



RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD AT 16052 SWINGLEY RIDGE ROAD

January 17, 2001

Acting Mayor Dan Hurt called the meeting to order at 7 p.m.

A roll call was taken with the following results:

PRESENT

Councilmember Barry Flachsbart
Councilmember Jane Durrell
Councilmember John Nations
Councilmember Dan Hurt
Councilmember Mike Casey
Councilmember Mary K. Brown
Councilmember Charles Scheidt

ABSENT

Mayor Nancy Greenwood
Councilmember Barry Streeter

The Pledge of Allegiance was led by Girl Scout Troop #3174 from Shenandoah Valley School: Emily Boles, Megan McGinnis, Samantha Moore and Ramina Caballas. Also in attendance was Troop Leader Priscillia Moore.

Acting Mayor Dan Hurt led those in attendance in a moment of silent prayer.

APPROVAL OF MINUTES

The minutes of the January 2, 2001, City Council meeting were submitted for approval. Councilmember Scheidt made a motion to approve the City Council minutes. Councilmember Casey seconded the motion. A voice vote was taken with an affirmative result (Councilmembers Nations and Brown "Abstained") and the motion was declared passed.

INTRODUCTORY REMARKS

Acting Mayor Dan Hurt recognized Councilmember Mike Casey who announced the upcoming Artfeast sponsored by the Chesterfield Arts Commission. The event will be held at 6 p.m., Friday, January 26 at the Forest Hills Country Club. He urged everyone to attend this special event.

In addition, Councilmember Casey announced that Drug Awareness Day would, once again, be held on Saturday, March 3, at the Chesterfield Mall and urged everyone to attend this event.

COMMUNICATIONS AND PETITIONS

Bob Wald, Chairperson of the Parks, Recreation and Arts Citizens Advisory Committee, who resides at 1600 Baxter Forest Ridge Court, expressed concern as to the location of the proposed Sprint tower. Acting Mayor Hurt responded by saying that it was consensus of Council to refer this issue to PRACAC for their discussion/review of the proposed ordinance.

Don Kemner, who resides at 14914 Royalbrook Drive, requested that the Mayor and City Council hire an outside consultant to compare the proposed Charter with our current form of government. He further requested that the Mayor and City Council provide their opinion as to the pros and cons of the proposed Charter and state publicly as to whether they are for it or against it. He felt that the voters would take the opinions of the Mayor and City Council into serious consideration prior to casting their vote on April 3.

Marcia McDonald, who resides at 14986 Chateau Village Drive, emphasized that she was speaking as a citizen and not as Chairperson of the Charter Commission and urged City Council to hire an outside professional consultant to compare the proposed Charter with the current form of government.

Ted Allison, who resides at 2126 Chesterfield Place, stated that the proposed Charter provides much more power to the City Council than they currently have under Missouri State Statutes and that the proposed Charter clearly addresses term limits and filling vacancies on City Council.

Allan Sheppard, who resides at 826 Judson Manor Drive, requested that the Work Session agenda be posted on the City's web site.

Laura Lueking, who resides at 15021 Conway Road, explained the Charter Commission's plan to educate the residents prior to the election by holding two public informational meetings and suggested that the Mayor and City Council meet with the Charter Commission in a round table discussion to discuss/review the proposed Charter prior to the election.

Linda Tilley, who resides at 1926 Grayson Ridge Court, opposed hiring a professional consultant to review the proposed Charter and supported the proposed Charter as written.

Steve Greenwood, who resides at 14441 Corallin Drive, spoke on behalf of Mayor Nancy Greenwood and expressed her comments, which supported hiring a professional consultant to produce a document comparing the proposed Charter with the Model City Charter, as developed by the Missouri Municipal League.

APPOINTMENTS

There were no appointments.

COUNCIL COMMITTEE REPORTS

Planning and Zoning Committee

Councilmember Dan Hurt, Chairperson of the Planning and Zoning Committee, reported that Resolution No. 268, regarding the Highway 141 Extension, had been amended in the Work Session. Councilmember Flachsbart made a motion, seconded by Councilmember Durrell, to adopt Resolution No. 141, as amended. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt next reported that Bill No. 1891 (P.Z. 34-2000, Insituform), Bill No. 1891 (P.Z. 18-2000, Terra Investments) and Bill No. 1911 (vacates a portion of Old Olive) will be considered for adoption under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Brown made a motion, seconded by Councilmember Scheidt, to refer Bill No. 1907, which authorizes installation of a Sprint communication tower, to the Parks, Recreation and Arts Citizens Advisory Committee to review/discuss the location of the proposed tower. Their recommendation will then be forwarded to the Public Works/Parks Committee for consideration.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for Thursday, January 18 at 5:30 p.m.

Public Works/Parks Committee

Councilmember Mary Brown, Chairperson of the Public Works/Parks Committee, announced that the next meeting of this Committee has been scheduled for Thursday, January 24 at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported bids were recently sought for the printing of the Chesterfield Citizen newsletter, for four issues per year, for a three-year period.

Based upon a review of the information provided by Director of Finance and Administration Jan Hawn, he joined with her in recommending approval of Messenger Printing Company for a three-year contract. The cost for year one is \$9,840 and is well within the total amount budgeted for FY2001, of \$40,000, which includes printing and postage for the City's newsletter. Councilmember Casey made a motion, seconded by Councilmember Durrell, to award a three-year contract to Messenger Printing Company for an amount not to exceed \$9,840 for the first year, \$10,000 in 2002 and \$10,200 in 2003. 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 painting that will be required in conjunction with the construction of the proposed Government Center. Based upon the information provided by Director of Public Works/City Engineer Mike Geisel, Mr. Herring joined with him in recommending award of a contract to Lobo Painting, in an amount not to exceed \$93,500. The amount contained within the Construction Manager's original budget estimate for this phase of work totaled \$168,823. Councilmember Casey made a motion, seconded by Councilmember Scheidt, to award a contract to Lobo Painting, in an amount not to exceed \$93,500, for painting associated with the construction of the new Government Center. 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 supply/installation of tile in conjunction with the construction of the proposed Government Center. Based upon the information provided by Mr. Geisel, he joined with Mr. Geisel, in recommending award of a contract to William Zickel Flooring, in an amount not to exceed \$129,770. The amount contained within the Construction Manager's original budget estimate for this phase of work totaled \$130,541. Councilmember Scheidt made a motion, seconded by Councilmember Brown, to award a contract to William Zickel Flooring, in an amount not to exceed \$129,770, for tile associated with the construction of the new Government Center. 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 irrigation of the landscape and grassed areas to be constructed in conjunction with the construction of the proposed Government Center. Based upon review of the information provided by Mr. Geisel, Mr. Herring joined with him in recommending award of a contract to Gartland, in an amount not to exceed \$77,371. Mr. Herring noted that the amount contained within the Construction Manager's original budget estimate for this phase of work totaled \$79,200. Councilmember Casey made a motion, seconded by Councilmember Brown, to award the contract to Gartland, in an amount not to exceed \$77,371, for the irrigation of the landscaped and grassed areas to be constructed at the new Government Center. 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 supply/installation of resilient tile and carpet to be installed in conjunction with the construction of the

proposed Government Center. Based upon review of the information contained within a memo provided by Mr. Geisel, Mr. Herring joined with him, in recommending award of a contract to Dupont Flooring, in an amount not to exceed \$176,190. He noted that the Construction Manager's original estimate for this phase of work was \$113,997. However, Mr. Geisel and the Construction Manager assured him that sufficient funds exist within the total construction account to cover this amount. Councilmember Casey made a motion, seconded by Councilmember Scheidt, to award of a contract to Dupont Flooring, in an amount not to exceed \$176,190, for resilient tile and carpet in the new Government Center. 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 that a contract be authorized with Doering Engineering, on an as-needed/hourly basis, to facilitate the completion of engineering design and surveys for the River Valley Drive and Old Baxter Road street reconstruction projects. The total cost for these services in 2001 is estimated to be \$110,000, all of which would be covered by "R" and "S" Funds. Councilmember Casey made a motion, seconded by Councilmember Durrell, to award a contract be authorized with Doering Engineering, on an as-needed/hourly basis, to facilitate the completion of engineering design and surveys for the River Valley Drive and Old Baxter Road street reconstruction projects. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that he has obtained a revised proposal from Dr. Terry Jones. Dr. Jones' original proposal had a cost of \$3200 and the work would have required approximately 5 weeks. The revised proposal includes only a comparison of the proposed Charter to the current governmental structure, at a cost of \$1700. This review will require only 15 days and his work can/will begin as soon as the proposed Charter has been put into final form. If his scope of work would include a comparison of the proposed Charter to the Model Charter developed by the Missouri Municipal League, the cost would increase by \$500 and the timeframe would increase by 3 days. Councilmember Nations stated that he believes the public should be well informed on the proposed Charter; however, the Charter Commission has not completed the complete process of their task and that Dr. Jones' work would be premature. Councilmember Casey stated that the residents are requesting that this information be provided to them in order for them to make an informed decision. Councilmember Scheidt stated that the residents are requesting an unbiased opinion by a consultant, but also supports and encourages open meetings for public discussion. Councilmember Durrell requested that Mr. Herring read the list of individuals he contacted for this project. Mr. Herring did so and stated that the individuals he contacted either did not have the time or the inclination to take on this project at this time. Councilmember Brown supported an unbiased analysis of the proposed Charter. Councilmember Casey made a motion to contract with Dr. Terry Jones to do a comparison of the proposed Charter to the current governmental structure within a period of 15 days, at a cost of \$1,700. A voice vote was taken with an affirmative result (Councilmembers Flachsbart and Nations voted "No") and the motion was declared passed. Councilmember Casey made a motion, seconded by Councilmember Scheidt, for Dr. Jones to include a comparison of the proposed Charter to

the Model Charter, as developed by the Missouri Municipal League, for three extra days, at an additional cost of \$500. Councilmember Flachsbart opposed this motion, stating it would imply that the Charter was “bad” if it differed from the Model Charter. City Attorney Beach expressed opposition to the motion in that it could be inappropriate and misconstrued and cautioned City Council to disseminate the information without politicizing. Councilmember Brown opposed this motion, as the information obtained by such a comparison could be misconstrued. A voice vote was taken with a unanimous negative result and the motion was declared defeated.

NEW BUSINESS

There was no new business.

LEGISLATION

BILL NO. 1906 CALLS FOR AN ELECTION TO BE CONDUCTED IN THE CITY OF CHESTERFIELD ON APRIL 3, 2001, TO SUBMIT TO THE VOTERS THE QUESTIONS, “SHALL THE CITY OF CHESTERFIELD ADOPT THE CHARTER FRAMED BY THE CHARTER COMMISSION?” AND SHALL ONE ALTERNATIVE PROVISION BE ADOPTED?” AND TO SUBMIT TO THE VOTERS THE CHARTER FRAMED BY THE CHARTER COMMISSION, AND ONE ALTERNATIVE PROVISION, AND PROVIDING FOR THE ADOPTION OF THE CHARTER PROVIDED THAT A MAJORITY OF THE VOTES CAST ON THE CHARTER QUESTION SHALL BE IN FAVOR OF ADOPTING SAID CHARTER WHICH SHALL APPROVE, RATIFY AND CONFIRM SAID CHARTER (**SECOND READING – CHARTER COMMISSION RECOMMENDS APPROVAL**)

Councilmember Flachsbart made a motion, seconded by Councilmember Nations, for a second reading of Bill No. 1906. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.1906 was read for the second time. City Attorney stated that the language had been changed in Proposition C-1, 3.2 (c) and 4.2 (c), but the intent of this proposition has not been modified. Councilmember Brown made a motion, seconded by Councilmember Scheidt, to accept the newly proposed language. 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 No. 1906, with the following results: Ayes Nations, Casey, Hurt, Flachsbart, Durrell, Scheidt and Brown. Nays - None. Whereupon Acting Mayor Hurt declared Bill No.1906 approved, passed it and it became **ORDINANCE NO. 1706**.

LEGISLATION – PLANNING COMMISSION

BILL NO. 1909 AMENDS THE CITY OF CHESTERFIELD ZONING ORDINANCE FOR A CHANGE IN ZONING DESIGNATION FOR 4.652 ACRE TRACT OF LAND FROM “M-3” PLANNED INDUSTRIAL DISTRICT TO A “PI” PLANNED INDUSTRIAL DISTRICT LOCATED ON THE NORTH SIDE OF EDISON AVENUE, WEST OF CEPI DRIVE (P.Z. 34-2000, INSITUFORM TECHNOLOGIES) (**SECOND READING** – PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 1909. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1909 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1909, with the following results: Ayes – Durrell, Nations, Scheidt, Casey, Hurt, Flachsbart and Brown. Nays - None. Whereupon Acting Mayor Hurt declared Bill No. 1909 approved, passed it and it became **ORDINANCE NO. 1707.**

BILL NO. 1891 AMENDS THE CITY OF CHESTERFIELD ZONING ORDINANCE FOR A CHANGE IN ZONING DESIGNATION FOR 24.997 ACRE TRACT OF LAND FROM “M-3” PLANNED INDUSTRIAL DISTRICT TO A “PI” PLANNED INDUSTRIAL DISTRICT LOCATED ON THE NORTH SIDE OF CHESTERFIELD AIRPORT ROAD, EAST OF SPIRIT DRIVE (P.Z. 18-2000 TERRA INVESTMENTS, L.L.C.) (**SECOND READING** – PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL)

Councilmember Casey made a motion, seconded by Councilmember Durrell, for a second reading of Bill No. 1891. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1891 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1891, with the following results: Ayes – Nations, Flachsbart, Hurt, Brown, Casey, Durrell and Scheidt. Nays - None. Whereupon Acting Mayor Hurt declared Bill No. 1891 approved, passed it and it became **ORDINANCE NO. 1708.**

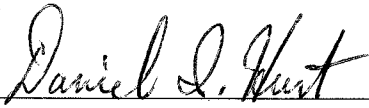
BILL NO. 1911 VACATES A SEGMENT OF THE OLD OLIVE STREET ROAD RIGHT-OF-WAY, EAST OF THF BOULEVARD (**FIRST AND SECOND READINGS** – DEPARTMENTS OF PLANNING AND PUBLIC WORKS RECOMMEND APPROVAL)

Councilmember Casey made a motion, seconded by Councilmember Scheidt, for the first reading of Bill No. 1911. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1911 was read for the first time.

Councilmember Casey made a motion, seconded by Councilmember Scheidt, for a second reading of Bill No. 1911. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1911 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1911, with the following results: Ayes – Scheidt, Hurt, Brown, Casey, Nations, Flachsbart and Durrell. Nays - None. Whereupon Acting Mayor Hurt declared Bill No. 1911 approved, passed it and it became **ORDINANCE NO. 1709**.

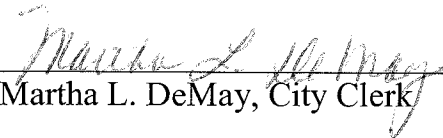
ADJOURNMENT

Acting Mayor Hurt entertained a motion to adjourn the meeting. Councilmember Flachsbart 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 8:20 p.m.



Acting Mayor Dan Hurt

ATTEST:



Martha L. DeMay, City Clerk