



RECORD OF PROCEEDING

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

December 2, 2002

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

Mayor Nations led those in attendance 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 Mary K. Brown
Councilmember Connie Fults

ABSENT

Councilmember Mike Casey

APPROVAL OF MINUTES

The minutes of the November 18, 2002, City Council meeting were submitted for approval. Councilmember Fults made a motion, seconded by Councilmember Brown, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Nations announced that Bill No. 2119 (Property Maintenance Code) will be held until the January 6, 2003 Work Session and will not be voted on at tonight's meeting.

Mayor Nations next reported that the qualifying period for the April 1, 2003 election begins December 24 at 8 a.m. in the office of the City Clerk.

Mayor Nations next announced that City Hall would close December 24 at noon and would also be closed December 25 and January 1, for the holidays.

Mayor Nations recognized State Representative Jane Cunningham, who attended the meeting.

Mayor Nations announced that the next meeting of City Council would be held January 6, 2003.

Councilmember Jane Durrell congratulated former-Police Reserve Officer and Commander Mark Beldner on his recent retirement from the Reserves and thanked him for his years of service to the City of Chesterfield. She noted that Chief Johnson had recently organized a reception, in Mr. Beldner's honor. Mayor Nations then followed Mrs. Durrell's comments with words of appreciation and congratulations.

COMMUNICATIONS AND PETITIONS

Doris Frazier, who resides at 17077 Church Road, noted that the Westland Acres development was currently located in both Chesterfield and Wildwood. She spoke in support of unifying both sections entirely within the City of Chesterfield.

Cliff Frazier, who resides at 17077 Church Road, gave a brief history of the Westland Acres development and also spoke in support of unifying the development entirely within the City of Chesterfield.

Harvey Fields, who resides at 17200 Church Road and is Pastor of the Union Baptist Church of Chesterfield, also spoke in support of unifying Westland Acres entirely within the City of Chesterfield.

Lee Wall, who resides at 14759 Plumas Drive, asked that City Council consider additional funding for the Sewer Lateral Repair program. Mayor Nations noted that this issue had been referred to the Public Works/Parks Committee, for consideration at their meeting on January 29, 2003.

Leon Klearman, who resides at 14465 Eddington Drive, supported the proposed Bill No. 2119, Property Maintenance Code.

Esther Sheppard, who resides at 826 Judson Manor Drive, spoke on behalf of her husband, Allan Sheppard, and spoke in opposition to the proposed Bill No. 2119, Property Maintenance Code.

Harvey Present, who resides at 1073 Appalachian Trail, supported having a Property Maintenance Code, but questioned much of the language contained within the proposed Bill No. 2119, Property Maintenance Code.

James Wells, who resides at 14783 Greenloch Court, supported having a Property Maintenance Code, but not necessarily the language contained within the proposed Bill No. 2119, Property Maintenance Code.

COUNCIL COMMITTEE REPORTS

Public Works/Parks Committee

Councilmember Barry Flachsbart, Chairperson of the Public Works/Parks Committee, reported that the Committee unanimously approved the STP-Urban Agreement, regarding the Long Road/Highway 40 interchange, and voted to recommend that City Administrator Mike Herring be authorized to execute the agreement, on behalf of the City. Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, to authorize Mr. Herring to execute the STP-Urban Agreement, regarding the Long Road/Highway 40 interchange. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart next reported that the Committee voted unanimously to recommend approval of a proposed “street migration policy”. Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, to approve the Street Migration Policy. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart announced that the next meeting of this Committee has been scheduled for January 29 at 5:30 p.m.

Finance and Administration Committee

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee, reported that Bill No. 2127 (amends the retirement plan) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Geiger next reported that Resolution No. 290 adopts and approves the FY 2003 Budget. Councilmember Geiger made a motion, seconded by Councilmember Durrell, to adopt Resolution No. 290. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger announced that the next meeting of this Committee has been scheduled for February 26 at 5:30 p.m.

Planning and Zoning Committee

Councilmember Dan Hurt, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2121 (P. Z. 19-2002, City of Chesterfield), Bill No. 2125 (P. Z. 14-2002, The Fred M. Kemp Foundation and JPR Corporation), Bill No. 2126 (P.Z. 18-2002, Randall Stegmann), Bill No. 2128 (Boundary Adjustment plat for Garden View Care Center), Bill No. 2129 (Boundary Adjustment plat for 1540/1550 Clarkson Road) and Bill No. 2130 (Record Plat for Towne Center at Long Road) 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 December 5 at 5:30 p.m.

Councilmember Flachsbart made a motion, seconded by Councilmember Brown, to authorize the Mayor to send a letter to the Mayor of Wildwood, indicating the City’s willingness to consider a boundary adjustment, whereby the Westland Acres development would be located entirely within the City of Chesterfield. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mayor Nations directed that this proposed boundary adjustment be added to the January 9th agenda for the Planning and Zoning Committee of City Council.

Public Health and Safety Committee

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

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that Deputy Director of Public Works/Assistant City Engineer Brian McGownd recommends an amendment to the current contract with Parsons, Harland/Bartholomew & Associates, Inc., by a total of \$24,450, for the design of continuous street lighting along Chesterfield Parkway West. The change order will also allow for the design of an 8-foot wide sidewalk, for the entire length of this project, from Justus Post to Highway 40. Mr. Herring stated his support for this recommendation. Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to approve the amendment to the contract with Parsons, Harland/Bartholomew & Associates, Inc., by a total of \$24,450, as described above. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Herring noted that this entire cost would be funded by the ½ cent Capital Improvement Sales Tax Fund.

Mr. Herring next reported that Director of Public Works/City Engineer Mike Geisel is requesting authorization to make a payment to MoDOT for expenses, totaling \$37,885.58 from the TIF Project Fund. This payment will cover additional expenses associated with the contract previously approved by City Council, to place a 96" stormwater culvert under Highway 40. Mr. Herring stated his support for this request. Councilmember Flachsbart made a motion, seconded by Councilmember Brown, to make an additional payment to MoDOT for expenses, totaling \$37,885.58, and that this payment shall be made from the TIF Project Fund. 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 replacement of trees at existing landscaped areas at various locations throughout Chesterfield. Due to the fact that adequate funds exist within the current FY2002 Budget, Mr. Herring joined with Mr. Geisel in recommending award of a contract to Farinella Brothers Nursery, in an amount not to exceed \$25,178. Councilmember Brown made a motion, seconded by Councilmember Flachsbart, to award a contract to Farinella Brothers Nursery, in an amount not to exceed \$25,178, for replacement of trees, as noted above. 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 sanitary sewer lateral investigations and repairs, for the calendar years of 2003, 2004 and 2005. Deputy Director of Public Works/Assistant City Engineer Brian McGownd recommended the acceptance of the low bid submitted by Bi-State Utilities Company and that they be designated as the "primary contractor" for this project. In addition, it is Mr. McGownd's recommendation to designate Tope, Inc. as the "secondary contractor" for this project. Mr. Herring stated his support for this recommendation. Councilmember Flachsbart made a motion, seconded by Councilmember Brown, to accept the low bid submitted by Bi-State Utilities Company and that they be designated as the "primary contractor" for this project; and to designate Tope, Inc. as the "secondary contractor" for this project. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that the adoption of Resolution No. 289 would extend the contract with the Chesterfield Community Development Corporation regarding consulting services provided by McKinney Associates, for a new 6-month period, expiring April 30, 2003. The cost for these services is \$3,500/month and the entire amount comes from TIF proceeds. Mr. Herring recommended adoption of Resolution #289. Councilmember Brown made a motion, seconded by Councilmember Fults, to extend the contract with CCDC for services provided by McKinney Associates for a 6-month period, expiring April 30, 2003. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

LEGISLATION

BILL NO. 2127 **AMENDS THE CITY OF CHESTERFIELD RETIREMENT PLAN (SECOND READING – FINANCE AND ADMINISTRATION COMMITTEE)**

Councilmember Geiger made a motion, seconded by Councilmember Streeter, for a second reading of Bill No. 2127. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2127 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2127, with the following results: Ayes – Brown, Geiger, Durrell, Flachsbar, Streeter, Hurt and Fults. Nays - None. Whereupon Mayor Nations declared Bill No. 2127 approved, passed it and it became **ORDINANCE NO. 1900.**

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

Councilmember Brown made a motion, seconded by Councilmember Fults, for the first 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 first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2119 **ESTABLISHES MINIMUM STANDARDS FOR THE EXTERIOR MAINTENANCE OF RESIDENTIAL AND NON-RESIDENTIAL PROPERTY, SURROUNDING PROPERTY AND APPURTENANCES WITHIN THE CITY OF CHESTERFIELD, MISSOURI (SECOND READING – PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Brown, to hold Bill No. 2119 until the January 22, 2003 City Council meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. It was noted that Bill No. 2119 will be added to the Work Session only, for the January 6, 2003 City Council meeting.

BILL NO. 2121 **AMENDS SECTION 1003.107, 1003.108 AND 1003.109 OF THE CITY OF CHESTERFIELD ZONING ORDINANCE PERTAINING TO THE ESTATE DISTRICTS BY ELIMINATING THE TEN ACRES MINIMUM REQUIREMENT FOR PLANNED ENVIRONMENT UNIT “PEU” AND PERFORMANCE ZONING DEVELOPMENT PROCEDURES; AND TO REQUIRE THAT THE**

MAXIMUM ALLOWABLE NUMBER OF RESIDENTIAL
UNITS SHALL BE EQUAL TO THAT PROVIDED BY
THE UNDERLYING ZONING FOR THE E-1 (2 ACRES),
E-2 (1 ACRE) AND E-3 (1/2 ACRE) DISTRICTS (P.Z. 19-
2002, CITY OF CHESTERFIELD) (**SECOND READING –
PLANNING COMMISSION RECOMMENDS
APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Fults, for a second reading of Bill No. 2121. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Hurt made a motion, seconded by Councilmember Brown, to amend 1003.108 “E-2” Residence District, 5. Lot Area, Setbacks and Density Requirements and 1003.009 “E-3” Residence District, 5. Lot Area, Setbacks and Density Requirements. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2121 was read for the second time, as amended. A roll call vote was taken for passage and approval of Bill No. 2121, with the following results: Ayes – Geiger, Fults, Streeter, Hurt, Flachsbart, Durrell and Brown. Nays - None. Whereupon Mayor Nations declared Bill No. 2121 approved, passed it and it became **ORDINANCE NO. 1901.**

BILL NO. 2125

AMENDS THE ZONING ORDINANCE OF THE CITY OF
CHESTERFIELD BY CHANGING THE BOUNDARIES
OF AN “NU” NON-URBAN AND “M-3” DISTRICT TO A
“PC” PLANNED COMMERCIAL DISTRICT FOR A 5.1
ACRE TRACT OF LAND ON THE NORTH SIDE OF
CHESTERFIELD AIRPORT ROAD, EAST OF BOONE’S
CROSSING (P.Z. 14-2002, THE FRED M. KEMP
FOUNDATION AND JPR CORPORATION) (**SECOND
READING – PLANNING COMMISSION
RECOMMENDS APPROVAL; PLANNING AND
ZONING COMMITTEE RECOMMENDS APPROVAL
AS AMENDED**)

Councilmember Hurt made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 2125. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Hurt made a motion, seconded by Councilmember Brown, to amend #6 – “Access”. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Hurt made a motion, seconded by Councilmember Fults, to amend #16 – “Lighting Requirements”. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2125 was read for the second time, as amended. A roll call vote was taken for passage and approval of Bill No. 2125, with the following results: Ayes – Streeter, Geiger, Hurt, Brown, Flachsbart, Durrell and Fults. Nays - None. Whereupon Mayor Nations declared Bill No. 2125 approved, passed it and it became **ORDINANCE NO. 1902.**

BILL NO. 2126

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 1.17 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF OLIVE BOULEVARD, APPROXIMATELY 100 FEET EAST OF WESTBURY DRIVE (P.Z. 18-2002, RANDALL STEGMANN) **(SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 2126. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to change all references to “St. Louis County Department of Highways and Traffic” to “Missouri Department of Transportation”, throughout the entire document. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2126 was read for the second time, as amended. A roll call vote was taken for passage and approval of Bill No. 2126, with the following results: Ayes – Durrell, Streeter, Fults, Hurt, Geiger, Flachsbart and Brown. Nays - None. Whereupon Mayor Nations declared Bill No. 2126 approved, passed it and it became **ORDINANCE NO. 1903.**

BILL NO. 2128

APPROVES A BOUNDARY ADJUSTMENT PLAT OF LOTS 2 & 3 OF GARDEN VIEW CARE CENTER SUBDIVISION, PARTICULARLY DESCRIBED AS A TRACT OF LAND PART OF U.S. SURVEY 415 AND 1911, TOWNSHIP 45 NORTH, RANGE 4 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI **(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. 2128. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2128 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 2128. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2128 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2128, with the following results: Ayes – Fults, Brown, Flachsbart, Geiger, Hurt, Streeter and Durrell. Nays - None. Whereupon Mayor Nations declared Bill No. 2128 approved, passed it and it became **ORDINANCE NO. 1904.**

BILL NO. 2129

APPROVES A BOUNDARY ADJUSTMENT PLAT OF LOT A, FORMERLY PARCEL 1 (1540 CLARKSON ROAD) AND PARCEL 2 (1550 CLARKSON ROAD) KNOWN AS A TRACT OF LAND BEING LOCATED IN

U.S. SURVEY 2002, TOWNSHIP 45 NORTH, RANGE 4
EAST, OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF
CHESTERFIELD, MISSOURI (**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. 2129. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2129 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Fults, for a second reading of Bill No. 2129. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2129 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2129, with the following results: Ayes – Durrell, Fults, Hurt, Geiger, Brown, Flachsbart and Streeter. Nays - None. Whereupon Mayor Nations declared Bill No. 2129 approved, passed it and it became **ORDINANCE NO. 1905.**

BILL NO. 2130 PROVIDES FOR THE APPROVAL OF A RECORD PLAT
IN TOWNE CENTER, ON A 3.580 ACRE TRACT OF
LAND, ZONED “PC” PLANNED COMMERCIAL
DISTRICT, LOCATED ON LONG ROAD, SOUTH OF
CHESTERFIELD AIRPORT ROAD (**FIRST AND
SECOND READINGS – PLANNING COMMISSION
RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2130. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.2130 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Streeter, for a second reading of Bill No. 2130. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2130 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2130, with the following results: Ayes – Durrell, Hurt, Streeter, Brown, Flachsbart, Geiger and Fults. Nays - None. Whereupon Mayor Nations declared Bill No. 2130 approved, passed it and it became **ORDINANCE NO. 1906.**

NEW BUSINESS

Councilmember Streeter made a motion, seconded by Councilmember Geiger, to direct the Planning Commission to develop commercial lighting standards, for application throughout the City. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

ADJOURNMENT

Mayor Nations adjourned the meeting at 8:46 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk