



RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD
AT 922 ROOSEVELT PARKWAY
DECEMBER 2, 1996

The meeting was called to order at 7:30 P.M.

A roll call was taken with the following results:

PRESENT

Mayor Jack Leonard
Councilmember Barry Flachsbart
Councilmember Colleen Hilbert
Councilmember Larry Grosser
Councilmember Barry Streeter
Councilmember Dan Hurt
Councilmember Alan Politte
Councilmember Mike Cullen
Councilmember Linda Tilley

ABSENT

None

The Pledge of Allegiance was led by Scout Troop No. 848 from Highcroft Ridge School: Michael McQuinn, David Schwartz, Adam Prey, Karl Balsara, John Sander and Tommy Sander. Also in attendance was Troop Leader Tom Smyka.

Mayor Jack Leonard led the City Council in prayer.

APPROVAL OF MINUTES

The minutes of the November 18, 1996, City Council meeting were submitted for approval. A motion was made by Councilmember Grosser, seconded by Councilmember Cullen, to approve the minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Jack Leonard announced that appointments would be made to the Chesterfield Transportation Committee at the January 6, 1997 meeting.

Mayor Leonard wished those in attendance a happy holiday season!

COMMUNICATIONS AND PETITIONS

Bill Kolath, Chairperson of the Chesterfield Beautification Committee, reported on the activities of his committee.

Clayton Hathaway, who resides at 112 High Valley Drive, expressed his concern over a letter the Mayor had sent and an article which appeared in the Post Dispatch on lobbying efforts.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Colleen Hilbert, Chairperson of the Finance and Administration Committee, reported that contributions, totaling \$6,000, have been submitted to the Finance and Administration Committee, for consideration under a policy established/approved by City Council. The original budget for such contribution requests included within the FY1996 budget totals \$10,000. That budget was consumed earlier this year during the first round of funding requests. Councilmember Hilbert reported that it was consensus of Council to fund no additional disbursements for the current year.

Councilmember Hilbert next reported that Resolution No. 211 was voted on in the Public Hearing. With the adoption of Resolution No. 211, the FY1997 Budget has been formally adopted.

Planning and Zoning Committee

Councilmember Barry Streeter, Chairperson of the Planning and Zoning Committee, reported that Bill Nos. 1328 and 1329 have been referred to the Planning and Zoning Committee for further review. However, Bill Nos. 1330 - 1332 will be voted on under the Legislation portion of the agenda. City Attorney Doug Beach made a presentation to the Mayor and City Council with regard to background information concerning health, safety and aesthetic issues related to telecommunication tower regulations, which precipitated Bill No. 1332. City Attorney Beach stated that the bill encourages the shared use of the towers and that it is in compliance with Federal Communication Commission regulations.

Councilmember Streeter next reported that the Planning Commission recommends approval of the amendment to the Comprehensive Plan with regard to telecommunications towers and facilities. A motion was made by Councilmember Streeter, seconded by Councilmember Tilley, to approve the amendment to the Comprehensive Plan. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Streeter next reported on the proposed boundary adjustment with the City of Clarkson Valley. Approval of this boundary adjustment would permit Marquette High School property to be entirely in the City of Clarkson Valley. A motion was made by Councilmember Streeter, seconded by Councilmember Flachsbart, to approve the boundary adjustment with the City of Clarkson Valley. 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 Dec. 19, 1996, at 5:30 p.m.

Public Works/Parks Committee

Councilmember Alan Politte, Chairperson of the Public Works/Parks Committee, reflected on the progress that has been made in 1996 with regard to the purchase of park sites for the City and the parks development in general. Superintendent of Parks, Recreation and Arts Ron Coleman made a brief presentation regarding recent and upcoming events.

Councilmember Politte next recognized Mike Geisel, Director of Public Works/City Engineer, who announced that an open house for the new Public Works facility has been scheduled for Sunday, Dec. 15 from 12 p.m. - 4 p.m.

Councilmember Politte reported that Bill No. 1333, which will officially establish a 1/2 cent sales tax for capital improvements, will be considered for adoption under the Legislation portion of the agenda and Bill No. 1334, acceptance of Deep Forest Drive, will be read for the first time.

Councilmember Politte next reported that it will be necessary to formally accept the election results with regard to Proposition "R" (1/2 cent capital improvement sales tax) and Proposition "S" (\$29,355,000 bond issue for street/sidewalk/related improvements). A motion was made by Councilmember Politte, seconded by Councilmember Cullen, to confirm that the City Clerk has obtained the results from the Nov. 5 election and that, based upon those results, Proposition "R" passed by a citywide vote of 12,665 - 9,970, or 56 percent to 44 percent. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

A motion was made by Councilmember Politte, seconded by Councilmember Streeter, that the Board of Election Commissioners has found and declared that said election had been duly held and conducted in conformity with the constitution and statutes of the State of Missouri, and was in all respects regular and valid, that more than a majority of the

qualified voters voting on said question at said election voted in favor of imposing said sales tax, and that the City was duly authorized and empowered to impose the sales tax in the amount and for the purpose aforesaid. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Politte made a motion to confirm that the City Clerk has obtained the results from the Nov. 5 election and, based upon those results, that Proposition "S" passed by a citywide vote of 14,463 - 7,787, or 65 percent to 35 percent. The motion was seconded by Councilmember Tilley. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Politte made a motion that the Board of Election commissioners has found and declared that said election had been duly held and conducted in conformity with the constitution and statutes of the State of Missouri, and was in all respects regular and valid, that more than four-sevenths of the qualified voters voting on said question at said election voted in favor of the issuance of said bonds and that the City was duly authorized and empowered to issue the bonds in the amount and for the purpose aforesaid. The motion was seconded by Councilmember Grosser. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Public Health and Safety Committee

Councilmember Linda Tilley, Chairperson of the Public Health and Safety Committee, reported that the Committee voted to approve the Police Department change in policy to allow police officers to perform off duty secondary employment of a police nature within the City in full uniform with the restrictions currently in place in the General Order.

Before discussion took place with regard to Resolution No. 212 concerning censure, Mayor Leonard turned the gavel over to President Pro Tem Dan Hurt. Discussion ensued regarding censure of the Mayor for expressing his personal opinions in letters written in the past on City letterhead which would indicate that he is writing on behalf of the City Council. A motion was made by Councilmember Flachsbart, seconded by Councilmember Grosser, to adopt Resolution No. 212. A roll call vote was taken with the following results: Ayes - Flachsbart, Grosser. Nays - Hilbert, Streeter, Hurt, Politte, Cullen, Tilley. The motion was defeated and Resolution No. 212 was defeated.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that bids had been recently sought for the purchase of an engineering copier. After review of the bids received, Director of Public Works/City Engineer Mike Geisel recommends that the lowest qualifying bid, as submitted by Rotolite of St. Louis, totaling \$19,995, be accepted for this purchase. The budget contains an appropriation of \$20,000 for this purchase. Mr. Herring joined with Director of Public Works/City Engineer Mike Geisel and Acting-Director of Finance and Administration Julie Wilson in recommending the acceptance of the proposal submitted by

Rotolite of St. Louis, totaling \$19,995. A motion was made by Councilmember Politte, seconded by Councilmember Cullen, in approving the bid submitted by Rotolite of St. Louis, totaling \$19,995. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that just prior to every winter season, the City seeks bids for the purchase of supplemental salt, should the need arise and the winter season be such that the salt purchase from the Municipal Cooperative Purchase System is exceeded. The low bid submitted for the purchase of supplemental salt was submitted by Cargill, Inc., at the rate of \$27.78/ton. By comparison the price that has been secured through the City's purchasing cooperative is \$22.87/ton. Mr. Herring joined with Mr. Geisel and Acting-Director of Finance and Administration Julie Wilson in recommending approval of the bid submitted by Cargill, Inc., totaling \$27.78/ton, on an as-needed basis only. The City will exhaust the salt purchase through the municipal cooperative system before ordering additional salt to supplement the need. A motion was made by Councilmember Polite, seconded by Councilmember Streeter, to approve the bid submitted by Cargill, Inc., totaling \$27.78/ton 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 due to the announced delay by the Missouri Department of Transportation to construction of Olive Boulevard road improvements, Mr. Geisel has recommended that a change order be approved for the contract between the City of Chesterfield and Fred M. Luth and Sons for the Westbury Stormsewer Project. This change order would total \$30,000 and will involve the extension of underground stormsewer pipe, the construction of two area inlets and related property restoration. As noted by Mr. Geisel, these improvements are consistent with the ultimate improvement to be constructed by the Missouri Department of Transportation when, in fact, the Olive Boulevard project is constructed. Adequate funding remains within the current budget to cover this change order. A motion was made by Councilmember Hilbert, seconded by Councilmember Politte, to approve the change order with Fred M. Luth and Sons, totaling \$30,000, for the Westbury 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 the construction of two stormsewer projects located on Southdown and Sunbridge within Ward 1. The low bid was submitted by Gershenson Construction Company, totaling \$139,000. Sufficient funds remain within the budget to fund this bid recommendation. Mr. Herring joined with Mr. Geisel and Acting-Director of Finance and Administration Julie Wilson, in recommending approval of the bid submitted by Gershenson Construction Company, totaling \$139,000. A motion was made by Councilmember Hilbert, seconded by Councilmember Politte, in approving the bid to Gershenson Construction Company, totaling \$139,000. 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 purchase of an engine diagnostic analyzer for use at the Public Works maintenance facility. The FY1996 budget contains \$37,000 for this purchase. Automatic Diagnostics submitted a bid totaling \$35,987.20, which Mr. Geisel and Street Superintendent Mike O'Connor recommend that Council accept. Mr. Herring joined with these individuals in this recommendation. A motion was made by Councilmember Politte, seconded by Councilmember Grosser, to approve the bid submitted by Automatic Diagnostics, totaling \$35,987.20. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were recently opened for the sale of four street division vehicles, including two 1989 dump trucks and two 1989 pick-up trucks. The total amount bid for the purchase of these vehicles is \$20,888. Mr. joined with him and Acting-Director of Finance and Administration Julie Wilson in recommending that City Council accept the bid from M & M Investments to purchase one 2-1/2 ton dump truck and one 3/4 ton pick-up truck from M&M Investments for a total bid of \$9,352. A motion was made by Councilmember Politte, seconded by Councilmember Tilley, to accept the bid from M&M Investments, totaling \$9,352. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A motion was made by Councilmember Tilley, seconded by Councilmember Grosser, to accept the bids submitted by Custom Tree and Lawn Service, totaling \$8,919 for the purchase of one 2-1/2 ton dump truck. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A motion was made by Councilmember Politte, seconded by Councilmember Grosser, to accept the bid submitted by Northwest Auto Sales, totaling \$2,617 for the purchase of one 3/4 ton pick-up truck. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring announced that the Government Center would be closed 1/2 day on Dec. 24, Dec. 25 and Jan. 1, 1997.

LEGISLATION

BILL NO. 1333 IMPOSES A SALES TAX FOR THE PURPOSE OF FUNDING
CAPITAL IMPROVEMENTS WITHIN THE CITY OF
CHESTERFIELD, MISSOURI

A motion was made by Councilmember Politte, seconded by Councilmember Tilley, for the first reading of Bill No.1333. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.1333 was read for the first time.

A motion was made by Councilmember Politte, seconded by Councilmember Tilley, to suspend the rules of Council to have both the first and second readings of this proposed ordinance at this Council meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

A motion was made by Councilmember Politte, seconded by Councilmember Hurt, for a second reading of Bill No.1333. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.1333 was read for the second time. A roll call vote was taken for passage and approval of Bill No.1333, with the following results: Ayes - Flachsbart, Hilbert, Grosser, Streeter, Hurt, Politte, Cullen and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill No.1333 approved, passed it and it became **ORDINANCE NO.1211.**

BILL NO. 1334 PERTAINS TO THE ACCEPTANCE OF DEEP FOREST DRIVE AS A PUBLIC STREET WITHIN WINDRIDGE ESTATES SUBDIVISION IN THE CITY OF CHESTERFIELD

A motion was made by Councilmember Politte, seconded by Councilmember Hurt, for the first reading of Bill No.1334. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.1334 was read for the first time.

LEGISLATION - PLANNING COMMISSION

BILL NO. 1330 A ROAD DEDICATION AND EASEMENT PLAT FOR AUGUST HILL DRIVE ON THE EAST SIDE OF BAXTER ROAD EXTENSION, SOUTH OF WILD HORSE CREEK ROAD (PLANNING COMMISSION RECOMMENDS APPROVAL)

A motion was made by Councilmember Streeter, seconded by Councilmember Tilley, for the first reading of Bill No.1330. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.1330 was read for the first time.

A motion was made by Councilmember Streeter, seconded by Councilmember Tilley, for a second reading of Bill No.1330 . A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.1330 was read for the second time. A roll call vote was taken for passage and approval of Bill No.1330, with the following results: Ayes - Flachsbart, Hilbert, Grosser, Streeter, Hurt, Politte, Cullen and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill No.1330 approved, passed it and it became **ORDINANCE NO.1212.**

BILL NO. 1331 PROVIDES FOR THE APPROVAL OF THE RECORD PLAT, TRUST INDENTURES, WARRANTY DEED AND ESCROW AGREEMENT FOR BROOKHILL ESTATES ADDITION PLAT 3, A SUBDIVISION LOCATED ON THE EAST SIDE OF STRAUB ROAD, NORTH OF CLAYTON ROAD (PLANNING COMMISSION RECOMMENDS APPROVAL)

A motion was made by Councilmember Streeter, seconded by Councilmember Tilley, for the first reading of Bill No.1331. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.1331 was read for the first time.

A motion was made by Councilmember Streeter, seconded by Councilmember Grosser, for a second reading of Bill No.1331 . A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.1331 was read for the second time. A roll call vote was taken for passage and approval of Bill No.1331, with the following results: Ayes - Flachsbart, Hilbert, Grosser, Streeter, Hurt, Politte, Cullen and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill No.1331 approved, passed it and it became **ORDINANCE NO.1213**.

BILL NO. 1332 AMENDS THE ZONING ORDINANCE OF THE MUNICIPAL CODE OF CHESTERFIELD, MISSOURI SO AS TO REGULATE THE PLACEMENT OF COMMUNICATIONS ANTENNAE AND SUPPORT STRUCTURES WITHIN THE JURISDICTIONAL LIMITS OF THE CITY; TO ESTABLISH PROCEDURES AND CRITERIA FOR OBTAINING A PERMIT TO AFFIX AN ANTENNA OR BUILD A SUPPORT STRUCTURE WITHIN THE CITY; TO ESTABLISH PROCEDURES AND CRITERIA FOR OBTAINING A CONDITIONAL USE PERMIT TO AFFIX AN ANTENNA OR BUILD A SUPPORT STRUCTURE WITHIN THE CITY; TO ESTABLISH OTHER PROVISIONS REGARDING COMMUNICATIONS ANTENNAE AND SUPPORT STRUCTURES; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR CONFLICT AND SEVERABILITY; AND FOR OTHER PURPOSES (P.Z. 33-96 CITY OF CHESTERFIELD) (PLANNING COMMISSION RECOMMENDS APPROVAL)

A motion was made by Councilmember Streeter, seconded by Councilmember Tilley, for the first reading of Bill No.1332. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.1332 was read for the first time.

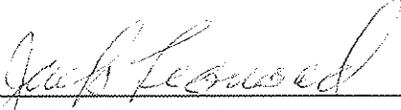
A motion was made by Councilmember Streeter, seconded by Councilmember Flachsbart, for a second reading of Bill No.1332. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.1332 was read for the second time. A roll call vote was taken for passage and approval of Bill No.1332, with the following results: Ayes - Flachsbart, Hilbert, Grosser, Streeter, Hurt, Politte, Cullen and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill No.1332 approved, passed it and it became **ORDINANCE NO.1214**.

NEW BUSINESS

There was no new business.

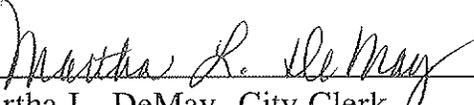
ADJOURNMENT

A motion was made by Councilmember Tilley, seconded by Councilmember Hurt, that the meeting be adjourned. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. The meeting was adjourned at 8:53 P.M.



Mayor Jack Leonard

ATTEST:



Martha L. DeMay, City Clerk