. 1887 (accepts public streets in Twin Estates at Meadowbrook Subdivision) will be considered for adoption under the "Legislation" portion of the agenda. Bill No. 1896 (accepts public streets in Sycamore Ridge Subdivision) will be read for the first time under the "Legislation" portion of the agenda.

## **REPORT OF THE CITY ADMINISTRATOR**

City Administrator Mike Herring reported that both Mr. Robert Brinkman of R. G. Brinkman Construction Company and Mr. Bob Jackson of Chesterfield Lodging donated \$5,000 each to assist in defraying the costs for the landscaping and improvement project on Swingley Ridge Road.

Mr. Herring next reported that proposals were recently sought from several engineering firms for design services associated with the Britannia Stormsewer Project, located at 14459 Britannia Drive. Having reviewed the memo provided by Director of Public Works/City Engineer Mike Geisel, he joined with him in recommending approval of a contract, in an amount not to exceed \$16,000 with Kuhlman Design Group. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to award the contract to Kuhlman Design Group, in an amount not to exceed \$16,000, for the Britannia Stormsewer Project. 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 all plumbing work associated with the construction of the proposed Government Center. Given Mr. Geisel's recommendation and the concurrence of the Construction Manager, S. M. Wilson, he joined with them in recommending approval of the bid submitted by Myron Plumbing, in an amount not to exceed \$339,062. Mr. Herring noted that the amount contained within the original estimates for this work totaled \$493,372. Councilmember Streeter made a motion, seconded by Councilmember Casey, to award the contract to Myron Plumbing, in an amount not to exceed \$339,062, for plumbing work at the new Government Center. 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 sheet metal flashing and metal roof panels, in conjunction with the construction of our proposed Government Center. Based upon the recommendation made by Mr. Geisel and the Construction Manager, S. M. Wilson, he joined with them in recommending approval of the second low bid submitted by D H & A Sheet Metal, in an amount not to exceed \$229,065. He noted that the low bidder was rejected due to lack of similar experiences and information obtained from the references, which were provided and that this phase of work is slightly

over the original estimate of \$226,948. Councilmember Casey made a motion, seconded by Councilmember Brown, to approve the bid submitted by D H & A Sheet Metal, in an amount not to exceed \$229,065, for sheet metal flashing and metal roof panels associated with the new Government Center. 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 the electrical systems in conjunction with the construction of our proposed Government Center. Based upon a recommendation submitted by the Construction Manager, S. M. Wilson, he joined with them and Mr. Geisel in recommending approval of the low bid submitted by Schneider Electrical, in an amount not to exceed \$1,537,515. The amount originally budgeted for this phase of work totaled \$1,509,676. Councilmember Brown made a motion, seconded by Councilmember Flachsbar, to accept the low bid submitted by Schneider Electrical, in an amount not to exceed \$1,537,515, for electrical systems associated with the construction of the new Government Center. 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 the installation of the HVAC systems, in conjunction with the construction of the proposed Government Center. Based upon the recommendation submitted by the Construction Manager and Mr. Geisel, he joined with them in recommending the award of a contract to Rock Hill Mechanical, in an amount not to exceed \$1,344,534. The original estimate for this phase of work was \$960,958. As a result, while this bid exceeds the estimate for this phase of work, the total project is still well below estimates established prior to the beginning of construction. The total amount allocated for this project included significant amounts of design contingencies, which are used to cover the overage reflected in this bid. However, this project is still well below the original budget. With all this in mind, Mr. Herring joined with the Construction Manger, S. M. Wilson, and Mr. Geisel in recommending award of a contract, not to exceed \$1,344,534, to Rock Hill Mechanical, for the HVAC systems at the new Government Center. Councilmember Casey made a motion, seconded by Councilmember Streeter, to award the contract to Rock Hill Mechanical, in an amount not to exceed \$1,344,534, for the HVAC systems. 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 unit cost pricing for video investigation of sewer laterals, for the 2001 calendar year. These video investigations of sewer laterals will be funded through fees paid by all residents of Chesterfield, in conjunction with the Sewer Lateral Insurance Fund. Based upon a review of the information provided to him by Mr. Geisel, Mr. Herring recommended award of a contract with Bi-State Utilities Company for video investigation of sewer laterals on an as-needed basis, to the extent that funds are available throughout the coming fiscal year, as funded by the Sewer Lateral Insurance Fund. Councilmember Brown made a motion, seconded by Councilmember Casey, to award a contract to Bi-State Utilities Company for video investigation of sewer laterals on an as-needed basis, to the extent that funds are available next year. 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 unit cost pricing for sewer lateral repairs for the 2001 calendar year. These services will be used on an as-needed basis, and funded 100 percent through the Sewer Lateral Insurance Fund. Based upon the information provided by Mr. Geisel, he joined with him in recommending award of a contract to Tope, Inc. for sanitary sewer lateral repairs, on an as-needed basis, throughout calendar year 2001. Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, to award the contract to Tope, Inc. for sanitary sewer lateral repairs, on an as-needed basis. 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 consulting/engineering design services associated with the Highway 340 Enhancement Project. Mr. Herring reminded City Council that the City of Chesterfield was awarded a grant to establish access management, pedestrian and bicycle circulation, landscape islands and similar improvements along Highway 340, from Ladue Road south to the Chesterfield City Limits. Having reviewed the information provided by Mr. Geisel, he joined with him in recommending award of a contract, in an amount not to exceed \$183,433.01, for professional engineering design services, related to this project, to EDSI. Mr. Herring noted that the FY2000 Budget contains \$230,000 for this work, so this project is well below the budgeted amount. Councilmember Casey made a motion, seconded by Councilmember Brown, to award the contract to EDSI, in an amount not to exceed \$183,433.01, for professional engineering design services. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Director of Finance and Administration Jan Hawn and her Staff have recently completed review of various proposals submitted for auditing services for the City of Chesterfield. Based upon review of the information submitted, Mr. Herring joined with Ms. Hawn in recommending approval of the selection of the firm of KPMG LLP, as the firm to undertake the City's auditing responsibilities for the year ending December 31, 2000, for a total bid of \$20,000 and the proposal for Fiscal Year 2001 would be \$21,075 and for Fiscal Year 2002 the proposal would be \$22,125. Mr. Herring stated that the current budget includes \$24,720 for this audit. Councilmember Streeter made a motion, seconded by Councilmember Brown, to award a contract to KPMG for auditing services for FY2000, FY2001 and FY2002, at the costs noted above. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that the City of Chesterfield received a liquor license request from MacDaddie Development d/b/a Satchmo's Bar and Grill (formerly PJ's Grill and Bar), located at 13375 Olive Boulevard, to sell all kinds of liquor by the drink for consumption on the premises and Sunday sales. The application has been reviewed and approved by the Police and Planning Departments. Councilmember Streeter made a motion, seconded by Councilmember Casey, to approve the liquor license application and issue a liquor license to Satchmo's Bar and Grill. 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 (**SECOND READING** – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)

Councilmember Brown made a motion, seconded by Councilmember Streeter, for a second 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 second time. A roll call vote was taken for passage and approval of Bill No. 1884, with the following results: Ayes – Flachsbart, Scheidt, Streeter, Durrell, Casey, Hurt, Brown and Nations. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1884 approved, passed it and it became **ORDINANCE NO. 1685**.

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 (**SECOND READING** – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)

Councilmember Brown made a motion, seconded by Councilmember Scheidt, for a second 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 second time. Councilmember Brown made a motion, seconded by Councilmember Scheidt, to amend Bill No. 1885, as recommended by City Attorney Doug Beach, beginning with Page 6 Section 1.1 Q by deleting the word “not” in the third line from the bottom, Section 4 4.2 by adding the word “annual” instead of monthly and 4.21 by adding the word “annual” instead of monthly. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A roll call vote was taken for passage and approval of Bill No.1885, as amended, with the following results: Ayes – Nations, Flachsbart, Hurt, Brown, Casey, Durrell, Streeter and Scheidt. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1885 approved, passed it and it became **ORDINANCE NO. 1686**.

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

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second 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 second time. Councilmember Brown made a motion, seconded by Councilmember Scheidt, to amend the bill, as recommended by City Attorney Doug Beach, by removing the word “franchise” from Section 3.2 and add a new section 5.5 to read “If the City, by ordinance requires or by agreement provides for all above ground facilities (poles, lights, etc.) be relocated underground, Metricom shall be required to remove all Radio(s) from any affected Radio site.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A roll call vote was taken for passage and approval of Bill No. 1886, with the following results: Ayes – Casey, Brown, Hurt, Nations, Scheidt, Durrell, Flachsbart and Streeter. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1886 approved, as amended, passed it and it became **ORDINANCE NO. 1687**.

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

Councilmember Brown made a motion, seconded by Councilmember Hurt for a second 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 second time. A roll call vote was taken for passage and approval of Bill No. 1887, with the following results: Ayes – Casey, Durrell, Hurt, Scheidt, Flachsbart, Nations, Streeter and Brown. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1887 approved, passed it and it became **ORDINANCE NO. 1688**.

BILL NO. 1896 PERTAINS TO THE ACCEPTANCE OF PUBLIC STREETS WITHIN SYCAMORE RIDGE SUBDIVISION IN THE CITY OF CHESTERFIELD (**FIRST READING - PUBLIC WORKS/PARKS COMMITTEE**)

Councilmember Brown made a motion, seconded by Councilmember Scheidt, for the first reading of Bill No1896. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No1896 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) (**SECOND READING** - PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Nations, for a second 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 second time. A roll call vote was taken for passage and approval of Bill No. 1867, with the following results: Ayes – Casey, Flachsbart, Durrell, Brown, Hurt, Streeter, Nations and Scheidt. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1867 approved, passed it and it became **ORDINANCE NO. 1689**.

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) (**SECOND READING** - PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second 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 second time. A roll call vote was taken for passage and approval of Bill No. 1869, with the following results: Ayes – Durrell, Streeter, Hurt, Scheidt, Brown, Flachsbart, Nations and Casey. Nays - None. Whereupon Mayor Greenwood declared Bill No.1869 approved, passed it and it became **ORDINANCE NO. 1690**.

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) (**SECOND READING** - PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second 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 second time. A roll call

vote was taken for passage and approval of Bill No. 1889, with the following results: Ayes – Durrell, Streeter, Hurt, Scheidt, Brown, Flachsbart, Nations and Casey. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1889 approved, passed it and it became **ORDINANCE NO.1691.**

BILL NO. 1897 PROVIDES AN ADDITIONAL PROCESS TO RECOVER THE COSTS OF REMOVAL AND ABATEMENT OF CERTAIN NUISANCES AS ASSESSMENTS ON REAL ESTATE (**FIRST AND SECOND READINGS – PLANNING AND ZONING COMMITTEE RECOMMEND APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 1897. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1897 was read for the first time.

BILL NO. 1898 AUTHORIZES A CONTRACT WITH ST. LOUIS COUNTY FOR THE COLLECTION OF CERTAIN FEES, BILLS OR TAXES AUTHORIZED BY THE CITY (**FIRST AND SECOND READINGS – PLANNING AND ZONING COMMITTEE RECOMMEND APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey for the first reading of Bill No. 1898 voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1898 read for the first time.

BILL NO. 1899 VACATES A PORTION OF THE RIGHT-OF-WAY MAINTAINED BY THE CITY OF CHESTERFIELD ALONG HITCHCOCK DRIVE WHICH FRONTS ON LOTS 3 AND 4 OF THE GARDENVIEW CARE CENTER SUBDIVISION (**FIRST READING AND SECOND READINGS**) - DEPARTMENTS OF PLANNING AND PUBLIC WORKS RECOMMEND APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 1899. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1899 was read for the first time.

BILL NO. 1900 APPROVES A BOUNDARY ADJUSTMENT PLAT OF CHESTERFIELD EXECUTIVE PARK MORE PARTICULARLY DESCRIBED AS A TRACT OF LAND BEING ALL OF LOT 8 OF THE AMENDED PLAT OF CHESTERFIELD EXECUTIVE PARK AS RECORDED IN PLAT BOOK 231, PAGE 59 AND PART OF LOT 5, PAGE 28 LOCATED IN U.S. SURVEY 150, TOWNSHIP 45 NORTH, RANGE 3 EAST OF THE FIFTH PRINCIPLE MERIDAN, 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 Casey, for the first reading of Bill No. 1900. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.1900 was read for the first time.

**ADJOURNMENT**

Mayor Greenwood entertained a motion to adjourn the meeting. Councilmember Flachsbart made a motion to adjourn the meeting. Councilmember Casey seconded the motion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. The meeting was adjourned at 7:43 p.m.

  
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Mayor Nancy Greenwood

ATTEST:

  
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Martha L. DeMay, City Clerk