



RECORD OF PROCEEDING

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

November 3, 2003

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

Girl Scout Troop #4001 from Parkway Middle School led everyone in the Pledge of Allegiance. Those participating in the ceremony were Leslie Beldner, Lauren Miller, Elizabeth Lawless, Maria Chapman and Megan Gilbertson. Also in attendance was Troop Leader LuAnn Gilbertson.

Mayor John Nations then led everyone in 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 October 20, 2003, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Durrell, to approve the October 20, 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 reminded those in attendance that City Hall would be closed Tuesday, November 11 in remembrance of Veterans' Day.

Mayor Nations announced that the next meeting of City Council has been scheduled for November 17 at 7 p.m.

COMMUNICATIONS AND PETITIONS

Darcy Capstick, who resides at 2085 Baxter Road, along with members of the Citizens Committee for the Environment, urged everyone to participate in the November 15 America/Missouri/Chesterfield Recycling Day. This year residents will have the opportunity to recycle telephone books. Ms. Capstick reminded everyone that recycled products are reproduced into other useable items, such as office products and clothing. She further stated that Missouri ranks 5th in the nation for recycling.

Mike Doster, 17107 Chesterfield Airport Road, supported Bill No. 2208 (P.Z. 29-2002, Bluffs at Appaloosa Way) with a minimal change to Attachment A, Item 2A.

Leasa Machamer, representing the petitioner, supported Bill No. 2208 (P.Z. 29-2002, Bluffs at Appaloosa Way) regarding the proposed density of houses.

Stephen Kling, 10 South Brentwood Blvd., attorney for the petitioners, supported Bill No. 2208 (P.Z. 29-2002, Bluffs at Appaloosa Way), but expressed concern regarding the development of the 3 remaining lots as it pertains to rezoning and the affect thereof.

Roy Ide, who resides at 16755 Wildhorse Creek Road, supported Bill No. 2208 (P.Z. 29-2002, Bluffs at Appaloosa Way) and commended Mr. Simon, developer, for creating such a beautiful subdivision.

Jeannie Geers, attorney for the petitioner, supported Bill No. 2210 (Sheridan's Ice Cream Parlor) and the amendments to Attachment A.

Ron Hendrix and Andy Sutton supported Bill No. 2210 (Sheridan's Ice Cream Parlor) and the amendments to Attachment A, but chose not speak unless they could address specific questions/concerns by City Council.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Jane Durrell, Chairperson of the Finance and Administration Committee, reported that the Committee had reviewed the Employee Retirement Plan Board of Trustees' recommendation that the City engage the services of an independent fiduciary

agent to review the City's current "defined contribution" retirement plan and to complete a comparative analysis of how the City's current plan compares to those offered by other cities. The Employee Retirement Plan Board of Trustees voted unanimously to endorse and forward this recommendation, which was developed originally by City Administrator Mike Herring, to the Finance and Administration Committee. The F&A Committee voted 3-1 to endorse this proposal and to forward same to City Council. The analysis should also study the "family of funds" currently provided to all employees, to determine the performance of those funds and the fees charged by the current provider/manager of those funds. Councilmember Durrell made a motion, seconded by Councilmember Casey, to authorize the City Administrator to negotiate a proposal from a qualified, independent firm to study the current employee pension plan, as endorsed by the Employee Retirement Plan Board of Trustees and the F&A Committee of Council. A defined scope of work and a "cost, not-to-exceed", are to be returned to City Council, by Mr. Herring. A roll call vote was taken with the following results: Ayes – Durrell, Casey, Flachsbar, Fults, Streeter, Geiger, Brown and Hurt. Nays – None. Mayor Nations declared the motion passed.

Planning and Zoning Committee

Councilmember Barry Streeter, Chairperson of the Planning and Zoning Committee, made a motion, seconded by Councilmember Geiger, to hold Bill No. 2166 (P.Z. 3-2003 – approves re-zoning of Montgomery Bank project), until the November 17 City Council meeting. A voice vote was taken, with a unanimous affirmative result, and the motion was declared passed.

Councilmember Streeter next reported that Bill No. 2166 (Conway on the Grove – street name change) and Bill No. 2213 (boundary adjustment plat for Wildhorse Heights) will be considered for adoption and Bill No. 2208 (P.Z. 29-2002, The Bluffs at Appaloosa Way), Bill No. 2209 (P.Z. 04-2003 (14891 Olive Boulevard – CSP), Bill No. 2210 (P.Z. 12-2003 – Sheridan's Ice Cream Parlor), Bill No. 2211 (P.Z. 18-2003 – City of Chesterfield (deferred parking) and Bill No. 2212 (P.Z. 19-2003 – City of Chesterfield (construction in existing residential areas) will be read for the first time under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Streeter announced that the next meeting of this Committee has been scheduled for November 6 at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that bids were recently sought for the replacement of trees in the various beautification areas, developed/maintained by the City of Chesterfield. Having reviewed the information provided to him, he joined with Director of Public Works/City Engineer Mike Geisel in recommending award of a contract to Baxter Gardens, in the amount not to exceed \$35,884.00. Mr. Herring confirms that adequate funds exist within the current Budget to cover this entire expense. Councilmember Casey made a motion, seconded by Councilmember Brown, to award a

contract to Baxter Gardens, in the amount not to exceed \$35,884.00, for the replacement of trees in the various beautification areas within the City. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that a request has been submitted by Saltwater Cowboys, 280 Long Road, for a liquor license, to sell all kinds of liquor, by-the-drink, and Sunday sales. This request has been reviewed/approved by both the Departments of Planning and Police. Councilmember Casey made a motion, seconded by Councilmember Brown, to approve issuance of the liquor license to Saltwater Cowboys. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

Mayor Nations withdrew his "power of review" with regard to the Davis Street Land Company project.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2207 **CHANGES THE NAME OF ONE ROAD LOCATED IN THE CITY OF CHESTERFIELD FROM “LOWER CONWAY CIRCLE” TO “BONHOMME GROVE COURT” (FIRST AND SECOND READINGS – PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Streeter made a motion, seconded by Councilmember Hurt, for the first reading of Bill No. 2207. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2207 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Hurt, for a second reading of Bill No. 2207. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2207 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2207, with the following results: Ayes – Hurt, Fults, Flachsbart, Geiger, Brown, Durrell, Streeter and Casey. Nays - None. Whereupon, Mayor Nations declared Bill No. 2207 approved, passed it and it became **ORDINANCE NO. 1982.**

BILL NO. 2208 **AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO AN “E-3” RESIDENCE DISTRICT FOR A 7.47 ACRE TRACT OF LAND LOCATED NORTH OF WILDHORSE CREEK ROAD, TO THE WEST OF THE “APPALOOSA WAY” SUBDIVISION (P.Z. 29-2002) (FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Streeter made a motion, seconded by Councilmember Hurt, for the first reading of Bill No. 2208. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2208 was read for the first time. Councilmember Streeter made a motion, seconded by Councilmember Brown to amend Attachment A, Section 2 a to reflect the “west” side, instead of the “east” side. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

BILL NO. 2209 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CREATING A COMMERCIAL SERVICE PROCEDURE WITHIN AN “NU” NON-URBAN DISTRICT FOR AN APPROXIMATELY 0.47 ACRE TRACT OF LAND LOCATED AT 14891 OLIVE BOULEVARD (P.Z. 04-2003) (14891 OLIVE BOULEVARD CSP) **(FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Streeter made a motion, seconded by Councilmember Hurt, for the first reading of Bill No. 2209. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2209 was read for the first time.

BILL NO. 2210 AMENDS CITY OF CHESTERFIELD ORDINANCE NUMBER 1272 AND REPEAL ST. LOUIS COUNTY ORDINANCE NUMBERS 7664, 9244, 9393, 11,228 AND 13,811 AND INCORPORATING THOSE CONDITIONS THEREIN INTO THE REVISED ATTACHMENT A AUTHORIZING THE USE OF A DRIVE-IN RESTAURANT IN HILLTOWN VILLAGE CENTER, A “C-8” PLANNED COMMERCIAL DISTRICT LOCATED AT THE INTERSECTION OF OLIVE BOULEVARD AND CHESTERFIELD PARKWAY WEST, RELATING TO THE PARCEL IDENTIFIED IN ATTACHMENT A AS PARCEL B (P.Z. 12-2003, SHERIDAN’S ICE CREAM PARLOR, SACHS PROPERTIES, INC.) **(FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS RECOMMENDED IN THE ENCLOSED/ATTACHED “GREEN SHEET”)**

Councilmember Streeter made a motion, seconded by Councilmember Hurt, for the first reading of Bill No. 2210. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2210 was read for the first time. Councilmember Streeter made a motion, seconded by Councilmember Geiger to amend Attachment A, Section III – Site Development Plan Specific Criteria, sub-section “s” regarding building elevations being compatible with existing structures in Hilltown Village. A voice vote was taken with a unanimous affirmative result and the motion was

declared passed. Councilmember Streeter made a motion, seconded by Councilmember Durrell, to add the Power of Review to Section V. Specific Criteria, A, Item 11. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Streeter made a motion seconded by Councilmember Geiger, to add Item “t” to require a minimum of 4 tables for the outdoor seating. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Streeter made a motion, seconded by Councilmember Geiger, to add in Item U that there be a minimum of 26 parking spaces located on Parcel B. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Flachsbart made a motion to suspend the rules of Council and amend the agenda to have a second reading of this legislation. The motion failed for lack of a second.

BILL NO. 2211 AMENDS SECTION 1003.165 (OFF-STREET PARKING AND LOADING REQUIREMENTS-GENERAL) OF THE CITY OF CHESTERFIELD’S ZONING ORDINANCE TO ESTABLISH A CRITERIA FOR DEFERRAL OF PARKING CONTSTRUCTION FOR THE PURPOSE OF PROVIDING THE APPEARANCE OF MORE GREEN SPACE (P.Z. 18-2003, CITY OF CHESTERFIELD/DEFERRED PARKING) (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Streeter made a motion, seconded by Councilmember Hurt, for the first reading of Bill No. 2211. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2211 was read for the first time.

BILL NO. 2212 AMENDS THE CITY OF CHESTERFIELD ZONING ORDINANCE TO ESTABLISH SECTION 1003.126 PROVIDING PERFORMANCE STANDARDS FOR NEW CONSTRUCTION IN ESTABLISHED RESIDENTIAL AREAS (P.Z. 19-2003, CITY OF CHESTERFIELD/NEW CONSTRUCTION IN EXISTING RESIDENTIAL AREAS) (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Streeter made a motion, seconded by Councilmember Hurt, for the first reading of Bill No. 2212. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2212 was read for the first time.

BILL NO. 2213 APPROVES A BOUNDARY ADJUSTMENT PLAT FOR WILDHORSE HEIGHTS ADJUSTED LOTS A, B, D AND E OF A BOUNDARY ADJUSTMENT PLAT, PLAT BOOK 348, PAGE 415 AND A TRACT OF LAND U.S. SURVEYS 153 AND 164, TOWNSHIP 45 NORTH, RANGE 3 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY,

**MISSOURI (FIRST AND SECOND READINGS –
DEPARTMENTS OF PLANNING AND PUBLIC
WORKS RECOMMEND APPROVAL)**

Councilmember Streeter made a motion, seconded by Councilmember Hurt, for the first reading of Bill No. 2213. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2213 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2213. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2213 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2213, with the following results: Ayes – Streeter, Hurt, Geiger, Fults, Brown, Casey, Flachsbart, and Durrell. Nays - None. Whereupon Mayor Nations declared Bill No. 2213 approved, passed it and it became **ORDINANCE NO. 1983**.

ADJOURNMENT

Mayor Nations called for a motion to go into Executive Session (closed meeting) to discuss RSMo610.021 (1) Litigation. Councilmember Streeter made a motion, seconded by Councilmember Durrell, to go into Executive Session (closed meeting) to discuss RSMo610.021 (1) Litigation. A roll call vote was taken with the following results: AYES – Durrell, Flachsbart, Casey, Brown, Fults, Geiger, Hurt, and Streeter; NAYS – None. Mayor Nations declared the motion passed and adjourned the meeting at 8:12 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk