

RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD AT 690 CHESTERFIELD PARKWAY WEST December 3, 2001

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

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 Mike Casey
Councilmember Mary K. Brown
Councilmember Charles Scheidt

ABSENT

None

The Pledge of Allegiance was led by Girl Scout Troop #3986 from Green Trails and River Bend Schools: Emily Doerner, Julia Levine, Christine Latta, Celeste Bonwich, Susannah Bonwich, Alexandria Hoffman, Ann Pfizenmaier, Freya Shroff and Megan Zussblatt Also in attendance was Troop Leader Diana Doerner.

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

APPROVAL OF MINUTES

The minutes of the November 5, 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 reported that MoDOT had recently developed a new plan, featuring a redesign of the Highway 141/Ladue Road interchange. He noted that the new

plan/design appeared to have addressed many of the comments and concerns expressed by residents and City officials. He commended MoDOT and all citizens who had worked on this new plan and urged everyone to view a copy of the new design, which is available at City Hall and/or on the MoDOT web site.

Mayor Nations wished everyone a Happy Holiday season and announced that the next City Council meeting is scheduled for January 7, 2002.

COMMUNICATIONS AND PETITIONS

Kathy Teutenberg, who resides at 125 Chesterfield Bluffs Drive, opposed the approved traffic light at Baxter Road and Ascension Drive.

J. Marshall Saye, who resides at 121 Chesterfield Bluffs Drive, represented the Villas at Chesterfield Bluffs and opposed the approved traffic light at Baxter and Ascension Drive.

Mike Pozsguy, who resides at 16827 Chesterfield Bluffs Circle, spoke on behalf of Kay Wallace, Trustee, and opposed the approved traffic light at Baxter and Ascension Drive.

Dan Ryan, who resides at 116 Chesterfield Bluffs Drive, opposed the approved traffic light at Baxter and Ascension Drive.

Mary Purvines, who resides at 16863 Chesterfield Bluffs Circle, opposed the approved traffic light at Baxter and Ascension Drive.

John King, Attorney for Delmar Gardens, 168 N. Meramec, was in attendance to answer any questions the Mayor and City Council had regarding the proposed ordinances for the Delmar Gardens project Bill No. 2021 (P.Z. 21-2000), Bill No. 2022 (P.Z. 22-2001) and Bill No. 2023 (P.Z. 23-2001).

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Jane Durrell, Chairperson of the Finance and Administration Committee, reported that the Committee revisited and updated the Committees' Contributions Program. The Committee voted unanimously to recommend that City Council increase the cap from \$2,000 to \$3,000 per year per organization. Councilmember Durrell made a motion, seconded by Councilmember Brown, to increase the cap of the yearly contribution from \$2,000 to \$3,000 per organization per year. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Durrell next made a motion, seconded by Councilmember Flachsbart, to authorize the Finance and Administration Committee to exceed the cap of \$3,000 per year per organization, if funds remain in the \$15,000 budget at the end of the year. Discussion ensued. A roll call vote was taken with the following results – Ayes – Casey, Brown, Geiger, Hurt, Scheidt. Nays – Flachsbart, Streeter, Durrell. Mayor Nations

declared the motion passed. Councilmember Durrell next made a motion, seconded by Councilmember Brown, to amend the Contributions Program policy by stating that if any organization is funded through the General Fund, they will not be eligible for any funding through the Contributions Program. A voice vote was taken with an affirmative result (Councilmember Casey voted “No”) and the motion was declared passed.

Councilmember Durrell next proposed the 2002 City Council meeting schedule endorsed by the Finance and Administration Committee. Councilmember Durrell made a motion, seconded by Councilmember Flachsbart, to approve the 2002 City Council meeting schedule as submitted. Councilmember Streeter made a motion, seconded by Councilmember Durrell, to add the July 1 City Council meeting date to the proposed schedule. A roll call was taken with the following results – Ayes – Hurt, Streeter, Durrell. Nays – Casey, Flachsbart, Brown, Geiger, Scheidt. Mayor Nations declared the motion failed. Councilmember Flachsbart made a motion to call for the question. Councilmember Durrell seconded the motion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mayor Nations then called for a vote on the motion to approve the 2002 City Council meeting schedule. A voice vote was taken with an affirmative result (Councilmember Streeter voted “No”) and the motion was declared passed.

Councilmember Durrell next reported that in the past the medical savings accounts for employees have been \$2,500 per year. The IRS has no limit on the medical savings accounts and employees would benefit from an increase in the maximum allowed. Councilmember Durrell made a motion, seconded by Councilmember Flachsbart, to increase the medical savings account portion of the Flexible Spending Program to \$5,000 per year. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Durrell next reported that the current City “Military Leave” Policy guarantees employees that their job will be held open for ninety days if they are on military leave and provides them with the difference in salary, if their salary is less than their military pay. A recent survey conducted by Staff showed that the majority of other cities hold employees’ jobs open for six months. Councilmember Durrell made a motion, seconded by Councilmember Streeter, to change the policy to hold employees’ jobs for six months. After some discussion, Councilmember Flachsbart made a motion, seconded by Councilmember Scheidt, to extend the policy to one year. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Durrell next made a motion, seconded by Councilmember Brown, for a policy change regarding internet links and to permit Staff to approve new applications to link to the City’s web site. Discussion ensued. A roll call vote was taken with the following results – Ayes – Streeter, Durrell, Scheidt, Brown, Geiger. Nays – Casey, Flachsbart, Hurt. Mayor Nations declared the motion passed.

Public Works/Parks Committee

Councilmember Barry Streeter, Chairperson of the Public Works/Parks Committee, reported that Bill No. 2030, regarding fire hydrants, will be considered for adoption under the “Legislation” portion of the agenda.

Public Health and Safety Committee

Councilmember Mike Casey, Chairperson of the Public Health and Safety Committee, reported that Bill No. 2029, which authorizes the assessment and collection of various court costs, will be read for the first time under the “Legislation” portion of the agenda.

Planning and Zoning Committee

Councilmember Charles Scheidt, Chairperson of the Planning and Zoning Committee, reported that Bill No. 1998 (Nooning Tree PEU amendment) has been held. He next reported that Bill No. 2021 (P.Z. 21-2001, Delmar Gardens), Bill No. 2022 (P.Z. 22-2001, Delmar Gardens) and Bill No. 23-2001 (P.Z. 23-2001) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Scheidt announced that the next meeting of this Committee has been scheduled for December 6 at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that two liquor license requests have been received from New York Burrito Gourmet Wraps, located at 17289 Chesterfield Airport Road, to sell all kinds of liquor by the drink for consumption on the premises and Sunday sales, and Shermie’s Delicatessen, located at 1637 Clarkson Road, to sell beer and wine only, by the drink for consumption on the premises. The applications have been reviewed and approved by the Police and Planning Departments. Councilmember Casey made a motion, seconded by Councilmember Streeter, to approve issuance of liquor licenses to New York Burrito Gourmet Wraps and Shermie’s Delicatessen. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that a recommendation has been developed for consideration/approval by City Council, regarding lighting of the parking lot of the Chesterfield Valley Athletic Complex (CVAC). Given the fact that the infrastructure and pole bases were already in place, the lights and poles to be added to the parking lot area are only available from one manufacturer, MUSCO. Based upon the unit pricing provided by MUSCO, Staff has recommended that six poles, complete with lights be purchased from MUSCO, at a total cost of \$42,944 and that the poles/lights be installed by All Purpose Erectors, at a cost not to exceed \$9,900, which will make the total cost for this project \$52,844. Councilmember Brown made a motion, seconded by Councilmember Streeter to approve the bid submitted from MUSCO in an amount of \$42,944, as well as the bid submitted by All Purpose Erectors, in the amount of \$9,900.

City Council previously authorized a transfer of \$30,000 from Contingency, to fund the priority lighting at the CVAC parking lot. Staff has identified additional savings within the Parks Division Budget, which will accommodate the additional \$22,844 needed for City Council to approve this recommendation. These “savings” identified by Staff are included in the motion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Streeter made a motion, seconded by Councilmember Brown, to add lighting for one baseball field and one soccer field and transfer \$100,000 from Contingency to cover the additional cost and authorize Staff to negotiate with MUSCO and All Purpose Erectors for these additional lights and their installation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were sought for the removal and replacement of dead or dying plant material and conversion of the drip-irrigation system, on several medians along the Chesterfield Parkway. Based on a review of this information and the recommendations made by Director of Public Works/City Engineer Mike Geisel, he joined with him in recommending that a contract be awarded to Suburbia Gardens, in an amount not to exceed \$40,779. Adequate funds exist within the FY 2001 Budget to cover this total cost. Councilmember Casey made a motion, seconded by Councilmember Brown, to award a contract to Suburbia Gardens, in an amount not to exceed \$40,779 for removal and replacement of dead or dying plant material and conversion of the drip-irrigation system on medians on Chesterfield Parkway. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that City Council previously awarded a contract to Gershenson Construction, in an amount not to exceed \$290,960, for work associated with various Wilson Road improvements. Mr. Geisel is now requesting that that original contract be amended, at an additional cost of \$12,982.42, bringing the total cost to \$303,943. Mr. Herring confirmed that funds exist within the current FY 2001 Budget to cover the total expense. Councilmember Geiger made a motion, seconded by Councilmember Flachsbart, to award a contract to Gershenson Construction, in an amount not to exceed \$303,943, for work associated with various Wilson Road improvements. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that City Council previously awarded a contract to Kuesel Excavation, in an amount not to exceed \$200,000, for sidewalk construction citywide. Given the extraordinarily good weather that we have experienced over the past month or so, additional work was accomplished, bringing the total construction costs to \$205,997.50. Mr. Geisel is recommending that the original contract with Kuesel Excavation be amended to reflect this new total. Total funds to cover this expense are available within the ½ cent sales tax/Prop R& S fund. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to award a contract to Kuesel Excavation, in an amount not to exceed \$205,000, for sidewalk construction citywide. 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 has prepared Resolution No. 279, which will officially adopt/approve the proposed FY2002 Budget. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to adopt Resolution No. 279, which formally adopts the FY2002 Budget. Mr. Herring added that Councilmember Durrell recommends that \$5,200 be added to the FY2002 Budget to cover the costs for the dedication and open house for the new City Hall. A voice vote was taken with a unanimous affirmative result and the FY2002 Budget was declared passed, as amended.

NEW BUSINESS

There was no new business.

LEGISLATION

BILL NO. 2028 **AUTHORIZES AND DIRECTS THE EXECUTION OF AN AGREEMENT BY MAYOR 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 (SECOND READING)**

Councilmember Casey made a motion, seconded by Councilmember Brown, for a second 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 second time. A roll call vote was taken for passage and approval of Bill No. 2028, with the following results: Ayes – Casey, Flachsbart, Streeter, Durrell, Scheidt, Brown, Hurt and Geiger. Nays – None. Whereupon Mayor Nations declared Bill No. 2028 approved, passed it and it became **ORDINANCE NO. 1804**.

BILL NO. 2029 **PROVIDES AUTHORIZATION FOR THE MUNICIPAL COURT OF THE CITY OF CHESTERFIELD TO COLLECT ALL COSTS ASSESSED AS A RESULT OF STATUTES ENACTED BY THE MISSOURI GENERAL ASSEMBLY TO INCLUDE, BUT NOT LIMITED TO, COLLECTIONS FOR THE CRIME VICTIMS COMPENSATION FUND BY THE STATE OF MISSOURI (SECTION 595.045 RSMo 2000); COLLECTIONS FOR THE SPINAL CORD INJURY FUND PERSUANT TO SECTION 304.027 RSMo; COSTS FOR THE TRAINING OF LAW ENFORCEMENT OFFICERS WITHIN THE CITY OF CHESTERFIELD; AND FOR SHELTERS FOR BATTERED PERSONS AS PROVIDED BY STATE STATUTE AND AUTHORIZING THE AUTOMATIC INCREASE OF SAID COSTS TO COINCIDE WITH ANY FUTURE INCREASES**

MADE BY THE MISSOURI GENERAL ASSEMBLY ON ANY SPECIFIC COSTS TO BE PAID AS PROVIDED BY STATE LAW (**PUBLIC HEALTH AND SAFETY COMMITTEE – FIRST READING**)

Councilmember Casey made a motion, seconded by Councilmember Brown, for the first reading of Bill No. 2029. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2029 was read for the first time.

BILL NO. 2030 APPROVES THE INSTALLATION OF A FIRE HYDRANT IN MCBRIDE & SON CENTER, LOT 3 SUBDIVISION LOCATED WITHIN THE CITY OF CHESTERFIELD (PUBLIC WORKS/PARKS COMMITTEE – FIRST AND SECOND READINGS)

Councilmember Streeter made a motion, seconded by Councilmember Brown, for the first reading of Bill No. 2030. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2030 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Geiger, for a second reading of Bill No. 2030. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2030 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2030, with the following results: Ayes – Casey, Brown, Scheidt, Geiger, Flachsbar, Durrell, Hurt, and Streeter. Nays - None. Whereupon Mayor Nations declared Bill No. 2030 approved, passed it and it became **ORDINANCE NO. 1805**.

LEGISLATION – PLANNING COMMISSION

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) (SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for a second 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 second time. A roll call vote was taken for passage and approval of Bill No. 2021, with the following results: Ayes – Hurt, Casey, Streeter, Geiger, Brown, Durrell, Scheidt and Flachsbar . Nays - None. Whereupon Mayor Nations declared Bill No. 2021 approved, passed it and it became **ORDINANCE NO. 1806**.

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) (**SECOND READING** – PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for a second 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 second time. A roll call vote was taken for passage and approval of Bill No. 2022, with the following results: Ayes – Brown, Flachsbart, Geiger, Casey, Hurt, Durrell, Streeter and Scheidt. Nays - None. Whereupon Mayor Nations declared Bill No. 2022 approved, passed it and it became **ORDINANCE NO. 1807.**

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) (**SECOND READING** – PLANING COMMISSION RECOMMENDS APPROVAL)

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for a second 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 second time. A roll call vote was taken for passage and approval of Bill No. 2023, with the following results: Ayes – Casey, Hurt, Brown, Streeter, Durrell, Scheidt, Geiger and Flachsbart. Nays - None. Whereupon Mayor Nations declared Bill No. 2023 approved, passed it and it became **ORDINANCE NO. 1808.**

ADJOURNMENT

Mayor Nations entertained a motion to adjourn the meeting. Councilmember Casey made a motion to adjourn the meeting. Councilmember Scheidt seconded the motion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. The meeting was adjourned at 8:29 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk