



RECORD OF PROCEEDING

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

December 1, 2003

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

The following members of Boy Scout Troop #623, from Kehrs Mill Elementary School, led everyone in the Pledge of Allegiance: Kevin Fitzgibbon, Dawel Flasinski, Christopher Shafer, Richie Drilenski, Joe Altepeter and Christian Pile. Also in attendance were Troop Leaders Stan Flasinski and Daniel Fitzgibbon.

Mayor Nations next presented a proclamation to Dominic Raineri for his assistance in helping to capture a robbery suspect. Chief Ray Johnson also commended Mr. Raineri for his willingness to “get involved”.

Mayor Nations next called for 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 November 17, 2003, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Fults, to approve the November 17, 2003 City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor John Nations announced that City Hall would be closed December 24 thru December 26 and on January 1.

Mayor Nations announced that the next meeting of City Council will take place on January 5, 2004.

COMMUNICATIONS AND PETITIONS

John Wagner, 17107 Chesterfield Airport Road, supported Bill No. 2227 (P.Z. 21-2003, Jim Lynch/Larry Enterprises).

Mike Doster, 17107 Chesterfield Airport Road, attorney for the petitioner, stated he would be happy to answer any questions Council had regarding Bill No. 2227 (P.Z. 21-2003, Jim Lynch/Larry Enterprises).

Bill Bird, 144 Ridgecrest Drive, and President of the River Bend Association, supported Bill No. 2166 (Montgomery Bank) and Bill No. 2230 (agreement with Dierbergs Markets regarding the donation of park property).

APPOINTMENTS

Mayor Nations placed the name of Howard Rosen in nomination, as a member of the Chesterfield Community Development Corporation, to fill the unexpired term of Ashok Agrawal. Councilmember Geiger made a motion, seconded by Councilmember Streeter, to approve the nomination of Mr. Rosen to the CCDC. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Rosen's term will expire July 20, 2006.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Jane Durrell, Chairperson of the Finance and Administration Committee, recommended approval of Resolution No. 296, which adopts the Fiscal Year 2004 Budget. Councilmember Geiger made a motion, seconded by Councilmember Durrell, to

accept the proposed budget cuts amounting to \$305,376 that were presented by City Administrator Mike Herring, during the FY2004 Budget Public Hearing, held at 6:30pm, just prior to this meeting. A roll call vote was taken with the following results: Ayes – Geiger, Casey, Flachsbart, Streeter, Fults, Brown, Durrell and Hurt. Nays – None. Mayor Nations declared the motion passed. Councilmember Flachsbart made a motion, seconded by Councilmember Brown, to amend Councilmember Geiger’s motion to keep \$87,150, of the \$305,376 in the General Fund and NOT move those funds to the ½ Cent Sales Tax for Capital Improvements Fund. It was noted that those dollars are to cover the salary/fringe of (1) engineer and (1) intern. A roll call vote was taken with the following results: Ayes – Casey, Flachsbart, Fults, Brown. Nays – Geiger, Streeter, Durrell, Hurt. The Mayor broke the tie by voting “No.” A roll call vote was taken on Resolution No. 296, which adopts the FY 2004 Budget, as amended, with the following results: Ayes – Hurt, Casey, Brown, Fults, Geiger, Flachsbart, Durrell, and Streeter. Nays – None. Mayor Nations declared the motion passed and Resolution No. 296 was adopted.

Planning and Zoning Committee

Councilmember Barry Streeter, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2226 (P.Z. 17-2003, Rausch Tract), Bill No. 2227 (P.Z. 21-2003, Jim Lynch/Larry Enterprises) and Bill No. 2228 (P.Z. 23-2003 (LPC 3-2003 – Elijah Payne House) will be read for the first time and Bill No. 2166 (P.Z. 3-2003 – approves re-zoning for Montgomery Bank), Bill No. 2230 (approves agreement with Dierbergs Markets regarding donation of property) and Bill No. 2217 (P.Z. 10-2003 – Mill Ridge Villas) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Streeter made a motion, seconded by Councilmember Casey, to send Bill No. 2229 (P.Z. 28-2003, City of Chesterfield (Time limitations on inactive petitions) back 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 Geiger stated he wished to exercise the “Power of Review” and moved to retain the elevation options contained within Ordinance No. 1893, regarding the Walgreen’s located on Chesterfield Parkway. The motion was seconded by Councilmember Flachsbart. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. The effect of this motion was to deny Walgreens’ request to change those elevations.

Councilmember Streeter announced that the next meeting of this Committee has been scheduled for December 4 at 5:30 p.m.

Public Health and Safety Committee

Councilmember Mike Casey, Chairperson of the Public Health and Safety Committee, reported that Bill No. 2214 (establishes three-way stop signs in a section of Wilson Farm Drive and Wilson Ridge Lane) would be considered for adoption and Bill No. 2224

(makes it illegal to drive while license is suspended, revoked, cancelled or denied) and Bill No. 2225 (prohibits false declarations of one's name or address as it relates to the driving of a motor vehicle) will be read for the first time under the "Legislation" portion of the agenda.

Councilmember Casey made a motion, seconded by Councilmember Streeter to send Bill No. 2223 (provides for the establishment of school speed zones) back to Committee for further discussion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Public Works/Parks Committee

Councilmember Connie Fults, Chairperson of the Public Works/Parks Committee, reported that the Committee voted unanimously to recommend to City Council Staff's recommendation regarding offering an "Early Bird Special" for the purchase of season passes to the Aquatic Park, as an incentive to increase the number of purchased season passes. Councilmember Fults made a motion, seconded by Councilmember Flachsbart, to offer "Early Bird Special" season passes to the Aquatic Park in 2004. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults next reported that the Committee also recommends Council approval of the slight increase of less than \$30 for rental of the Family Aquatic Park. Councilmember Fults made a motion, seconded by Councilmember Flachsbart, to approve the increase for rental of the Family Aquatic Park. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults next reported that the Committee recommends Council approval regarding adjusting the field rental rates and modifying the current rules and regulations at the Chesterfield Valley Athletic Complex, as recommended by Staff. Councilmember Fults made a motion, seconded by Councilmember Flachsbart, to approve adjusting the field rental rates and modifying the current rules and regulations at CVAC. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults next reported that the Parks, Recreation and Arts Citizens Advisory Committee had met and recommended that a ½ cent sales tax, for Parks/Recreation, be submitted to the voters in November, 2004. This recommendation will be discussed by the Mayor/City Council in an upcoming planning retreat.

Councilmember Fults next reported that the Committee recommends Council approval of a policy regarding construction blasting notification to the residents. Councilmember Fults noted that the policy would be distributed to the Home Builders Association. Councilmember Fults made a motion, seconded by Councilmember Geiger, to approve the policy regarding construction blasting notification. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Fults next reported that Bill No. 2219 (amends Ordinance No. 1973 by adding surety requirements to Chapter 12 of the Code of Ordinances regarding grading, erosion and sediment control), Bill No. 2220 (authorizes the City Administrator to execute a Memorandum of Understanding with St. Louis County regarding Wildhorse Creek Road) and Bill No. 2221 (amends Ordinance No. 35, Schedule VI – stop signs at Old Baxter Road/Highcroft Drive) will be read for the first time and Bill No. 2222 (approves the installation of fire hydrants in Chesterfield Business Park) will be considered for adoption under the “Legislation” portion of the agenda.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that The Sports Page, located at 13431 Olive Boulevard, is requesting a liquor license to sell all kinds of liquor by the drink on Sunday. They have held a liquor license at this location for the past 14 years. Councilmember Casey made a motion, seconded by Councilmember Streeter, to approve issuance of a liquor license to The Sports Page, including Sunday sales. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids have been sought for the purchase of office supplies. Having reviewed all bids received provided to him by City Clerk Marty DeMay, Mr. Herring joined with her in recommending approval of award of a contract to Boise Office Solutions, for the next 3 years. However, Mr. Herring noted that, if the City is able to find better prices, elsewhere, during these next three years, the City has the option to do so. Councilmember Casey made a motion, seconded by Councilmember Fults, to award a 3-year contract to Boise Office Solutions to provide office supplies to the City of Chesterfield. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that proposals were recently sought and evaluated with regard to a 3-year engagement for auditing services. Having reviewed the information provided by Director of Finance and Administration Jeremy Craig, Mr. Herring joined with him in recommending award of a contract to Hochschild, Bloom and Company for auditing services beginning with the fiscal year ending December 31, 2003. The amount bid for these three audits is \$19,800, \$20,700 and 21,600, respectively. Councilmember Casey made a motion, seconded by Councilmember Durrell, to award a 3-year contract to Hochschild, Bloom and Company for auditing services in the amount bid for these three audits, \$19,800, \$20,700 and 21,600, respectively. A voice vote was taken with an affirmative result (Councilmember Geiger “Abstained”) and the motion was declared passed.

LEGISLATION

BILL NO. 2214

AMENDS ORDINANCE NUMBER 35, SCHEDULE VI OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING A PROVISION FOR A THREE-WAY STOP SIGN AT THE INTERSECTION OF WILSON FARM

**DRIVE AND WILSON RIDGE LANE (SECOND
READING – PUBLIC HEALTH AND SAFETY
COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Casey made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 2214. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2214 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2214, with the following results: Ayes – Geiger, Flachsbart, Streeter, Hurt, Durrell, Brown, Fults and Casey. Nays - None. Whereupon, Mayor Nations declared Bill No. 2214 approved, passed it and it became **ORDINANCE NO. 1991.**

BILL NO. 2224 **MAKES IT ILLEGAL TO DRIVE IF AN INDIVIDUAL’S
LICENSE IS SUSPENDED, REVOKED, CANCELLED OR
DENIED (FIRST READING- PUBLIC HEALTH AND
SAFETY COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Casey made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2224. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2224 was read for the first time.

BILL NO. 2225 **PROHIBITS FALSE DECLARATIONS OF ONE’S NAME
OR ADDRESS OR RELATES TO THE DRIVING OF A
MOTOR VEHICLE WITHIN THE CITY OF
CHESTERFIELD AS SET FORTH BELOW (FIRST
READING – PUBLIC HEALTH AND SAFETY
COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Casey made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2225. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2225 was read for the first time.

BILL NO. 2219 **AMENDS ORDINANCE NUMBER 1973 ADDING
SURETY REQUIREMENTS TO CHAPTER 12 OF THE
CODE OF CHESTERFIELD RELATING TO GRADING,
EROSION AND SEDIMENT CONTROL (FIRST
READING – PUBLIC WORKS/PARKS COMMITTEE
RECOMMENDS APPROVAL)**

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2219. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2219 was read for the first time.

BILL NO. 2220 AUTHORIZES THE CITY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH ST. LOUIS COUNTY TO FACILITATE THE RELOCATION AND RECONSTRUCTION OF WILDHORSE CREEK ROAD (**FIRST READING – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2220. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2220 was read for the first time.

BILL NO. 2221 AMENDS ORDINANCE 35, SCHEDULE VI, INTERSECTION STOPS, OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THERETO FOR AN ALL-WAY STOP AT THE INTERSECTION OF OLD BAXTER ROAD AND HIGHCROFT DRIVE (**FIRST READING –PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2221. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2221 was read for the first time.

BILL NO. 2222 APPROVES THE INSTALLATION OF FIRE HYDRANTS IN CHESTERFIELD BUSINESS PARK LOCATED WITHIN THE CITY OF CHESTERFIELD (**FIRST AND SECOND READINGS – PUBLIC WORKS/PARKS COMMITTEE**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2222. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2222 was read for the first time.

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2222. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2222 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2222, with the following results: Ayes – Fults, Casey, Streeter, Durrell, Flachsbarth, Hurt, Geiger and Brown. Nays - None. Whereupon, Mayor Nations declared Bill No. 2222 approved, passed it and it became **ORDINANCE NO. 1992.**

LEGISLATION – PLANNING COMMISSION

BILL NO. 2166 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTEFIELD BY CHANGING THE BOUNDARIES OF AN “R-2” RESIDENCE DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 1.38 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF OLIVE BOULEVARD, WEST OF RIVER VALLEY DRIVE (**SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Streeter made a motion, seconded by Councilmember Flachsbart, for a second reading of Bill No. 2166. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2166 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2166, with the following results: Ayes – Flachsbart, Fults, Durrell, Geiger, Casey, Streeter, Brown and Hurt. Nays - None. Whereupon, Mayor Nations declared Bill No. 2166 approved, passed it and it became **ORDINANCE NO. 1993**.

BILL NO. 2230 AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF CHESTERFIELD AND DIERBERGS MARKETS, INC. FOR THE DONATION OF PARK PROPERTY AND THE DEVELOPMENT THEREOF AND THE FINANCING THEREOF (**FIRST AND SECOND READINGS – CITY ATTORNEY RECOMMENDS APPROVAL**)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2230. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2230 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Flachsbart, to suspend the rules for a second reading. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Streeter made a motion, seconded by Councilmember Flachsbart, for a second reading of Bill No. 2230. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2230 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2230, with the following results: Ayes – Durrell, Streeter, Fults, Casey, Flachsbart, Geiger, Hurt and Brown. Nays - None. Whereupon, Mayor Nations declared Bill No. 2230 approved, passed it and it became **ORDINANCE NO. 1994**.

BILL NO. 2217

AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CREATING A PLANNED ENVIRONMENT UNIT WITHIN A REQUEST FOR A PLANNED ENVIRONMENT UNIT (PEU) PROCEDURE WITHIN AN EXISTING “FPR-2” RESIDENCE DISTRICT FOR A 19.928 ACRE OF PROPERTY LOCATED ON THE WEST SIDE OF CREVE COEUR MILL ROAD (P.Z. 10-2003, MILL RIDGE VILLAS/THE JONES COMPANY) **(SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, AS AMENDED)**

Councilmember Streeter made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 2217. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2217 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2217, with the following results: Ayes – Fults, Streeter, Geiger, Flachsbart, Brown, Durrell, Hurt and Casey. Nays - None. Whereupon, Mayor Nations declared Bill No. 2217 approved, passed it and it became **ORDINANCE NO. 1995.**

BILL NO. 2226

AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO “R-3” RESIDENCE DISTRICT FOR 1.17 ACRES OF LAND LOCATED WEST OF THE INTERSECTION OF KEHRS MILL ROAD AND WENDIMILL ROAD AT 2759 KEHRS MILL ROAD (P.Z. 17-2003 – RAUSCH TRACT) **(FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2226. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2226 was read for the first time.

BILL NO. 2227

REPEALS CITY OF CHESTERFIELD ORDINANCE 1790, AND REPLACES IT WITH A NEW ORDINANCE PROVIDING FOR THE ADDITION OF OUTDOOR STORAGE, AND CHANGES TO PROPERTY SETBACKS FOR 14.1 ACRE “PI” PLANNED COMMERCIAL DISTRICT LOCATED NORTH OF HIGHWAY 40/INTERSTATE 64, WEST OF BOONE’S CROSSING (P.Z. 21-2003 – JIM LYNCH/LARRY ENTERPRISES) **(FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND**

**ZONING COMMITTEE RECOMMENDS APPROVAL,
BUT ONLY IF AMENDED AS PROVIDED FOR
WITHIN THE ATTACHED “GREEN SHEET”.)**

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2227. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2227 was read for the first time. Councilmember Streeter made a motion, seconded by Councilmember Casey, to amend Page 2 of Attachment A, Item B. “Permitted Uses” by changing sub-section “B” regarding “outdoor storage”. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Streeter made a motion, seconded by Councilmember Hurt, to amend Attachment A, “Access”, by deleting Item “a” and replacing it by stating that access will be shown as on Exhibit 1, which is the plan attached to this ordinance. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

BILL NO. 2228	ESTABLISHES A LANDMARK DESIGNATION FOR A STRUCTURE LOCATED AT 16 GREYMORE COURT ON TO THE PROCESS ESTABLISHED BY THE CITY OF CHESTERFIELD ORDINANCE NUMBER 1719 (P.Z. 23- 2003) (LPC 3-2003) ELIJAH W. PAYNE HOUSE (FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL)
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Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2228. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2228 was read for the first time.

BILL NO. 2229	AMENDS CITY OF CHESTERFIELD ZONING ORDINANCE SECTION 1003.300 TO ESTABLISH SECTION 1003.300 (12) PROVIDING TIME LIMITATIONS ON INACTIVE PETITIONS (P.Z. 28-2003, CITY OF CHESTERFIELD/TIME LIMITATIONS ON INACTIVE PETITIONS) (FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL)
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Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2229. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2229 was read for the first time.

ADJOURNMENT

Mayor Nations adjourned the meeting at 8:05 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk