

RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD AT 922 ROOSEVELT PARKWAY, FEBRUARY 20, 1990

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

A roll call was taken with the following results:

PRESENT

ABSENT

Acting-Mayor Charles W. Fawcett, Jr.
Councilmember Betty Hathaway
Councilmember Barry Flachsbart
Councilmember June Schroeder
Councilmember Jade Gardner Bute
Councilmember Dan Hurt
Councilmember Doug Hartman
Councilmember Dick Hrabko

The Pledge of Allegiance was led by Girl Scout Troop #2780 from Highcroft School: Lizzie Brewer, Ashley Reineke, Erika Robert, Lisa Sharek, Debby Plengemeier, Ashley Phillips, Helen Prassinis, Mareer Arbogast, Gretta Mandula. Also in attendance were Troop Leaders Vickie Arbogast and Sheri Neagle.

Reverend James Rogers from Lord of Life Lutheran Church led the City Council in prayer.

The minutes of the February 5, 1990, meeting were submitted for approval. A motion was made by Councilmember Bute, seconded by Councilmember Schroeder, to approve the minutes. A voice vote was taken, with a unanimous affirmative result, and the motion was declared passed.

COMMUNICATIONS AND PETITIONS

Mr. Steve Boriss, who resides at 50 River Bend Drive, expressed concern regarding Acting-Mayor Fawcett's intention to nominate three (3) members of the Planning Commission, since Mr. Fawcett has determined the legality of voting twice.

Ms. Judith Petrich, who resides at 209 River Bend, addressed the Council with regard Page 2

to her concerns with the Acting-Mayor voting twice to appoint individuals to the Planning Commission and asked that all future appointments be delayed until after the April election.

Mr. Malachi P. Kenney, 28 Ridgecrest Drive, spoke in favor of the City Council adopting a Code of Ethics.

Ms. Nancy Greenwood, who resides at 14441 Corallin, addressed the City Council in support of adopting a Code of Ethics.

INTRODUCTORY REMARKS - ACTING-MAYOR CHARLES W. FAWCETT, JR.

At the request of Acting-Mayor Fawcett, a motion was made by Councilmember Hathaway, seconded by Councilmember Bute, to approve adoption of a Proclamation, which promotes Chesterfield Community Night on April 7, 1990. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Acting-Mayor Fawcett urged all Chesterfield citizens to participate in Chesterfield Community Night at the Arena as the St. Louis Storms face the Tacoma Stars.

Acting-Mayor next announced that Mr. Gary Langfitt has resigned as Chairperson of the Drug and Alcohol Abuse Task Force. He submitted the name of Kay Fletcher to replace Mr. Langfitt as Chairperson. A motion was made by Councilmember Hurt, seconded by Councilmember Flachsbarth, to accept this nomination. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

COUNCIL COMMITTEE REPORTS

Planning and Economic Development

Councilmember Hrabko, Chairperson of the Planning and Economic Development Committee, reported that Bill #'s 413 and 414 will be considered for adoption under the Legislation portion of the Agenda.

Councilmember Hrabko next reported that the Planning and Economic Development has completed the task of formalizing the procedures which will allow petitioners to address this Committee.

Councilmember Hrabko next reported that the HBA (Home Builders Association) had suggested that the process regarding subdivision record plats be amended to eliminate the approval of the Planning and Economic Development Committee. This was reviewed by the Planning and Economic Development Committee and recommended this process be initiated on a trial basis for two months.

Councilmember Hrabko next reported that the HBA (Home Builders Association) suggested the possible elimination of preliminary site development plans in conjunction with rezoning and Special Procedure requests. The Planning and Economic Development Committee reviewed this process and recommended not to change this policy.

Councilmember Hrabko next reported that the Planning and Economic Development Committee has reviewed, revised and adopted a new procedure which will allow the public to address the Committee. Those individuals commenting on a specific zoning item, would speak before that item is addressed by the Committee. Committee members will now be allowed to ask questions of those individuals addressing the Committee.

Councilmember Hrabko next reported that the Planning Commission adopted the Comprehensive Plan as the City's official document, according to State Statutes, at their meeting held February 19, 1990. Councilmember Hrabko announced that the City Council would be asked to consider endorsement of the Comprehensive Plan at their next meeting which is scheduled for March 5, 1990.

Councilmember Hrabko announced the next meeting of this Committee has been scheduled for February 21, 1990.

Finance and Administration

Councilmember Hartman, Chairperson of the Finance and Administration Committee, reported that the Missouri Department of Revenue had denied the City of Chesterfield's request to withdraw from the sales tax pool and become a point of sale city. The denial of the City's request by the Missouri Department of Revenue is appealable within thirty (30) days after the date of the letter, which was sent February 5, 1990. A motion was made by Councilmember Hartman, seconded by Councilmember Bute, to proceed with the next step in the process by authorizing City Administrator Herring and City Attorney Beach to prepare and file an official appeal with the Department of Revenue to appear before the Administrative Hearing Commission. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Public Works/Parks

Councilmember Bute, Chairperson of the Public Works/Parks Committee, announced that the Kammerguild Chamber Orchestra is scheduled to appear on February 25, 1990, at 4:00 P.M. at the YMCA Chesterfield Community Theatre. Ms. Bute urged everyone to attend/support this event.

Councilmember Bute reported that St. Louis County notified the City that Schoettler Valley Drive will be closed entirely for approximately sixty (60) days when construction is taking place on the Chesterfield Village Parkway and that traffic will be routed to Highcroft until this is completed. This closing will occur this summer when school is not

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in session.

Councilmember Bute next updated those in attendance on the tree trimming program with the City of Chesterfield. Councilmember Bute stated that notices are delivered to the subdivisions in advance of trimming crews, in order to give the residents an opportunity to trim their own trees, if desired. Councilmember Bute reported that the Committee was in the bidding process for purchase of a bush chipper which will enable the crews to eliminate many trips to the Public Works facility to dump loads of branches and will transform the tree branches into bush chips. This program will continue until April or May depending upon the weather, and has been very well received by residents.

Councilmember Bute next reported that each Councilmember had received a tentative work schedule regarding tree trimming, cracksealing and sewer repair. The order of work is based upon work requests received by the citizens and street department assessments of priority and need.

Councilmember Bute stated that St. Louis County would soon begin work on the third quadrant of Chesterfield Village Parkway. The City of Chesterfield had previously agreed to maintain the center median, as the City had requested that St. Louis County include the median, as constructed in the existing two quadrants. A volunteer group is still being sought to maintain these medians.

Councilmember Bute reported that the City has increased its street division fleet to three (3) 3/4-ton pickup trucks and six (6) 2-1/2 ton double dump trucks to increase productivity during snow removal. An ample supply of salt is located at the Public Works facility.

Councilmember Bute presented an update regarding potholes and street repair procedures and the improved operations with the use of the Rosco Asphalt Machine.

Councilmember Bute reported that the City has received a grant to participate in city traffic signage which will put Chesterfield in compliance with the "Manual on Uniform Traffic Control Devices". The signs will be paid for by the State of Missouri and the City of Chesterfield will install them.

Councilmember Bute next reported that the Citizens Advisory Group had recommended that there be no change in the existing requirements as outlined in the zoning ordinance regarding curb cuts. The Committee also recommended, in conjunction with the subdivision ordinance pertaining to sidewalk requirements, the delineation between major and minor residential streets to be as follows: All streets are major streets except cul-de-sacs having eight (8) or fewer single family lots including corner lots. This was approved by the Public Works/Parks Committee.

Councilmember Bute announced the next meeting of this Committee has been scheduled for March 8, 1990, at 5:00 P.M.

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Public and Health and Safety

Councilmember Flachsbart, Chairperson of the Public Health and Safety Committee, reported that a turn lane will be established on Country Ridge at Clarkson Road. Due to this turn lane, "NO PARKING" zones on both sides of Country Ridge will be established for a distance of approximately 130 feet east from the intersection at Clarkson Road. An ordinance is in the process of being prepared which will establish these "NO PARKING" zones.

Councilmember Flachsbart announced that the City has asked the Missouri Highway and Transportation Department to study the need for a pedestrian-actuated signal at the intersection of Olive Boulevard and River Valley Drive.

Councilmember Flachsbart reported that St. Louis County has put in a four-way stop at the intersection of Baxter Road and Country Ridge. An ordinance is in the process of being prepared which will enable enforcement of this action taken by St. Louis County. Mr. Flachsbart commented that the City has received many favorable comments from residents.

Councilmember Flachsbart next reported that St. Louis County has installed a crosswalk at Kehrs Mill Elementary school, on Kehrs Mill Road at Sportsman Hill Drive, along with signs indicating the existence of this crosswalk for both eastbound and westbound traffic on Kehrs Mill Road.

Councilmember Flachsbart next reported that the Missouri Department of Highways and Traffic has agreed to install a pedestrian-actuated signal on Clayton Road at Village Green.

Councilmember Flachsbart next reported on the litter at bus stops. Staff has studied this problem and identified ten (10) bus stops which are in need of a trash receptacle. Staff will continue to look into various options to provide this trash removal and submit this to the Public Health and Safety Committee for a final recommendation.

Councilmember Flachsbart stated that Bill #412 will be introduced for consideration of adoption under the Legislation portion of the Agenda.

Councilmember Flachsbart reported that during the Work Session, City Council had voted that the Public Health and Safety Committee research St. Louis County's Conflict of Interest Ordinance, with the possibility of it being adaptable to the City's needs.

Councilmember Flachsbart announced the next meeting of his Committee is scheduled to be held March 12, 1990, at 7:05 A.M.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Herring updated those in attendance as to the process of annexation with regard to the Boundary Commission. Mr. Herring and Director of Planning and Economic Development Jerry Duepner appeared before the Boundary Commission on February 13, 1990, and presented Chesterfield's proposal to annex land along the Highway 141 corridor and to create a common border between the City of Chesterfield and the City of Creve Coeur, as previously agreed upon by both cities. The Boundary Commission stated that a Public Hearing has been tentatively scheduled for March 13, 1990, at 7:00 P.M., at the St. Louis County Government Center. During this hearing, each petitioner will be allowed to make a presentation in greater detail and will be afforded the opportunity to answer questions from the Boundary Commission. Following the Public Hearing, the Boundary Commission will have a period of sixty (60) days to make a decision. Their decision will determine which proposals actually get put on the ballot for consideration by the voters. Mr. Herring further stated that should Chesterfield's proposal be successful in gaining the support of the Boundary Commission, in order to pass, it would require the support of a majority of the residents in the area to be annexed as well as a majority of the citizens of Chesterfield. Once the Boundary Commission has made a decision, it will be up to City Council to set a formal date for the election to take place.

LEGISLATION

BILL #400 GRANTS A NON-EXCLUSIVE RIGHT, PRIVILEGE AND FRANCHISE TO CONTINENTAL CABLEVISION OF ST. LOUIS COUNTY, INC. TO CONSTRUCT, OPERATE, MAINTAIN AND RECONSTRUCT A CABLE TELEVISION SYSTEM WITHIN A PORTION OF THE CITY OF CHESTERFIELD HEREIN DESCRIBED AND APPROVING A FRANCHISE AGREEMENT BETWEEN THE CITY AND CONTINENTAL CABLEVISION OF ST. LOUIS COUNTY, INC. AND AUTHORIZING AND DIRECTING THE ACTING-MAYOR AND CITY CLERK TO EXECUTE SAID FRANCHISE AGREEMENT ON BEHALF OF THE CITY

A motion was made by Councilmember Hartman, seconded by Councilmember Hrabko, for the second reading of Bill #400. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #400 was read for the second time. A roll call vote was taken for passage and approval of Bill #400, with the following results: Ayes - Hathaway, Flachsbarth, Schroeder, Bute, Hurt, Hartman, Hrabko and Fawcett. Nays - None. Whereupon Acting-Mayor Fawcett declared the Bill #400 approved, passed it and it became ORDINANCE #412.

BILL #401 GRANTS A NON-EXCLUSIVE RIGHT, PRIVILEGE AND FRANCHISE TO UNITED VIDEO CABLEVISION, INC. TO CONSTRUCT, OPERATE, MAINTAIN AND RECONSTRUCT A CABLE TELEVISION SYSTEM WITHIN A PORTION OF THE CITY OF CHESTERFIELD HEREIN DESCRIBED AND APPROVING A FRANCHISE AGREEMENT BETWEEN THE CITY AND UNITED VIDEO CABLEVISION, INC. AND AUTHORIZING AND DIRECTING THE ACTING-MAYOR AND CITY CLERK TO EXECUTE SAID FRANCHISE AGREEMENT ON BEHALF OF THE CITY

A motion was made by Councilmember Hartman, seconded by Councilmember Bute, for the second reading of Bill #401. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #401 was read for the second time. A roll call vote was taken for passage and approval of Bill #401, with the following results: Ayes - Hathaway, Flachsbart, Schroeder, Bute, Hurt, Hartman, Hrabko and Fawcett. Nays - None. Whereupon Acting-Mayor Fawcett declared the Bill #401 approved, passed it and it became ORDINANCE #413.

BILL #412 REPEALS ORDINANCE #403 AND AMENDS BILL #35, SCHEDULE 6 OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING REVISIONS THEREFROM

A motion was made by Councilmember Flachsbart, seconded by Councilmember Hathaway, for the first reading of Bill #412. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #412 was read for the first time.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Hurt, for a second reading of Bill #412. 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 #412, with the following results: Ayes - Hathaway, Flachsbart, Schroeder, Bute, Hurt, Hartman, Hrabko and Fawcett. Nays - None. Whereupon Acting-Mayor Fawcett declared the Bill #412 approved, passed it and it became ORDINANCE #414.

LEGISLATION - PLANNING COMMISSION

BILL #413 AMENDS THESE CERTAIN CONDITIONS AND REQUIREMENTS OF ORDINANCE #351 OF THE CITY OF CHESTERFIELD REGARDING P.Z. 22-89, CINTON DEVELOPMENT REGARDING AN AMENDED "PEU" Page 8

AND "R-2" 15,000 SQUARE FOOT RESIDENTIAL DISTRICT ON THE NORTH SIDE OF OLIVE BOULEVARD AT WESTERN MILL DRIVE

A motion was made by Councilmember Hrabko, seconded by Councilmember Bute, for the first reading of Bill #413. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #413 was read for the first time.

A motion was made by Councilmember Hrabko, seconded by Councilmember Bute, for a second reading of Bill #413. 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 #413, with the following results: Ayes - Hathaway, Flachsbarth, Schroeder, Bute, Hurt, Hartman, Hrabko and Fawcett. Nays - None. Whereupon Acting-Mayor Fawcett declared the Bill #413 approved, passed it and it became ORDINANCE #415.

**BILL #414 APPROVES THE RECORD PLAT, TRUST INDENTURE AND WARRANTY DEED FOR THE
PRINCETON GATE SUBDIVISION (P.Z. 19 AND 20-89, GERALD
KERR HOME CORPORATION)**

A motion was made by Councilmember Hrabko, seconded by Councilmember Bute, for the first reading of Bill #414. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #414 was read for the first time.

A motion was made by Councilmember Hrabko, seconded by Councilmember Bute, for a second reading of Bill #414. 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 #414, with the following results: Ayes - Hathaway, Flachsbarth, Schroeder, Bute, Hurt, Hartman, Hrabko and Fawcett. Nays - None. Whereupon Acting-Mayor Fawcett declared the Bill #414 approved, passed it and it became ORDINANCE #416.

ADJOURNMENT

A motion was made by Councilmember Hurt, seconded by Councilmember Hathaway, 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 8:10 P.M.

Acting-Mayor Charles W. Fawcett, Jr.

ATTEST:

City Clerk