



RECORD OF PROCEEDING

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

January 6, 2003

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

Mayor John Nations led 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 December 2, 2002 FY2003 Budget Public Hearing and the December 2, 2002 City Council meeting were submitted for approval. Councilmember Brown made a motion, seconded by Councilmember Durrell, to approve the Public Hearing and the City Council minutes. A voice vote was taken with an affirmative result (Councilmember Casey “abstained”) and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Nations announced that City Hall would be closed on Monday, January 20, in observance of the Dr. Martin Luther King Jr.'s birthday holiday.

Mayor Nations next announced that the qualifying period for the office of Councilmember in the April, 2003 municipal election ends on Tuesday, January 21, at 5 p.m.

Mayor Nations next announced that the next City Council meeting has been scheduled for Wednesday, January 22, at 7 p.m.

COMMUNICATIONS AND PETITIONS

Daniel Wind, Wind Engineering Company, 122 N. Kirkwood Road, and representing the HBA, opposed the E-Districts as proposed in Bill No. 2135 (P.Z. 19A-2002, City of Chesterfield) and supported smaller lot sizes and flexible buffering in future developments.

Carl Jones, who resides at 305 W. Rosehill, Kirkwood, represented Michele Frazier Jones and expressed concerns regarding the time it is taking in order to get the portion of Westland Acres, that is located in the City of Wildwood, into the City of Chesterfield. Mayor Nations responded that the City of Chesterfield is moving forward, by placing this issue on the agenda for the P&Z Committee meeting, scheduled for this coming Thursday, January 9, 2003. He noted that Chesterfield could not unilaterally adjust the border between Chesterfield and Wildwood, to bring all of Westland Acres into Chesterfield, without Wildwood's approval.

Bill Quinn, who resides at 1427 Carriage Crossing, supported Bill No. 2119, Property Maintenance Code, and submitted pictures of unkempt property in his subdivision.

APPOINTMENTS

Mayor Nations next placed the name of Michael P. Phelan, 14666 Chesterfield Trails (Ward III) in nomination as a member of the Landmark Preservation Commission. Councilmember Casey made a motion, seconded by Councilmember Hurt, to approve the nomination of Mr. Phelan to the Landmark Preservation Commission. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Phelan's term expires January 6, 2006.

Mayor Nations next placed the name of Thomas L. Sandifer, 139 Gunston Hall Court (Ward I) in nomination as a member of the Chesterfield Community Development Corporation. Councilmember Casey made a motion, seconded by Councilmember Hurt, to approve the nomination of Mr. Sandifer to the CCDC. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Sandifer's term expires January 6, 2009.

Councilmember Casey announced that Chesterfield Arts was holding its “ARTFEAST – 2003” on Friday, January 24 and urged everyone in attendance to attend this event.

COUNCIL COMMITTEE REPORTS

Public Works/Parks Committee

Councilmember Barry Flachsbart, Chairperson of the Public Works/Parks Committee, reported that both Bill No. 2132 (accepts Edison Avenue, between Goddard and Long Road, as a public street) and Bill No. 2133 (accepts various streets in Nooning Tree Park Subdivision, Plats 1 and 2, as public streets) will be read for the first time under the “Legislation” portion of the agenda.

Councilmember Flachsbart announced that the next meeting of this Committee has been re-scheduled for Monday, January 27, 2003, at 5:30 p.m.

Finance and Administration Committee

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee, reported that the next meeting of this Committee has been scheduled for Wednesday, February 26, at 5:30 p.m.

Councilmember Geiger commended City Administrator Mike Herring and Director of Finance and Administration Jan Hawn for the City of Chesterfield receiving the Certificate of Achievement Award for financial reporting.

Planning and Zoning Committee

Councilmember Dan Hurt, Chairperson of the Planning and Zoning Committee, reported that Solon Gershman, Inc. has requested a reduction in parking for their property located in Chesterfield Plaza. It was noted that this request complies with the current zoning policy. Councilmember Hurt made a motion, seconded by Councilmember Casey, to approve the request for a parking reduction in Chesterfield Plaza, as submitted by Solon Gershman, Inc. 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, to hold Bill No. 2134 (P.Z. 23-2002, Sona Travel) and refer it 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.

Councilmember Hurt reported that Bill No. 2135 (P.Z. 19A-2002, Estate Districts) will be read for the first time and Bill No. 2136 (Resubdivision plat – Lot 2 – Dugsford Commons) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for January 9 at 5:30 p.m.

Public Health and Safety Committee

Councilmember Mary Brown, Chairperson of the Public Health and Safety Committee, reported that Bill No. 2131 (amends the Code of Ordinances regarding the Police Reserves) will be considered for adoption under the “Legislation” portion of the agenda.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that bids were recently sought for the construction of approximately 12,000 feet of sidewalk, adjacent to Olive/Clarkson from Kehrs Mill to Ladue, known as the “Highway 340 Enhancement Project.” This project also includes the installation of raised landscaped medians, bus shelters, bicycle racks, crosswalks, striping and the installation of pedestrian signals at various intersections. Based upon the recommendation from Assistant Director of Public Works/Assistant City Engineer Brian McGownd, Mr. Herring joined with him in recommending an award of a contract to Kuesel Excavating Company, in an amount not to exceed \$2,020,000.00. Approximately 70% of this total cost will be reimbursed to the City via transportation enhancement funds. The remaining 30% will be split between the City and the Missouri Department of Transportation. The City’s share for this project will be \$303,000.00, with the entire amount coming from the ½ cent sales tax capital improvement construction fund. Councilmember Casey made a motion, seconded by Councilmember Brown, to award a contract to Kuesel Excavating Company, in an amount not to exceed \$2,020,000.00 for the “Highway 340 Enhancement Project”. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that a liquor license request has been received from Longstreet Grill, for the sale of all kinds of liquor by the drink, for consumption on the premises, and Sunday sales. The application has been approved by both the Planning and Police Departments. Councilmember Casey made a motion, seconded by Councilmember Brown, to approve issuance of a liquor license to Longstreet Grill, located at 127 Towne Centre. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

City Attorney Doug Beach reported that during the concrete strike of 2000, the City of Chesterfield contracted with Concrete Resources for concrete which was delivered to the City during that time period. The concrete was faulty and the City filed a suit against them. As a result, Mr. Beach requested approval from City Council of a settlement with regard to the Concrete Resources litigation. That settlement will result in payment to the City of Chesterfield of \$45,000, as well as the provision of 550 cubic yards of concrete, to be poured at the direction of the City, over the next 24 months. Councilmember Flachsart made a motion, seconded by Councilmember Casey, to accept the terms of the

settlement resulting in payment to the City of Chesterfield of \$45,000, as well as the provision of 550 cubic yards of concrete, to be poured at the direction of the City, over the next 24 months. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

LEGISLATION

BILL NO. 2131 DELETES SECTION 6 AND 7 FROM ORDINANCE NO. 136, AND CODE SECTION 24-91, RELATING TO TYPES OF RESERVE OFFICERS (**SECOND READING – PUBLIC HEALTH AND SAFETY COMMITTEE**)

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2131. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2131 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2131, with the following results: Ayes – Geiger, Brown, Casey, Durrell, Flachsbart, Fults, Streeter and Hurt. Nays - None. Whereupon Mayor Nations declared Bill No. 2131 approved, passed it and it became **ORDINANCE NO. 1907**.

BILL NO. 2132 PERTAINS TO THE ACCEPTANCE OF EDISON AVENUE, BETWEEN GODDARD AVENUE AND LONG ROAD, IN THE CITY OF CHESTERFIELD, AS A PUBLIC STREET (**FIRST READING – PUBLIC WORKS/PARKS COMMITTEE**)

Councilmember Flachsbart made a motion, seconded by Councilmember Fults, for the first reading of Bill No. 2132. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2132 was read for the first time.

BILL NO. 2133 PERTAINS TO THE ACCEPTANCE OF PUBLIC STREETS WITHIN NOONING TREE PARK SUBDIVISION, PLATS 1 AND 2, IN THE CITY OF CHESTERFIELD, AS PUBLIC STREETS (**FIRST READING – PUBLIC WORKS/PARKS COMMITTEE**)

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2133. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2133 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2134 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CREATING A COMMERCIAL SERVICE PROCEDURE IN THE “R-2” 15,000 SQUARE FOOT RESIDENCE DISTRICT FOR A .45 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF OLIVE BOULEVARD,

WEST OF RIVER VALLEY DRIVE (P.Z. 23-2002 SONA TRAVEL) (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL**) (**Held and referred to Planning and Zoning Committee for further review.**)

BILL NO. 2135 REPEALS ORDINANCE 1901 AND AMENDS SECTION 1003.107, DELETING SECTIONS 1003.108, 1003.109 OF THE CITY OF CHESTERFIELD ZONING ORDINANCE PERTAINING TO THE ESTATE DISTRICTS BY ELIMINATING THE STANDARD PROCEDURE AND PERFORMANCE ZONING PROCEDURE OPTIONS AND PERMITTING THE PLANNED ENVIRONMENT UNIT (PEU) OPTION FOR DEVELOPMENT; ESTABLISHING BUFFERING STANDARDS FOR DEVELOPMENT ALONG COLLECTOR AND ARTERIAL ROADS; ELIMINATING THE 10 ACRE MINIMUM REQUIREMENT IN ESTATE DISTRICTS; AND BY REQUIRING THAT THE MAXIMUM NUMBER OF UNITS IN A DEVELOPMENT CORRELATE TO THE UNDERLYING ZONING IN THE ESTATE DISTRICT (P.Z. 19A-2002 CITY OF CHESTERFIELD) (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS RECOMMENDED**)

Councilmember Hurt made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2135. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2135 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Streeter, to amend Page 1, Section 1003.107(2) Intent and Purpose of Attachment A. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

BILL NO. 2136 PROVIDES FOR THE APPROVAL OF THE RESUBDIVISION PLAT FOR LOT 2 OF DUGSFORD COMMONS, A 1.436-ACRE C-8 PLANNED COMMERCIAL DISTRICT LOCATED ON THE NORTH-SIDE OF WILDHORSE CREEK ROAD, EAST OF ITS INTERSECTION WITH LONG ROAD (**FIRST AND SECOND READINGS – DEPARTMENTS OF PLANNING AND PUBLIC WORKS RECOMMEND APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2136. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2136 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2136. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2136 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2136, with the following results: Ayes – Hurt, Casey, Fults, Brown, Geiger, Flachsbart, Durrell and Streeter. Nays - None. Whereupon Mayor Nations declared Bill No. 2136 approved, passed it and it became **ORDINANCE NO. 1908.**

Councilmember Streeter commended Mr. Herring and the Parks, Recreation and Arts Division Staff for successfully obtaining grant funds from the Metropolitan Parks Commission, for use in lighting various fields at the Chesterfield Valley Athletic Complex.

Councilmember Brown commended the employees in the entire Public Works Department for their efforts at snow-plowing, during the last two snowstorms.

ADJOURNMENT

Mayor Nations adjourned the meeting at 7:46 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk