



RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD
AT 922 ROOSEVELT PARKWAY
NOVEMBER 7, 1994

The meeting was called to order at 7:25 P.M.

A roll call was taken with the following results:

PRESENT

ABSENT

Mayor Jack Leonard
Councilmember Barry Flachsbart
Councilmember Colleen Hilbert
Councilmember Bill Devers
Councilmember Ed Levinson
Councilmember Dan Hurt
Councilmember Alan Politte
Councilmember Mike Cullen
Councilmember Linda Tilley

None

The Pledge of Allegiance was led by Cub Scout Pack #803, Den #10 from Shenandoah School: David Jolly, Soham Sutaria, Billy Roemer and Matt Bullard. Also in attendance was Pack Leader Sharon Briem.

Reverend Robert Loggins from the First Baptist Church of Chesterfield led the City Council in prayer.

The minutes of the October 17, 1994 Public Meeting and the October 17, 1994 City Council meeting were submitted for approval. A motion was made by Councilmember Levinson, seconded by Councilmember Hilbert, to approve these minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Jack Leonard reminded those in attendance that November 8 was election day and urged everyone to VOTE!

Mayor Leonard deferred to President Pro Tem Dan Hurt to explain the proposed Traffic Task Force. A motion was made by Councilmember Levinson, seconded by Councilmember Politte, to adopt the proposed Mission Statement and to approve the list of subdivisions from which members will be selected. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Levinson made a motion to accept Ron Harland - Ward II and Mike Casey - Ward III as Co-Chairpersons for this Task Force. The motion was seconded by Councilmember Hurt. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Names for individuals to serve on this Task Force will be submitted by Mayor Leonard for approval by City Council at the November 21 Council meeting.

COMMUNICATIONS AND PETITIONS

Mr. George Koots, who represented the U.S. Ice Sports Complex, supported the Special Use Permit for the indoor driving range project.

Mr. Jamey Alverson, who resides at 7368 Dartpora, architect/designer for the clubhouse facility and, indirectly, for the dome structure, defined the proposed scale of the dome.

Mr. Fred Hale, 34 Waterman Place, developer for the indoor golf project requested support from City Council for this project.

Mr. Larry Wilson, who resides at 1612 Tradd Court, supports the indoor golf project.

Ms. Majorie Wilson, 111 Erwin, developer for the indoor golf project supported the project and its aesthetic value to the area. She distributed pictures of other domes that have been built. City Attorney Doug Beach requested that the pictures be entered into the record.

Rev. Ralph Green, who resides at 18319 Wildhorse Creek Road, expressed his opposition to the golf dome structure in the Chesterfield Valley.

Mr. Royce Engel, who resides at 135 Ridgecrest, expressed his opposition to the T.I.F. in the Chesterfield Valley, due to the fact that other entities were not aware of the T.I.F.. City Administrator Mike Herring stated that State law requires that T.I.F. notify all taxing jurisdictions by certified mail of the impending T.I.F. District being established. Mr. Herring assured those in attendance that this notification requirement had been met.

Ms. Nancy Greenwood, who resides at 14441 Corallin, expressed her concern with a letter that the Mayor had sent to residents living in the City of Ballwin's proposed annexation

area, south of Clayton Road.

Mr. Bill Kirchoff, who resides at 17627 Wild Horse Creek Road, expressed his support for the golf dome in the Valley.

Councilmember Hurt responded to Ms. Greenwood by stating that no City resources had been used by the City of Chesterfield and that City Council had not authorized that this letter be sent.

COUNCIL COMMITTEE REPORTS

Planning and Zoning

Councilmember Dan Hurt, Chairperson of the Planning and Zoning Committee, asked that Resolution #172 (P.Z. 12-94, Carl R. Tisone) be considered first on the agenda. According to the City's Zoning Ordinance and policies concerning the granting of the Conditional Use Permit, City Council is required to vote independently on each of the findings. Three of the four findings must pass in order for the Resolution to be adopted. A motion was made by Councilmember Cullen, seconded by Councilmember Levinson, to read the four findings and if three out of the four pass, Resolution #172 will be adopted. Some discussion ensued. There was a call for the question. 1) Are the uses requested consistent with good planning practices? A roll call vote was taken with the following results: Ayes - Flachsbart, Devers, Levinson, Politte, Cullen. Nays - Hilbert, Hurt, Tilley. 2) Can the uses proposed be operated in a manner not detrimental to permitted developments and uses in the area? A roll call vote was taken with the following results: Ayes - Devers, Levinson, Cullen. Nays - Flachsbart, Hilbert, Hurt, Politte, Tilley. 3) Can the uses proposed be developed and operated in a manner visually compatible with permitted land uses in the surrounding area? Ayes - Levinson, Cullen. Nays - Flachsbart, Hilbert, Devers, Hurt, Politte, Tilley. 4) Are the uses proposed essential or desirable to preserve and promote public health, safety and general welfare? Ayes - Devers, Levinson, Cullen. Nays - Flachsbart, Hilbert, Hurt, Politte, Tilley. Since three of the four findings were answered negatively, the motion to adopt Resolution #172 was DEFEATED.

Councilmember Hurt next reported that the regulation of news racks was tabled by the Committee. It was suggested that City Attorney Beach obtain an ordinance from the City of Chicago as it relates to this issue and report his findings to the Planning and Zoning for further review of the regulation of news racks.

Councilmember Hurt next reported that the Public Hearing with regard to western annexation was held at 5:00 P.M. this date, a date for the election will be scheduled within the near future. The Committee will submit a date for Council's approval at the November 21 Council meeting.

Councilmember Hurt next reported that Bill #'s 989 - 992 will be considered for adoption under the Legislation portion of the agenda.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for November 8, 1994 (5:30 P.M.)

Finance and Administration

Councilmember Colleen Hilbert, Chairperson of the Finance and Administration Committee, reported that due to funding delays at the St. Louis County level, the grant funds for the Drug Abuse Task Force Coordinator position funded by the Prevention Partnership grant were not made available to the City until July 1994 with a deadline for expenditure of October 31. Since the Committee voted 2 - 2 with no recommendation, the issue moves to City Council for consideration. The cost to the City to continue funding the Coordinator position for the remainder of the 1994 year would be \$1,440 beginning November 1. The amount would be taken from the Contingency Fund. A motion was made by Councilmember Hilbert, seconded by Councilmember Flachsbar, to approve \$1,440 for the cost of funding the Coordinator position and to transfer that amount from the Contingency Fund. A roll call vote was taken with the following results: Ayes - Flachsbar, Hilbert, Devers, Levinson, Hurt, Politte, Tilley, Cullen. Nays - None. The motion was declared passed. It was noted that this program and its funding for 1995 will be reviewed by the Finance and Administration Committee.

Councilmember Hilbert next reported that the City Council meeting dates have been scheduled for 1995. A motion was made by Councilmember Hilbert, seconded by Councilmember Tilley, to approve the 1995 City Council meeting date schedule. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hilbert next reported on the recommendation regarding Public Works Department Street Maintenance Worker compensation and the proposal to increase the compensation of these positions by \$1.00 per hour to bring the current actual average of this group of employees up from \$21,418.82 to \$23,434. The Committee voted to recommend that City Council approve the \$1.00 per hour increase for all Street Maintenance Workers, effective November 1, 1994. A motion was made by Councilmember Hilbert, seconded by Councilmember Levinson, to approve the increase in compensation of \$1.00/hour for the street maintenance workers, effective November 8, 1994. It was noted that it is the intention of the Finance and Administration Committee to review all employee pay grade levels within the near future. It was further noted that, in the future, the decision-making process will be: each Council Committee would review the pay grade schedule for the appropriate department, as well as Finance and Administration Committee. A voice vote was taken with an affirmative result (Councilmembers Hurt and Cullen voted "No") and the motion was declared passed. Councilmember Levinson made a motion that review of the employee pay grades begin in the appropriate Council Committee, prior to being reviewed by the Finance and Administration Committee. A motion was made by Councilmember Flachsbar, seconded by Councilmember Hurt, to table the policy and refer it to the F&A Committee for review. A voice vote was taken with an affirmative result (Councilmembers Devers and Levinson voted "No") and the motion was declared passed.

Councilmember Hilbert next recognized Mayor Leonard to report on the Westfall sales tax issue. Mayor Leonard stated that Judge Kinder had ruled on the Westfall sales tax issue and that his ruling supported the A and B pools and the compromise legislation. He submitted a billing of \$7,335 from the firm of Lewis, Rice and Fingersh, the firm hired by the Fair Share Cities, to represent this position. The City's share of this bill is \$2,445.00. A motion was made by Councilmember Levinson, seconded by Councilmember Devers, to approve \$2,445 for the cost of the City's share of the total sales tax bill and that these funds be taken from the Contingency Fund. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hilbert announced that the next meeting of this Committee has been scheduled for November 16, 1994 (7:00 P.M.)

Public Works/Parks

Councilmember Ed Levinson, Chairperson of the Public Works/Parks Committee, reported that the Committee has clarified guidelines with regard to the \$20,000 matching grant program to beautify subdivision entrances. The Grant program parameters are limited to a maximum of 30 feet into the subdivision along the subdivision street (within the right-of-way), but could extend an unlimited distance in any direction along the major road. In addition, a subdivision with multiple entrances could receive funding for each entrance to a major roadway. Finally, the Committee voted unanimously to recommend that City Council authorize the Public Works/Parks Committee to approve funding requests submitted under this program. City Attorney Beach requested that he review the complete written policy prior to the program beginning next year. A motion was made by Councilmember Levinson, seconded by Councilmember Flachsbar, to approve clarification of the Matching Grant Beautification Program. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Levinson next reported that the Committee voted unanimously to have a sign design competition, with no prize or compensation, open to anyone willing to submit entries. Entries are to be submitted to the Beautification Committee and are required to utilize the City logo and the words "Welcome" and "Chesterfield." Responses will be due on or before March 1, 1995. After receipt of responses, the Chesterfield Beautification Committee will forward a recommended list of three finalists to the Public Works/Parks Committee.

Councilmember Levinson next reported that the Committee voted to clarify the definition of "retention" versus "detention", as used in City ordinances. A "detention" condition will be limited to basins which drain completely within 24 hours of a storm and a "retention" condition will include those basins which are designed to permanently hold water. A motion was made by Councilmember Hurt, seconded by Councilmember Politte, to approve the policy definition of using "detention" or "retention" as stated above. If in doubt, the words "detention/retention" are to be used. After much discussion, Councilmember Politte called for the question. A voice vote was taken with an affirmative result (Councilmembers

Flachsbart and Hilbert voted "No") and the motion was declared passed.

Councilmember Levinson next reported that the Committee voted unanimously to recommend that City Council approve the acceptance of tasks 3.3.1 and tasks 3.3.2 of the Chesterfield Master Development Plan related to sanitary sewer and water infrastructure. The cumulative amount for these tasks is \$54,250. A motion was made by Councilmember Levinson, seconded by Councilmember Politte, to approve the acceptance of tasks 3.3.1 and tasks 3.3.2 in the amount of \$54,250, by awarding a contract to Development Strategies. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Levinson next reported that a sprinkler system was damaged by City crews when working on the sidewalk at 352 Littany Lane. Due to some confusion, the resident had the sprinkler system repaired on his own. The Committee voted unanimously to recommend reimbursement of the resident's expenses, not to exceed \$50, and to recommend that the Public Works/Parks Committee be authorized to act upon similar requests, in an amount not to exceed \$100, in the future. A motion was made by Councilmember Hilbert, seconded by Councilmember Flachsbart, to reimburse the resident of the above-stated address in an amount not to exceed \$50 for repair of the sprinkler system. A voice vote was taken with an affirmative result (Councilmember Cullen voted "No") and the motion was declared passed. Councilmember Levinson made a motion that any expenditure for repair of sprinkler systems that are damaged by City street crews in or adjacent of the right-of-way and that is not in excess of \$100 be approved by the Public Works/Parks Committee. The motion was seconded by Councilmember Hilbert. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Levinson next reported that Bill #993 regarding the installation of fire hydrants in the Braefield Subdivision will be considered for adoption under the Legislation portion of the agenda.

Councilmember Levinson announced that the next meeting of this Committee has been scheduled for November 15, 1994 (7:30 P.M.)

Public Health and Safety

Councilmember Linda Tilley, Chairperson of the Public Health and Safety Committee, announced that the next meeting of this Committee has been scheduled for November 30, 1994 (7:00 P.M.)

REPORT OF THE CITY ADMINISTRATOR

City Administrator Herring did not have a report.

NEW BUSINESS

Councilmember Flachsbart questioned as to whether the City had received any additional formal communication from Valley taxing jurisdictions with regard to the T.I.F. District in the Chesterfield Valley. Mr. Herring responded by saying that none had been received.

Councilmember Cullen inquired as to the current policy regarding political signs being placed in the right-of-way and being removed by City crews on "orders" from City Council. Discussion ensued with regard to this issue. Councilmember Flachsbart suggested that the Planning and Zoning Committee review the ordinance that repealed regulations for political signs prior to the next election. Councilmember Tilley asked that For Sale signs be included in this review.

Councilmember Tilley next reported that she and Councilmember Cullen had been invited to attend a subdivision meeting in Wildhorse Subdivision which includes portions of the subdivision that would be included in the proposed City of Wildwood. Councilmember Tilley requested consensus from City Council for approval for her, Councilmember Cullen and a Staff member to attend this meeting to answer questions only with regard as to what the City of Chesterfield could offer this area. A voice vote was taken with an affirmative result (Councilmember Hilbert voted "No" and Councilmember Levinson "abstained") and the motion was declared passed.

Councilmember Cullen suggested that the Public Health and Safety Committee review the policy with regard to the proliferation of signs being posted on poles. After much discussion, Councilmember Cullen requested that the Public Health and Safety Committee instruct the Police Department and Public Works Department to remove the signs. (Councilmember Politte left the meeting at this point in time) Mr. Herring noted that he would pursue this matter with the Public Works Department.

Councilmember Hurt made a motion to direct Mr. Herring to send a letter to the City of Ballwin stating that the City of Chesterfield City Council did not authorize Mayor Leonard to send a letter to residents outside the city limits (south of Clayton Road), urging them to defeat the Ballwin annexation proposal and that no City resources were used in the process. The motion was seconded by Councilmember Tilley. Discussion ensued. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Tilley made a motion that a policy with regard to this situation be placed on the Strategic Planning/Retreat agenda for further discussion. The motion was seconded by Councilmember Cullen. Some discussion took place. A voice vote was taken with an affirmative result (Councilmembers Hilbert and Levinson voted "No") and the motion was declared passed.

LEGISLATION

BILL #993 APPROVES THE INSTALLATION OF FIRE HYDRANTS
WITHIN THE CITY OF CHESTERFIELD

A motion was made by Councilmember Levinson, seconded by Councilmember Devers, for the first reading of Bill #993. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #993 was read for the first time.

A motion was made by Councilmember Levinson, seconded by Councilmember Devers, for a second reading of Bill 993. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #993 was read for the second time. A roll call vote was taken for passage and approval of Bill #993, with the following results: Ayes - Flachsbart, Hilbert, Devers, Hurt, Cullen and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #993 approved, passed it and it became ORDINANCE #960.

LEGISLATION - PLANNING COMMISSION

BILL #989 APPROVES THE RECORD PLAT, TRUST INDENTURES,
WARRANTY DEED AND ESCROW AGREEMENT FOR
BRAEFIELD SUBDIVISION, A SUBDIVISION LOCATED ON
THE NORTH SIDE OF OLIVE BOULEVARD, EAST OF WEST
DRIVE (PLANNING COMMISSION RECOMMENDS
APPROVAL)

A motion was made by Councilmember Hurt, seconded by Councilmember Tilley, for the first reading of Bill #989. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #989 was read for the first time.

A motion was made by Councilmember Hurt, seconded by Councilmember Devers, for a second reading of Bill #989. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #989 was read for the second time. A roll call vote was taken for passage and approval of Bill #989, with the following results: Ayes - Flachsbart, Hilbert, Devers, Hurt, Cullen and Tilley. Nays - None. (Councilmember Levinson left the dais). Whereupon Mayor Leonard declared Bill #989 approved, passed it and it became ORDINANCE #961.

BILL #990 VACATES AN EASEMENT ON LOT 15 OF THE SEASONS AT
SCHOETTLER PLAT 3 SUBDIVISION AND AN EASEMENT ON
THE ADDITION TO LOT 15 OF THE SEASONS AT
SCHOETTLER PLAT 3 SUBDIVISION

A motion was made by Councilmember Hurt, seconded by Councilmember Tilley, for the first reading of Bill #990. A voice vote was taken with a unanimous affirmative result and

the motion was declared passed. Bill #990 was read for the first time.

A motion was made by Councilmember Hurt, seconded by Councilmember Flachsbart, for a second reading of Bill #990. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #990 was read for the second time. A roll call vote was taken for passage and approval of Bill #990, with the following results: Ayes - Flachsbart, Hilbert, Devers, Levinson, Hurt, Cullen and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #990 approved, passed it and it became ORDINANCE #962.

BILL #991 VACATES CERTAIN RIGHT-OF-WAY ALONG THE WESTLINE
 OF CHESTERFIELD AIRPORT ROAD (VACATED), BETWEEN
 THE CHESTERFIELD MALL ENTRANCE AND STATE
 HIGHWAY 40 (CHESTERFIELD CENTER CORPORATION)

A motion was made by Councilmember Hurt, seconded by Councilmember Tilley, for the first reading of Bill #991. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #991 was read for the first time.

A motion was made by Councilmember Hurt, seconded by Councilmember Cullen, for a second reading of Bill #991. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #991 was read for the second time. A roll call vote was taken for passage and approval of Bill #991, with the following results: Ayes - Flachsbart, Hilbert, Devers, Levinson, Hurt, Cullen and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #991 approved, passed it and it became ORDINANCE #963.

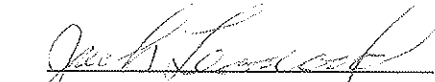
BILL #992 VACATES AN EASEMENT ON LOT 20 OF THE AMENDED
 RECORD PLAT OF WILDHORSE SPRINGS SUBDIVISION

A motion was made by Councilmember Hurt, seconded by Councilmember Tilley, for the first reading of Bill #992. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #992 was read for the first time.

A motion was made by Councilmember Hurt, seconded by Councilmember Cullen, for a second reading of Bill #992. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #992 was read for the second time. A roll call vote was taken for passage and approval of Bill #992, with the following results: Ayes - Flachsbart, Hilbert, Devers, Levinson, Hurt, Cullen and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #992 approved, passed it and it became ORDINANCE #964.

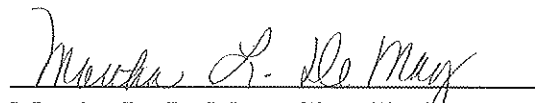
ADJOURNMENT

Mayor Leonard entertained a motion to adjourn the meeting to go into Executive Session (closed meeting) for the purpose of discussing litigation (610.021(1)RSMo. A motion was made by Councilmember Levinson, seconded by Councilmember Devers, that the meeting be adjourned. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. The meeting was adjourned at 9:55 P.M.



Mayor Jack Leonard

ATTEST:



Martha L. DeMay, City Clerk