



RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD
AT 922 ROOSEVELT PARKWAY
DECEMBER 19, 1994

The meeting was called to order at 7:00 P.M.

A roll call was taken with the following results:

PRESENT

ABSENT

Mayor Jack Leonard
Councilmember Barry Flachsbart
Councilmember Colleen Hilbert
Councilmember Bill Devers
Councilmember Ed Levinson
Councilmember Dan Hurt
Councilmember Alan Politte
Councilmember Mike Cullen
Councilmember Linda Tilley

None

The Pledge of Allegiance was led by Girl Scout Troop #1882 from Shenandoah Valley School: Robyn Allen, Leah Katz, Andrea Hirsch, Cara Jaffe, Stephanie Kazanas, Jasmine Rangel and Lynsey Winkler.

Reverend Robert Hermann from Incarnate Word Catholic Church led the City Council in prayer.

APPROVAL OF MINUTES

The minutes of the December 5, 1994, City Council meeting was submitted for approval. A motion was made by Councilmember Levinson, seconded by Councilmember Flachsbart, to approve the minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. The minutes of the December 8, 1994, Special City Council meeting was submitted for approval. A motion was made by Councilmember

Levinson, seconded by Councilmember Flachsbart, to approve the minutes. A voice vote was taken with an affirmative result (Councilmembers Devers and Politte "Abstained") and the motion was declared passed. The minutes of the December 12, 1994, Special City Council meeting was submitted for approval. A motion was made by Councilmember Levinson, seconded by Councilmember Flachsbart, to approve the minutes. A voiced vote was taken with an affirmative result (Councilmembers Flachsbart, Hilbert and Politte "Abstained") and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Jack Leonard announced that candidate filing for the April, 1995 election will begin on Tuesday, January 3, 1995, at 8:00 A.M. and ends Tuesday, January 31, 1995, at 5:00 P.M.

Mayor Leonard deferred to Councilmember Hurt, Chairperson of the Planning and Zoning Committee. Recognizing the large number of people in attendance who are interested in P.Z. 18 & 19-94, Chesterfield Village, Councilmember Hurt motioned that Bill #'s 1005 and 1006 be considered for adoption at this time rather than under the Legislation portion of the agenda. The motion was seconded was seconded by Councilmember Levinson, to change the order of the agenda to consider for adoption Bill #1005 and Bill #1006. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Hurt stated that there are two different State Statutes that address protest petitions with regard to these two bills. The requirements for receiving protests for the rezoning are different from the requirements for protesting the P.E.U. Both the P.E.U. and the rezoning are currently contained within one bill. This has been the City's common procedure. Councilmember Hurt stated that Council would be considering sending the bills back to the Planning Commission for their review. A motion was made by Councilmember Flachsbart, seconded by Councilmember Tilley, to send Bill #1005 and Bill #1006 to the Planning Commission for their review and consideration in separating the rezoning request from the P.E.U. request. In addition, no further public hearings will be required. A roll call vote was taken with the following results: Ayes - Flachsbart, Hilbert, Devers, Levinson, Hurt, Politte, Tilley, Cullen. Nays - None. The motion was declared passed. Councilmember Hurt next stated that the time frame needs to be extended for ninety (90) days in order for new legislation to be introduced to City Council. A motion was made by Councilmember Flachsbart, seconded by Councilmember Hurt, to extend the time frame for review of these bills by the Planning Commission for ninety (90) days. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

COMMUNICATIONS AND PETITIONS

Ms. Ann Wittenberg, who resides at 2121 Windport, presented petitions containing 1,325 signatures of the residents of the unincorporated area northeast of the current City limits, requesting a feasibility study of the area for possible annexation into the City.

Mr. George Smith, who resides at 13253 Hobnail Drive and serves as President of the Board of Trustees for Old Farm Estates, expressed concern that the map of the annexation area had been adjusted and indicates that his subdivision would be divided in half. Discussion followed. A motion was made Councilmember Flachsbart, seconded by Councilmember Devers, to send this proposed annexation study issue to the Planning and Zoning Committee for further review. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

After reviewing the signed petitions as presented by Ms. Wittenberg, several Councilmembers noted discrepancies in the petitions. Mayor Leonard requested that the petitions be accepted as presented and forwarded them to the Planning and Zoning Committee for review.

COUNCIL COMMITTEE REPORTS

Finance and Administration

Councilmember Colleen Hilbert, Chairperson of the Finance and Administration Committee, reported that Bill #1000 regarding the Position Classification Plan will be read for the second time under the Legislation portion of the agenda.

Councilmember Hilbert announced that the next meeting of this Committee has been scheduled for January 9, 1995, at 7:00 P.M.

Public Works/Parks

Councilmember Ed Levinson, Chairperson of the Public Works/Parks Committee, reported that Bill #1004 regarding installation of fire hydrants and Bill #'s 1011 and 1012 regarding contracts for the purchase of property for the Public Works facility will be considered for adoption under the Legislation portion of the agenda. Due to time being of the essence, both the first and second readings for all three bills will take place at this meeting.

Councilmember Levinson reported that City Administrator Mike Herring and Director of Public Works/City Engineer Mike Geisel had discussed site preparation costs, with regard to the property to be acquired by the City for its Public Works facility. Councilmember Levinson stated that \$125,000 would be necessary in order to construct an access road from Chesterfield Airport Road, as well as a 200' x 200' concrete pad, upon which the Vehicle Maintenance Facility could be temporarily relocated. The dollar amount would be for materials and equipment rental, with all labor to be provided by City crews. It was noted that this entire expense could be reimbursed to the City from bond proceeds, if desired by City Council. A motion was made by Councilmember Levinson, seconded by Councilmember Flachsbart, to allocate \$125,000 from Fund Reserves, pending approval of Bill #'s 1011 and 1012, to be used for site work for the new Public Works facility. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Levinson announced that the next meeting of this Committee has been scheduled for January 9, 1995, at 5:30 P.M.

Planning and Zoning

Councilmember Dan Hurt, Chairperson of the Planning and Zoning Committee, reported that Bill #1007 regarding P.C. 165, 167, 170 and 172-71, Sachs Properties and Bill #'s 1008 and 1009 regarding P.C. 60-81 and P.C. 23-88, Richard Halbman - White Gate Farms, will be considered for adoption under the Legislation portion of the agenda.

Councilmember Hurt next reported that the Committee voted unanimously to direct Staff to send a letter to the St. Louis County Council indicating support for a bill to speed the placement of residential properties on the tax rolls. The initial request for immediate taxing of residences upon occupancy was submitted by the Rockwood School District and is supported by the Home Builders Association.

Councilmember Hurt next reported that the Committee voted to direct Staff to send a letter to St. Louis County requesting their formal action on establishing a Tax Increment Financing District for that portion of the Chesterfield Valley in unincorporated St. Louis County, west of Eatherton Road.

Councilmember Hurt next reported that an amended version of Resolution #173 regarding Eagle Ridge was presented by Councilmembers Hilbert and Flachsbart. The amendment, in essence, recognizes the changes submitted by the petitioner in the preliminary plat. A motion was made by Councilmember Flachsbart, seconded by Councilmember Hilbert, to adopt Resolution #173, as amended. A voice vote was taken with an affirmative result (Councilmember Devers "Abstained") and the motion was declared passed.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for December 21, 1994, at 5:30 P.M.

Public Health and Safety

Councilmember Linda Tilley, Chairperson of the Public Health and Safety Committee, reported that Bill #1010 regarding tourist camp licenses will be considered for adoption under the legislation portion of the agenda. Councilmember Levinson made a motion to refer this bill back to Committee for further review. The motion was seconded by Councilmember Devers. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Tilley next reported that the Police Department had completed a preliminary grant application for Federal Funds provided through the Violent Crime Control and Law Enforcement Act of 1994. The funding, if approved, would provide 75% federal funding for the hiring of three police officers for assignment in the Parkway School District. The issue of placement of Chesterfield Police Officers in the Parkway

School District as resource officers had been previously discussed and supported by the Committee. Parkway School District will fund the other 25% of the cost of the three officers, if the grant is approved. Much discussion ensued. Councilmember Tilley reported this as information.

Councilmember Tilley next reported that a letter and a traffic study, performed by the Police Department Traffic Bureau, had been sent to the Missouri Department of Highways and Transportation requesting that they consider lowering the speed limit on Wild Horse Creek Road and installing an electric stop light at the intersection of Wild Horse Creek Road and Long Road due to the increased traffic on Wild Horse Creek Road. Discussion ensued as to whether this was an issue that could be addressed by the recently-formed Traffic Task Force. It was noted that the Traffic Task Force was assigned a specific jurisdiction and that this issue did not fall within that area of responsibility.

Councilmember Tilley stated that the next meeting of this Committee will be determined at a later date.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring stated that a Public Hearing had been scheduled for earlier this evening, in order to enable the public presentation of the proposed FY1995 Budget. He further stated that the document which is being submitted for Council approval reflects all changes made by City Council throughout the budget review process and approved at the budget workshop. A motion was made by Councilmember Tilley, seconded by Councilmember Hurt, to approve the FY1995 Budget. Councilmember Levinson made a motion to amend the motion and transfer \$4,460 from Contingency to the Police Department Budget for Vehicles for the purchase of a Jeep Cherokee, in accordance with the Missouri State Purchase Contract, in lieu of one Police sedan. The motion was seconded by Councilmember Flachsbart. Councilmember Levinson pointed out that this type of vehicle will be very beneficial to the Police Department. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Herring suggested that the Municipal Court Budget be considered separately, due to the desire by Councilmember Cullen to abstain regarding that portion of the Budget. A voice vote was taken on the original motion to approve the FY1995 Budget, as amended to include the purchase of a Jeep Cherokee and exclude the Municipal Court Budget, with a unanimous affirmative result and the motion was declared passed. A motion was then made by Councilmember Hurt, seconded by Councilmember Tilley, to approve the 1995 Municipal Court Budget. A voice vote was taken with an affirmative result (Councilmember Cullen "Abstained") and the motion was declared passed. Councilmember Devers questioned Finance Director Jan Hawn to clarify several of his concerns related to expenditures contained within the FY1995 Budget.

Mr. Herring next reported that bids were recently sought for audit services for fiscal years 1994, 1995 and 1996. Having reviewed the proposals submitted, Finance Director Hawn recommends that the contract for the above-noted three (3) fiscal years be awarded to

K.P.N.G. Peat Marwick. Mr. Herring joined with Ms. Hawn in this recommendation. Much discussion ensued with questions directed to Finance Director Hawn by Councilmembers Devers and Hurt. Councilmember Hilbert made a motion to call for the question. The motion was seconded by Councilmember Flachsbart. A roll call vote was taken with the following results: Ayes - Flachsbart, Hilbert, Devers, Hurt, Politte, Tilley. Nays - Levinson and Cullen. A roll call vote was then taken on the motion to award the auditing services contract to K.P.N.G. Peat Marwick with the following results: Ayes - Flachsbart, Hilbert, Hurt, Politte, Tilley. Nays - Devers, Levinson, Cullen. The motion was declared passed.

Mr. Herring next reported that at the end of each fiscal year, Finance Director Jan Hawn prepares amendments to the budget, for approval by City Council, to reflect changes that need to be made to both revenues and expenditures to meet year-end projections. A motion was made by Councilmember Tilley, seconded by Councilmember Flachsbart., to approve the 1994 Budget Adjustment. Mr. Herring noted for the record that the expenditure category for Municipal Court remains unchanged and appears to be \$111,713 budgeted . The recommendation from Ms. Hawn includes no change to this budget. Councilmember Devers questioned the amount that appeared in the 1994 Budget Adjustment Summary Revised Estimate column. Ms. Hawn responded that this amount will go into Fund Reserves. In addition, he questioned the 1994 Budget Worksheet totals. Ms. Hawn responded to his concerns. A voice vote was taken with an affirmative result (Councilmember Levinson voted "No")and the motion was declared passed.

Mr. Herring next reported that bids had been sought for sidewalk construction along Deerhorn Drive and River Valley Drive. Director of Public Works/City Engineer Mike Geisel recommends that a contract be awarded to Greater St. Louis Builders, totaling \$29,200, for the sidewalk construction. This recommendation is based upon decisions recently made by City Council, authorizing condemnation to obtain the necessary easements for placement/construction of sidewalks along River Valley Drive. A motion was made by Councilmember Levinson, seconded by Councilmember Hilbert, to award the contract to Greater St. Louis Builders, totaling \$29,200, for sidewalk construction along Deerhorn Drive and River Valley Drive. 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, after reviewing bids received, recommended that the bid for the Westbury Stormsewer Project - Phase II be awarded to Unnerstall Contracting Company, Ltd., for a total amount of \$109,853. Acceptance of the bid, as recommended by Mr. Geisel, will require a budget transfer of \$7,815 from the sidewalk capital construction account, where additional funds remain. After the project has been completed, the City will receive a reimbursement from MSD totaling \$35,000, making the net cost of this project \$74,853. A motion was made by Councilmember Hilbert, seconded by Councilmember Flachsbart, to award the contract to Unnerstall Contracting Company, Ltd., for a total amount of \$109,853, and a budget transfer of \$7,815 from the sidewalk capital construction account. 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 recommends award of a contract for completion of a stormsewer project on Fox Hunt Drive, to CFM Contracting, Inc., in the amount of \$11,302. Budgeted funds exist to cover this expense. A motion was made by Councilmember Devers, seconded by Councilmember Levinson, to award the contract to CFM Contracting, Inc., in the amount of \$11,302, for the Fox Hunt Drive project. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids have been evaluated in response to the RFP for highway beautification projects within the City of Chesterfield. Based upon the analysis of those bids received, Director of Public Works/City Engineer Mike Geisel is recommending that a contract be signed between the City and Contemporary Landscape, in the amount of \$72,164.90. This amount is to cover two (2) different projects, with funding coming from the FY1994 Budget and the FY1995 Budget, as follows: \$55,000 being allocated from the FY1994 Budget and \$17,164.90 being allocated from the FY1995 Budget. The FY1995 Budget contains an appropriation of \$55,000 for beautification projects. The balance of the money appropriated for 1995 will be used for the purchase and planting of bulbs, in conjunction with the Chesterfield Airport Road ramp project, as well as the possibility of the purchasing and planting additional shrubs at this same location. A motion was made by Councilmember Flachsbart, seconded by Councilmember Levinson, to award the contract to Contemporary Landscape, in the amount of \$72,164.90 and to allocate funds as shown above. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported on opportunities to maximize the plans for concrete slab replacements. He stated that there remains \$42,626.53 within the contract amount issued to Concrete Design. There also remains \$30,000 in unused construction testing dollars. Director of Public Works/City Engineer Mike Geisel proposes to combine those two amounts and transfer the total of \$72,626.53 to the contract with Bennish Construction. That, in turn, could be added, as recommended by Mr. Geisel, to \$56,659, which resulted in penalties applied against the Bennish Construction, due to problems experienced by them with a concrete supplier. The total amount, \$129,285.53, is proposed by Mr. Geisel to be allocated and awarded to Bennish Construction for projects to be constructed during 1995. A purchase order would be issued in 1994 to capture these current budget dollars and specify that construction would not begin until weather conditions allow next year. A motion was made by Councilmember Hilbert, seconded by Councilmember Devers, to award a contract to Bennish Construction, in the amount of \$129,2285.53, for concrete slab replacements and to approve all budget transfers noted above. 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 one-half day on Friday, December 23, all day on Monday, December 26 and all day on Monday, January 2.

NEW BUSINESS

With regard to the recently-approved Parks Bond Issue, several actions needed to be taken by City Council. Mr. Herring noted the results of the election held with regard to the Parks Bond Issue must be officially accepted by a vote of City Council. City Clerk Marty DeMay summarized the totals, both "For" and "Against", and referenced the complete breakdown by precinct. A motion was made by Councilmember Hilbert, seconded by Councilmember Cullen, to accept the results of the November 8 election with regard to the Parks Bond Issue. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. The election results are attached to the Minutes as "Exhibit A."

Ms. DeMay next read the following statement: "The election was 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 4/7 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." A motion was made by Councilmember Flachsbart, seconded by Councilmember Hilbert, to approve this statement a read. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Ms. DeMay next introduced Resolution #174, which authorizes the offering for sale of general obligation bonds of the City of Chesterfield. A motion was made by Councilmember Politte, seconded by Councilmember Flachsbart, to adopt Resolution #174. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Politte stated that many residents are interested in buying the municipal bonds and that he would like to make this available. If this is a possibility, then Mr. Herring was directed to place the matter on the next City Council agenda.

LEGISLATION

BILL #1000

AMENDS ORDINANCE #217 OF THE CITY OF CHESTERFIELD TO RECLASSIFY CERTAIN POSITIONS IN A POSITION CLASSIFICATION PLAN (SECOND READING)

A motion was made by Councilmember Hilbert, seconded by Councilmember Tilley, for a second reading of Bill #1000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1000 was read for the second time. A roll call vote was taken for passage and approval of Bill #1000, with the following results: Ayes - Flachsbart, Hilbert, Devers, Levinson, Politte, Cullen and Tilley. Nays - Hurt. Whereupon Mayor Leonard declared Bill #1000 approved, passed it and it became ORDINANCE #973.

BILL #1004

APPROVES THE INSTALLATION OF FIRE HYDRANTS WITHIN THE CITY OF CHESTERFIELD (WILD HORSE VILLAGE "K") (FIRST AND SECOND READINGS - PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)

A motion was made by Councilmember Levinson, seconded by Councilmember Flachsbart, for the first reading of Bill #1004. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1004 was read for the first time.

A motion was made by Councilmember Levinson, seconded by Councilmember Flachsbart, for a second reading of Bill #1004. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1004 was read for the second time. A roll call vote was taken for passage and approval of Bill #1004, with the following results: Ayes - Flachsbart, Hilbert, Devers, Levinson, Hurt, Politte, Cullen and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #1004 approved, passed it and it became ORDINANCE #974.

BILL #1011

APPROVES THE PURCHASE CONTRACT FOR THE PURCHASE OF PROPERTY FOR THE PUBLIC WORKS FACILITY FROM DUBINSKY PARTNERSHIP AND OTHER SELLERS LOCATED IN THE CHESTERFIELD VALLEY

City Attorney Doug Beach stated for the record that, due to closing deadlines, both Bill #'s 1011 and 1012 needed to be approved at this Councils meeting. A motion was made by Councilmember Levinson, seconded by Councilmember Cullen, to suspend the rules of Council to have both the first and second readings of both Bill #1011 and Bill #1012 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 Levinson, seconded by Councilmember Flachsbart, for the first reading of Bill #1011. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1011 was read for the first time.

A motion was made by Councilmember Levinson, seconded by Councilmember Flachsbart, for a second reading of Bill #1011. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1011 was read for the second time. A roll call vote was taken for passage and approval of Bill #1011, with the following results: Ayes - Flachsbart, Hilbert, Devers, Levinson, Hurt, Politte, Cullen and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #1011 approved, passed it and it became ORDINANCE #975.

None. Whereupon Mayor Leonard declared Bill #1007 approved, passed it and it became ORDINANCE #977.

BILL #1008 APPROVES A BOUNDARY ADJUSTMENT PLAT FOR WHITE GATE FARMS ESTATES SUBDIVISION LOTS 1, 19 AND 20; NORTH SIDE OF CLAYTON ROAD, WEST OF STRAUB ROAD (PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL)

A motion was made by Councilmember Hurt, seconded by Councilmember Devers, for the first reading of Bill #1008. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1008 was read for the first time.

A motion was made by Councilmember Hurt, seconded by Councilmember Devers, for a second reading of Bill #1008. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1008 was read for the second time. A roll call vote was taken for passage and approval of Bill #1008, with the following results: Ayes - Flachsbart, Hilbert, Devers, Levinson, Hurt, Politte, Cullen and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #1008 approved, passed it and it became ORDINANCE #978.

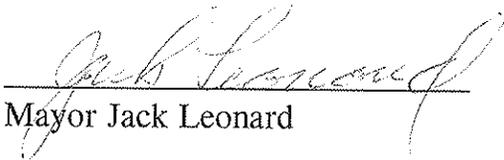
BILL #1009 AMENDS CITY OF CHESTERFIELD ORDINANCE #452 AUTHORIZING A PLANNED ENVIRONMENT UNIT PROCEDURE FOR A TRACT OF LAND LOCATED IN THE "R-5" 5,000 SQ. FT. RESIDENCE DISTRICT TO REFLECT NEW BOUNDARIES OF THE "R-5" 5,000 SQ. FT. RESIDENCE DISTRICT PLANNED ENVIRONMENT UNIT PROCEDURE (P.Z. 23-88, RICHARD HALBMAN - WHITE GATE FARMS ESTATES) (PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL)

A motion was made by Councilmember Hurt, seconded by Councilmember Devers, for the first reading of Bill #1009. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1009 was read for the first time.

A motion was made by Councilmember Hurt, seconded by Councilmember Tilley, for a second reading of Bill #1009. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1009 was read for the second time. A roll call vote was taken for passage and approval of Bill #1009, with the following results: Ayes - Flachsbart, Hilbert, Devers, Levinson, Hurt, Politte, Cullen and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #1009 approved, passed it and it became ORDINANCE #979.

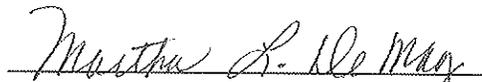
ADJOURNMENT

Mayor Leonard entertained a motion to adjourn the meeting to go into Executive Session (closed meeting) for the purpose of discussing personnel matters (RSMo610.210(3)). A motion was made by Councilmember Hilbert, seconded by Councilmember Hurt, to adjourn the meeting. A roll call vote was taken with the following results: Ayes - Flachsbart, Hilbert, Devers, Levinson, Hurt, Politte, Cullen, Tilley. The motion was declared passed. The meeting was adjourned at 8:25 P.M.



Mayor Jack Leonard

ATTEST:



Martha L. DeMay, City Clerk