



RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD AT 690 CHESTERFIELD PARKWAY WEST

February 7, 2005

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

Mayor Nations led everyone in the Pledge of Allegiance and followed with a moment of silent prayer.

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 Connie Fults

ABSENT

None

APPROVAL OF MINUTES

The minutes of the January 27, 2005 City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Geiger, to approve the City Council minutes. A voice vote was taken with an affirmative result (Councilmember Durrell “abstained”) and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor John Nations announced that City Hall would be closed Monday, February 21 in observance of the President's Day Holiday. Therefore, the next meeting of City Council would take place on Wednesday, February 23 at 7 p.m.

The Mayor next updated the slate of candidates for the April 2005 Municipal Election: Mayor – John Nations; Ward I - Jane Durrell; Ward II - Barry Streeter, Ward III – Dan Hurt; Ward IV – Mary Brown. Mayor Nations noted that this is the first time in the history of the City of Chesterfield that there are no contested races.

COMMUNICATIONS AND PETITIONS

Darcy Capstick and Ken Denson, Co-Chairpersons of the Citizens Committee for the Environment introduced and commended the 48th and 49th Green Team members, Dr. Maggie Michael of Choose Environmental Excellence – Gateway Region (CEEGR) and Earth Day Directors Carla, Dave and Josh Wilson. Ms. Capstick and Mr. Denson then gave a presentation on the activities and programs CCE has planned for this spring.

Geoff Yothers, 10877 Watson Road, supported Bill No. 2334 (P.Z. 27-2004, THF Chesterfield Three Development – Home Depot).

Mike Horton, who resides at 14151 Ladue Road, supported Bill No.2327 (Creates a municipal offense for the public display of offensive and sexual material) and Bill No. 2328 (Regulates the distribution of materials harmful to minors).

Art Handman, who resides on Eagle Bluff Court, opposed Bill No. 2319, Barry Simon Development (Fox Hill Farms).

Nabeel Gareeb, who resides on Eagle Bluff Court, opposed Bill No. 2319, Barry Simon Development (Fox Hill Farms).

Bert Gates, 4390 Lindell, supported Bill No. 2319, Barry Simon Development (Fox Hill Farms).

Mike Doster, 17107 Chesterfield Airport Road, supported Bill No. 2319, Barry Simon Development (Fox Hill Farms).

COUNCIL COMMITTEE REPORTS

Public Health and Safety Committee

Councilmember Barry Flachsbart, Chairperson of the Public Health and Safety Committee, reported that Bill No 2327 (Creates a municipal offense for the public display of offensive and sexual material) and Bill No. 2328 (Regulates the distribution of materials harmful to minors) were scheduled for final consideration/adoption under the

“Legislation” portion of the agenda. However, Councilmember Casey made a motion, seconded by Councilmember Fults, to refer this legislation back to the Public Health and Safety Committee for further discussion and direction. Discussion ensued regarding the legislation. Councilmember Brown specifically requested that the Committee address the implications and restrictions on the sale of DVD’s, CD’s, video tapes and the showing of certain movies. A roll call vote was taken on the motion to hold the legislation and refer it to the PH&S Committee, with the following results: Ayes – Geiger, Fults, Streeter, Brown, Casey, Hurt, Durrell and Flachsbart. The Mayor declared the motion passed. Councilmember Streeter requested that City Attorney Beach also attend the February 17 PH&S Committee meeting.

Planning and Zoning Committee

Councilmember Bruce Geiger, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2330 (P.Z. 02-2004, Summit Development (Valley Gates Buildings) will be considered for adoption and Bill No. 2334 (P.Z. 27-2004, THF Chesterfield Three Development – Home Depot) will be read for the first time under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Geiger announced that the next meeting of this Committee has been scheduled for February 24 at 5:30 p.m.

Public Works/Parks Committee

Councilmember Dan Hurt, Chairperson of the Public Works/parks Committee, reported that Bill No. 2332 (Approves the installation of a fire hydrant on Conway Road) and Bill No. 2333 (Approves the installation of a two-way stop sign at Ladue Bluff Crossing Drive and New Holland Drive) will be considered for adoption and Bill No. 2335 (Accepts public streets within Appaloosa Way Subdivision) will be read for the first time under the “Legislation” portion of the agenda.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for March 16 at 5:45 p.m.

Finance and Administration Committee

Councilmember Mary Brown, Chairperson of the Finance and Administration Committee, introduced Resolution No. 314, which approves and adopts a revised Five-Year Forecast (2004 – 2008). Councilmember Brown noted that the changes contained within the amended “Forecast” reflect the passage of Proposition P and that the \$400,000 previously earmarked as an annual transfer, from the General Fund to the Parks Fund, would be redirected to the Capital Street/Sidewalk Construction Fund. Councilmember Brown made a motion to adopt Resolution No. 314. Councilmember Geiger seconded the motion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Brown next reported that the Committee has forwarded a recommendation to the Public Works/Parks Committee to transfer \$300,000 from Fund Reserves for the purchase of deferred Public Works capital equipment.

Councilmember Brown noted that F&A had voted NOT to endorse the Public Works/Parks Committee recommendation to appropriate an additional \$500,000, from Fund Reserves, for capital street/sidewalk construction projects, during 2005. Councilmember Brown requested that this item be included on the Agenda, for the 2/23/05 City Council meeting, for a final vote.

Councilmember Brown next reported that a meeting of this Committee has been scheduled for February 15 at 5 p.m. to discuss the Chesterfield Community Development Corporation and another meeting scheduled for February 22 at 8 a.m. to discuss changes/enhancements to the employee retirement plan.

REPORT OF THE CITY ADMINISTATOR

City Administrator Mike Herring reported that the City of Chesterfield has requested a liquor license to serve beer only at the Chesterfield Valley Athletic Complex (CVAC), located at 17925 North Outer 40 Road, to sell beer only and Sunday sales. Councilmember Streeter made a motion, seconded by Councilmember Durrell, to issue a liquor license for the sale of beer only, and Sunday sales, to the City of Chesterfield. Mayor Nations stated that if this passes, he would like the Parks, Recreation and Arts Citizens Advisory Committee (PRACAC) to meet to formulate guidelines and policies regarding the sale of alcoholic beverages during the time children's sports are being conducted. The Mayor stated, once again, his opposition to the sale of alcoholic beverages at CVAC and, at the very least, the need to regulate/restrict those sales, when children are present. A voice vote was taken with an affirmative result (Councilmember Fults voted "No") and the motion was declared passed. Councilmember Streeter, who serves as liaison to the PRACAC, commented that he would be sure to discuss this issue/concern, at the committee's next meeting.

Mr. Herring next reported that Director of Public Works/City Engineer Mike Geisel is recommending the purchase of a Zero Turn Mower, from Norton Enterprises, at a total purchase price of \$10,900. The Parks Fund budget contains an appropriation of \$10,921, for this purchase. Having reviewed the information from Mr. Geisel, he joined with him in recommending approval of this purchase. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to purchase the Zero Turn Mower from Norton Enterprises, at a total purchase price of \$10,900. 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 is recommending purchase of a Toro Workman Model 2110 utility cart, which will be used within the Parks maintenance operation, from Turf Professionals Equipment Company, at a total cost of \$11,793.58. He noted that the Parks Fund Operational Budget contains a total of \$11,456 for this purchase. Having reviewed the information provided to him, he

joined with Mr. Geisel in recommending approval of this purchase since Mr. Geisel had assured him that adequate funds can/will be found within the Parks Fund Capital Equipment budget, to cover the difference between the budget and the actual cost of this piece of equipment. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to purchase of a Toro Workman Model 2110 utility cart at a total cost of \$11,793.58. 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 is recommending award of a contract for the purchase/installation of lights for the fields at CVAC to MUSCO lighting, based upon a previously – approved cooperative pricing agreement, in an amount not to exceed \$52,728. Having reviewed the information provided to him, Mr. Herring joined with Mr. Geisel in recommending approval of this recommendation. This entire cost is funded as part of the “Miracle Field” project. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract for the purchase/installation of lights for the fields at CVAC to MUSCO lighting, based upon a previously – approved cooperative pricing agreement, in an amount not to exceed \$52,728. 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 a TY-Crop Quick Pass 450 Top Dresser, at a total purchase price of \$14,540, from Turf Professionals Equipment Company. He noted that the F.Y. Parks Fund Budget provides \$10,558 for this purchase. Having reviewed the information provided to him, Mr. Herring joined with Mr. Geisel in recommending approval of this recommendation. Mr. Herring’s support is contingent upon Mr. Geisel’s assurance that adequate funds will be available within the context of the current Parks Fund Capital Equipment budget, to cover the difference between budget and actual cost. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to award the bid to Turf Professionals Equipment Company, in an amount not to exceed \$14,450. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

LEGISLATION

**BILL NO. 2332 APPROVES THE INSTALLATION OF A FIRE HYDRANT
ON CONWAY ROAD, LOCATED WITHIN THE CITY OF
CHESTERFIELD (FIRST AND SECOND READINGS –
PUBLIC WORK/PARKS COMMITTEE)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2332. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2332 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2332. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2332 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2332, with the following results: Ayes – Hurt, Flachsbart, Geiger, Casey, Brown, Streeter, Durrell and Fults. Nays - None. Whereupon, Mayor Nations declared Bill No. 2332 approved, passed it and it became **ORDINANCE NO. 2152.**

BILL NO. 2333 AMENDS ORDINANCE NO. 35, SCHEDULE VI OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING A PROVISION FOR A TWO-WAY STOP SIGN AT THE INTERSECTION OF LADUE BLUFFS CROSSING DRIVE AND NEW HOLLAND DRIVE THERETO (**FIRST AND SECOND READINGS – PUBLIC WORKS/PARKS COMMITTEE**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2333. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2333 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, to suspend the rules to have the second reading of this legislation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2333. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2333 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2333, with the following results: Ayes – Hurt, Fults, Flachsbart, Brown, Streeter, Casey, Durrell and Geiger. Nays - None. Whereupon, Mayor Nations declared Bill No.2333 approved, passed it and it became **ORDINANCE NO. 2153.**

BILL NO. 2335 PERTAINS TO THE ACCEPTANCE OF PUBLIC STREETS WITHIN APPALOOSA WAY SUBDIVISION IN THE CITY OF CHESTERFIELD (**FIRST READING-PUBLIC WORKS/PARKS COMMITTEE**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2335. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2335 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2330 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN

“NU” NON-URBAN DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR AN APPROXIMATELY 7.698 – ACRE TRACT OF LAND, LOCATED ON NORTH OUTER 40 ROAD, EAST OF BOONE’S CROSSING (P.Z. 02-2004, SUMMIT DEVELOPMENT (VALLEY GATES BUILDINGS)) (SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL AS AMENDED)

Councilmember Geiger made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2330. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2330 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2330, with the following results: Ayes – Fults, Durrell, Brown, Geiger, Casey, Streeter, Hurt, and Flachsbart. Nays - None. Whereupon, Mayor Nations declared Bill No. 2330 approved, passed it and it became **ORDINANCE NO. 2154.**

BILL NO. 2334 REPEALS CITY OF CHESTERFIELD ORDINANCE 1624 AND REPLACES IT WITH AN ORDINANCE ALLOWING SEASONAL OUTDOOR STORAGE FOR THE WESTERNMOST ANCHOR STORE OF CHESTERFIELD COMMONS WEST, FROM MARCH 15 UNTIL OCTOBER 15 OF EACH YEAR (P.Z. 27-2004, THE CHESTERFIELD THREE DEVELOPMENT – HOME DEPOT) **(FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2334. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2334 was read for the first time.

ADJOURNMENT

Councilmember Streeter made a motion, seconded by Councilmember Casey, to adjourn the meeting to go back into Executive Session (closed meeting), to discuss litigation, as provide by RSMo 610.021(1). A roll call vote was taken with the following results: Ayes – Flachsbart, Hurt, Streeter, Casey, Geiger, Brown, Durrell and Fults. Nays – None. Mayor Nations declared the motion passed and adjourned the meeting at 7:57 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk