



RECORD OF PROCEEDING

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

January 3, 2005

The meeting was called to order at 7:05 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 December 6, 2004 City Council meeting and the minutes of the December 6, 2004 Budget Public Hearing were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Brown, to approve the City Council and the Public Hearing minutes. A voice vote was taken and the Minutes were approved by a vote of 7-0-1, with Councilmember Streeter abstaining, since he was not able to attend these meetings.

INTRODUCTORY REMARKS

Mayor John Nations announced that City Hall would be closed on Monday, January 17, in observance of the Dr. Martin Luther King, Jr. birthday holiday.

Mayor Nations next announced that the qualifying period for the April, 2005 election ends on Tuesday, January 18, at 5 p.m.

Mayor Nations announced that the next meeting of City Council has been scheduled for Wednesday, January 19, 2005.

COMMUNICATIONS AND PETITIONS

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

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

Belinda Boyer, who resides on Riverdale Drive, opposed Bill No. 2319, Barry Simon Development (Fox Hill Farms).

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

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

Janice Freeman, who resides on Baxter Road, opposed Bill No. 2319, Barry Simon Development (Fox Hill Farms).

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

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

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

Kerry Feld, who resides in Clayton, opposed Bill No. 2319, Barry Simon Development (Fox Hill Farms).

Mike Doster, attorney for the petitioner, supported Bill No. 2319, Barry Simon Development (Fox Hill Farms).

Carol Nowak, who resides at 16902 Wild Horse Creek Road, supported Bill No. 2319, Barry Simon Development (Fox Hill Farms).

Mary McCarthy, 128 Long Road, supported Bill No. 2320, Farmers Valley Market.

COUNCIL COMMITTEE REPORTS

Public Health and Safety Committee

Councilmember Barry Flachsbart, Chairperson of the Public Health and Safety Committee, reported that Chief Johnson had suggested, at the Committee's last meeting, that the City purchase four (4) Automatic External Defibrillators (AED), which would be placed within each of the City's facilities. In response to that proposal, the Committee voted unanimously to recommend that four (4) Defibrillators, including installation, training and maintenance, be purchased, at a total cost of \$7,040, using Fund Reserves. A motion was made by Councilmember Flachsbart, seconded by Councilmember Casey, to approve this recommendation. Councilmember Durrell made a motion to amend this recommendation, to authorize this purchase, using existing budget surplus, within the FY2005 Budget, rather than Fund Reserves. Following much discussion, a roll call vote was taken, regarding this motion to amend, with the following results: AYES: Durrell and Geiger; NAYS: Flachsbart, Streeter, Hurt, Casey, Brown and Fults. The motion to amend failed, by a vote of 2-6. A voice vote was then taken, regarding the original motion. The motion was approved by a vote of 7-1, with Councilmember Durrell voting "no".

Councilmember Flachsbart next reported that Bill No. 2326 (Establishes the speed limit on Schoettler Road) will be read for the first time under the "Legislation" portion of the agenda.

Councilmember Flachsbart next reported that Resolution No. 313 establishes "Community Standards" regarding Adult Entertainment/Display issues. He explained that the Committee had voted unanimously to recommend that City Council enact this Resolution which, if approved by Council, would establish "community standards", regarding obscenity. The Resolution is a "finding of fact". Councilmember Flachsbart made a motion, seconded by Councilmember Fults, to adopt Resolution No. 313. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart next made a motion, seconded by Councilmember Casey, that Bill No. 2327 (Creates a municipal offense for the public display of offensive and sexual material) be held and Bill No. 2328 (Regulates the distribution of materials harmful to minors) to be held in order to give the Chesterfield Chamber of Commerce an opportunity to review and comment on this proposed legislation, prior to any further action being taken by City Council. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #'s 2327 and 2328 will be held until the January 19 City Council meeting.

Councilmember Flachsbart noted that the Committee was attempting to schedule another meeting for mid to late-February.

Planning and Zoning Committee

Councilmember Geiger reported that Bill #2319 – Barry Simon Development (Fox Hill Farms) had been HELD, until the January 19 City Council meeting and that Bill #2325 – Record Plat re: Tower Center Lots A & B would be considered later, under the “Legislation – Planning Commission” portion of the Agenda.

Councilmember Geiger reported that the next meeting of this Committee has been scheduled for January 6 at 5:30 p.m.

Councilmember Brown made a motion, seconded by Councilmember Fults, to suspend the rules to allow for consideration of Bill #2320 – Farmers Valley Market, at this time. Councilmember Hurt suggested that the motion be amended to allow for consideration of Bill #2314 – Stoneridge Development, also. Both Councilmember Brown and Councilmember Fults agreed to amend their motion to include Bill #2314. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Legislation – Planning Commission

BILL NO. 2320	AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES AN “NU” NON-URBAN DISTRICT TO “PC” PLANNED COMMERCIAL DISTRICT FOR .45 ACRE TRACT OF LAND, LOCATED EAST OF LONG ROAD AND SOUTH OF CHESTERFIELD AIRPORT ROAD (LOCATOR NUMBER 17V140043) (SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, AS AMENDED)
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Councilmember Geiger made a motion, seconded by Councilmember Hurt, for a second reading of Bill No. 2320. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2320 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2320, with the following results: Ayes – Hurt, Brown, Casey, Geiger, Fults, Durrell, Flachsbart and Streeter. Nays - None. Whereupon, Mayor Nations declared Bill No. 2320 approved, passed it and it became **ORDINANCE NO. 2144.**

BILL NO. 2314

REPEALS CITY OF CHESTERFIELD ORDINANCE 1943 AND REPLACES IT WITH A NEW ORDINANCE ALLOWING INCREASED SURFACE PARKING IN A “PC” PLANNED COMMERCIAL DISTRICT FOR 9.3 ACRES LOCATED ON THE SOUTH SIDE OF SOUTH OUTER 40 ROAD, NORTHEAST OF YARMOUTH POINT DRIVE AND CANDISH LANE. (STONERIDGE DEVELOPMENT) **(SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, AS AMENDED)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2314. 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 amend Attachment A, Page 9, Section 7, Item G to read “The only items allowed in the detention area shown on Exhibit B are utility easements, a detention structure and fire access/turn-around as dictated by the Fire Department.” The last sentence was deleted. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.2314 was read for the second time, as amended. A roll call vote was taken for passage and approval of Bill No. 2314, as amended, with the following results: Ayes – Streeter, Fults, Hurt, Casey, Geiger, Brown, Flachsbart and Durrell. Nays - None. Whereupon, Mayor Nations declared Bill No. 2314 approved, passed it and it became **ORDINANCE NO. 2145**.

Public Works/Parks Committee

Councilmember Dan Hurt, Chairperson of the Public Works/Parks Committee, reported that Bill No. 2323 (Accepts public streets within Windridge Estates Subdivision) and Bill No. 2324 (Accepts public streets within Country Lake Estates) will be read for the first time under the “Legislation” portion of the Agenda.

Councilmember Hurt advised the member of City Council that Director of Public Works/City Council had shared with the Committee that, in conjunction with improvements planned for the Chesterfield Valley Athletic Complex (CVAC), an extensive amount of earthwork would be required. Normally, this work would cost approximately \$10 to \$12 per cubic yard if bids were sought and a contractor hired by the City to perform this work. Mr. Geisel had informed the Committee that the Levee District has contracts with two different contractors to provide earthwork services related to construction of the 500-year levee and that the Levee District was willing to utilize those contracts to perform the earthwork required for the improvements to the CVAC, according to City specifications, at a cost of approximately \$2.50 per cubic yard, with a total cost of up to \$500,000. With this in mind, the Committee had voted unanimously to recommend approval of this arrangement to City Council. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to partner with the Levee District

regarding the earthwork at the CVAC, with the City reimbursing the Levee District for their direct costs, in an amount not to exceed \$500,000. This expense will be covered by bond proceeds, as funded by the passage of Proposition "P". A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt next reported that during the construction of improvements at CVAC, on-going surveying services will be needed at various times during the construction process and would likely continue throughout 2005, at a total cost of approximately \$40,000. Staff was currently soliciting survey pricing sheets from selected firms and was asking City Council to authorize the use of a specific surveying firm to be determined by the Public Works Department based upon price proposals received for professional surveying work at CVAC throughout 2005 in an amount not to exceed \$40,000. Councilmember Hurt noted that the Committee voted unanimously to recommend that City Council approve this proposal. Councilmember Hurt made a motion, seconded by Councilmember Flachsbar, to authorize the Public Works Department to select a firm for surveying services at the CVAC, based upon price proposals received for professional surveying work at CVAC, throughout 2005, in an amount not to exceed \$40,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. This expense will be covered by bond proceeds, as funded by the passage of Proposition "P".

Councilmember Hurt next reported that after extensive due diligence with regard to which surface is preferred for the unique Miracle Field application and after multiple site visits and communications with other Miracle Field constructors, Mr. Geisel had recommended to the Public Works/Parks Committee that the originally proposed field material manufactured by MONDO Corporation is the preferred material for our Miracle Field. Councilmember Hurt noted that the Committee had voted unanimously to recommend approval of Staff's proposal. Councilmember Hurt made a motion, seconded by Councilmember Flachsbar, to authorize the use of MONDO surfacing for the Miracle Field, and to approve the proprietary bid contract with MONDO Corporation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt next reported that even though City Council had recently allocated an additional \$500,000 to fund street projects in 2005, utilizing projected budget surplus, during FY2005, in order to gain ground on the problem and limit asphalt patching as much as possible, it was the recommendation of the Public Works/Parks Committee that additional funds should be allocated by City Council for street repairs. Councilmember Hurt noted that the Committee recommended that additional \$500,000 from Fund Reserves be dedicated, during 2005, for street maintenance purposes with the intent to commit similar amounts from Fund Reserves, during the years 2006 – 2008. After some discussion this item was received and filed and forwarded to the Finance and Administration Committee for further study.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for January 31, at 5:45 p.m.

Finance and Administration Committee

Councilmember Mary Brown, Chairperson of the Finance and Administration Committee, reported that Bill No. 2329 (Approves debt financing for Parks (Proposition “P”)) will be read for the first time under the “Legislation” portion of the agenda.

Councilmember Brown announced that the next meeting of this Committee has been scheduled for January 26 at 5 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that the Pasta House, located at 103 Towne Center, has applied for a liquor license to serve all kinds of liquor by the drink and Sunday sales. In addition, Smitty’s Food and Drink, located at 14876 Clayton Road, has applied for a liquor license to serve all kinds of liquor by the drink and Sunday sales. This is a change in ownership for this establishment. With both applications being reviewed and approved by the Departments of Planning and Police, Mr. Herring recommended approval of both licenses. Councilmember Casey made a motion, seconded by Councilmember Streeter, to approve issuance of both liquor licenses. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Resolution No. 314 would adopt a revised Five-Year Budget Forecast, for 2004-2008, reflecting the impact of the passage of Proposition “P” and the actual budget adopted by City Council, for FY2005. Mr. Herring asked that Resolution No. 314 be referred to the Finance and Administration Committee, for consideration at their January 26 meeting. A motion was made by Councilmember Streeter and seconded by Councilmember Brown to refer this Resolution to the F&A Committee. The motion was approved unanimously.

LEGISLATION

BILL NO. 2323

**PERTAINS TO THE ACCEPTANCE OF PUBLIC
STREETS WITHIN WINDRIDGE ESTATES
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. 2323. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2323 was read for the first time.

BILL NO. 2324

**PERTAINS TO THE ACCEPTANCE OF PUBLIC
STREETS WITHIN COUNTRY LAKE ESTATES
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. 2324. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2324 was read for the first time.

BILL NO. 2326

**AMENDS ORDINANCE NO. 35, SCHEDULE III OF THE
ORDINANCES OF THE CITY OF CHESTERFIELD BY
ESTABLISHING THE SPEED LIMIT ON SCHOETTLER
ROAD (FIRST READING – PUBLIC HEALTH AND
SAFETY COMMITTEE)**

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2326. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2326 was read for the first time.

BILL NO. 2329

**APPROVES THE DELIVERY OF APPROXIMATELY
\$29,210,000 PRINCIPAL AMOUNT OF CERTIFICATES
OF PARTICIPATION (CITY OF CHESTERFIELD,
MISSOURI, LESSEE), SERIES 2005, FOR THE PURPOSE
OF PROVIDING FUNDS TO PAY THE COSTS OF A
PROJECT FOR THE CITY; AUTHORIZING AND
APPROVING CERTAIN DOCUMENTS IN CONNECTION
WITH THE DELIVERY OF THE CERTIFICATES; AND
AUTHORIZING CERTAIN OTHER ACTIONS IN
CONNECTION WITH THE DELIVERY OF THE
CERTIFICATES (FIRST READING – FINANCE AND
ADMINISTRATION COMMITTEE RECOMMENDS
APPROVAL)**

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2359. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2359 was read for the first time.

LEGISLATION – PLANNING COMMISSION (continued)

BILL NO. 2325

PROVIDES FOR THE APPROVAL OF A RECORD PLAT FOR TOWER CENTER LOT A AND PART OF OUTLOT B, A 3.239 ACRE TRACT OF LAND ZONED “PC” PLANNED COMMERCIAL, LOCATED ON THE NORTH SIDE OF EDISON AVENUE, AND THE WEST SIDE OF LONG ROAD. **(FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2325. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2325 was read for the first time.

Councilmember Geiger made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2325. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2325 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2325, with the following results: Ayes – Geiger, Flachsbart, Casey, Durrell, Hurt, Streeter, Brown and Fults. Nays - None. Whereupon, Mayor Nations declared Bill No. 2325 approved, passed it and it became **ORDINANCE NO. 2146.**

ADJOURNMENT

Mayor Nations adjourned the meeting at 8:33 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk