



RECORD OF PROCEEDING

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

November 1, 2004

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

Cub Scout Troop #597 from Ascension School led everyone in the Pledge of Allegiance: Jared Beard, Dominic LaMantia and John Conrad, Jr. Also in attendance was Troop Leader Carol Nowak.

Mayor John Nations 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 18, 2004, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Durrell, 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 John Nations introduced Ms. Darcy Capstick, Chairperson of the Citizens Committee for the Environment and she announced the celebration November 15 – America-Missouri-Chesterfield Recycles Day and emphasized the importance of recycling. The theme this year is “It All Comes Back to You” and Ms. Capstick showed some of the products made from recycled goods that consumers can purchase.

Mayor Nations urged everyone to vote on November 2.

Mayor Nations announced that Veterans Day is November 11 and City Hall would be closed that day.

Mayor Nations announced that the next meeting of City Council has been scheduled for November 15, at 7 p.m.

COMMUNICATIONS AND PETITIONS

There were no communications or petitions presented at the meeting.

APPOINTMENTS

Mayor Nations recommended that Steven Spencer, 1317 Carriage Crossing Lane (Ward IV) be re-appointed to serve as a member of the Public Works Board of Variance. Councilmember Brown made a motion, seconded by Councilmember Fults, to re-appoint Steven Spencer to the Public Works Board of Variance. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Spencer’s new term expires 8/21/08.

COUNCIL COMMITTEE REPORTS

Public Health and Safety Committee

Councilmember Barry Flachsbart, Chairperson of the Public Health and Safety Committee, reported that Bill No. 2304/Ordinance No. 2127 (restricts parking on Barons Way Drive) will be reconsidered and that Bill No. 2310 (Approves a three-way stop sign at Riverdale Drive and Eagle Bluff Court) and Bill No. 2311 (Approves a three-way stop sign at Riverdale Drive and Eagle Winds Court) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Flachsbart announced that the next meeting of this Committee has been scheduled for December 9 at 5:45 p.m.

Planning and Zoning Committee

Councilmember Bruce Geiger, Chairperson of the Planning and Zoning Committee, reported that the petitioner has requested that Bill No. 2314 (Stoneridge Office Building – Tristar) will be held. Councilmember Geiger made a motion, seconded by Councilmember Casey, to hold Bill No. 2314 (Stoneridge Office Building – Tristar) until the November 15 meeting of City Council. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger next reported that Bill No. 2313 (P.Z. 18-2004 – City of Chesterfield (Tree Manual), Bill No. 2315 (Approves a lot split for Chesterfield Commons Six, Lot 7) and Bill No. 2316 (Boundary adjustment plat for Full Gospel Church and Abichandani) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Geiger announced that the next meeting of this Committee has been scheduled for November 18 at 5:30 p.m.

Public Works/Parks Committee

Councilmember Barry Streeter, Vice-Chairperson of the Public Works/parks Committee, on behalf of Chairperson Councilmember Dan Hurt, reported that Bill No. 2312 (Accepts the public street within Brookhaven Place Subdivision) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Streeter next reported that the proposed policy statement, regarding traffic signs, precludes the installation of “Slow – Children at Play” signs, as well as other such, non-standard signs, like “Caution – Deaf Children” Discussion then ensued. Councilmember Streeter made a motion, seconded by Councilmember Flachsbart, to approve the policy statement regarding traffic signs and, in addition, to adopt a statement to allow any and all “non-conforming” signs currently erected within the city limits to remain in place and to replace any such “non-conforming” signs, if and when they are damaged or wear out. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Streeter reported that City Council had previously authorized expenditures from the TIF Special Allocation Fund, of an amount not to exceed \$500,000, for engineering services related to the Valley Master Stormwater Model. He noted, however, that only \$400,000 was actually budgeted for this work. At this point in time, there was additional work that needed to be completed to finalize the study and that the budget needed to be extended to the prior authorized limit of \$500,000 limit. Councilmember Streeter made a motion, seconded by Councilmember Flachsbart, to recommend an increase in the contract authorization for Thomas and Hutton Engineering Company, for professional services related to the Valley Master Stormwater Plan, in an amount of \$100,000, bringing the cumulative authorization to a total of \$500,000. This

would be funded entirely by the Valley-wide TIF. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Streeter announced that no future meeting date has been scheduled at this time.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that Xanadu, a restaurant located at 280 Long Road (formerly Saltwater Cowboys), and Wehrenberg, Inc, located at 450 THF Boulevard, have requested liquor licenses to serve all kinds of liquor by the drink and Sunday sales. Both the Planning Department and Police Department have reviewed and recommend approval of these liquor license requests. Councilmember Casey made a motion, seconded by Councilmember Durrell, to approve issuance of liquor licenses to Xanadu and Wehrenberg, Inc. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Streeter noted concerns regarding the possibility of underage drinking, due to the anticipated concentration of children at the Wehrenberg development, in the Valley. He requested that Mr. Herring work with Chief Johnson to develop information regarding efforts by the Police Dept. to prevent underage drinking, at the Wehrenberg location.

NEW BUSINESS

City Attorney Doug Beach indicated that an ordinance needed to be adopted, by City Council, to officially confirm action previously taken in Executive Session, to purchase approximately 26 acres of land, in the western part of the Chesterfield Valley, utilizing TIF funds. He noted that it was likely that the TIF account would be reimbursed when the Corps of Engineers purchases this property, some time in the future. He noted that consideration of this legislation would require approval of a motion, by City Council, to suspend the rules of Council and to consider this proposed legislation for both a 1st and 2nd reading, at this meeting. A motion was made by Councilmember Streeter, seconded by Councilmember Flachsbar, to suspend the rules of Council, to enable both the 1st and 2nd readings of Bill #2317 at tonight's City Council meeting. A voice vote was taken, with an affirmative unanimous result, and the motion was declared passed.

BILL NO. 2317

APPROVES THE PURCHASE OF APPROXIMATELY
TWENTY-SIX (26) ACRES OF LAND LOCATED AT
18750, 18770 AND 18774 OLIVE STREET ROAD,
CHESTERFIELD, MISSOURI

Councilmember Flachsbar made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2317. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2317 was read for the first time.

Councilmember Flachsbar made a motion, seconded by Councilmember Geiger, for a second reading of Bill No. 2317. A voice vote was taken with a unanimous affirmative

result and the motion was declared passed. Bill No. 2317 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2317, with the following results: Ayes – Casey, Brown, Fults, Durrell, Streeter, Flachsbart, Hurt and Geiger. Nays - None. Whereupon, Mayor Nations declared Bill No. 2317 approved, passed it and it became **ORDINANCE NO. 2134.**

LEGISLATION

BILL NO. 2304/ ORD. NO. 2127

AMENDS ORDINANCE NO. 35, SCHEDULE IX OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THERETO TO RESTRICT PARKING ON BARONS WAY DRIVE
(RECONSIDERATION)

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to replace Bill No. 2304/Ordinance No. 2127 by amending the ordinance to establish new parking regulations. It was noted that this change would establish a NO PARKING area for the cul de sac portion of Barons Way Drive, only. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A roll call vote was taken for passage and approval of the amended Bill No. 2304/Ordinance No. 2127, with the following results: Ayes Geiger, Hurt, Flachsbart, Streeter, Durrell, Fults, Brown and Casey. Nays - None. Whereupon, Mayor Nations declared Bill No. 2304 re-approved, as amended, and it became **ORDINANCE NO. 2127**

BILL NO. 2310

AMENDS ORDINANCE NO. 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 RIVERDALE DRIVE AND EAGLE BLUFF COURT THERETO **(SECOND READING – PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2310. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2310 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2310, with the following results: Ayes – Flachsbart, Geiger, Streeter, Durrell, Hurt, Casey, Brown and Fults. Nays - None. Whereupon, Mayor Nations declared Bill No.2310 approved, passed it and it became **ORDINANCE NO. 2135.**

BILL NO. 2311

AMENDS ORDINANCE NO. 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 RIVERDALE DRIVE AND EAGLE WINDS COURT THERETO **(SECOND**

**READING-PUBLIC HEALTH AND SAFETY
COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2311. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2311 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2311, with the following results: Ayes – Casey, Brown, Streeter, Flachsbart, Hurt, Geiger, Durrell and Fults. Nays - None. Whereupon, Mayor Nations declared Bill No. 2311 approved, passed it and it became **ORDINANCE NO. 2136.**

BILL NO. 2312 **PERTAINS TO THE ACCEPTANCE OF THE PUBLIC STREET WITHIN BROOKHAVEN PLACE SUBDIVISION IN THE CITY OF CHESTERFIELD (SECOND READING – PUBLIC WORKS/PARKS COMMITTEE)**

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2312. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2312 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2312, with the following results: Ayes – Geiger, Durrell, Flachsbart, Hurt, Brown, Fults, Casey and Streeter. Nays - None. Whereupon, Mayor Nations declared Bill No. 2312 approved, passed it and it became **ORDINANCE NO. 2137.**

LEGISLATION – PLANNING COMMISSION

BILL NO. 2313 **AMENDS THE CITY OF CHESTERFIELD TREE MANUAL AND TREE ORDINANCE TO ESTABLISH NEW REGULATIONS AND TO CODIFY THE CITY OF CHESTERFIELD'S GUIDELINES/REGULATIONS RELATIVE TO LANDSCAPING AND TREES INTO ONE UNIFIED TREE MANUAL (P.Z. 18-2004, CITY OF CHESTERFIELD/TREE MANUAL) (SECOND READING- PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, AS AMENDED)**

Councilmember Geiger made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2313. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2313 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2313, with the following results: Ayes – Hurt, Casey, Brown, Fults, Geiger, Flachsbart, Streeter and Durrell. Nays - None. Whereupon, Mayor Nations declared Bill No. 2313 approved, passed it and it became **ORDINANCE NO. 2138.**

BILL NO. 2315

PROVIDES FOR THE APPROVAL OF A LOT SPLIT FOR CHESTERFIELD COMMONS SIX, LOT 7, A 4.035 ACRE TRACT OF LAND ZONED "C-8" PLANNED COMMERCIAL DISTRICT, LOCATED SOUTH OF U.S. 40-61, NORTH OF CHESTERFIELD AIRPORT ROAD, WEST OF BOONE'S CROSSING ANDEAST OF LONG ROAD (**FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Geiger made a motion, seconded by Councilmember Casey, for a first reading of Bill No. 2315. A voice vote was taken, with a unanimous affirmative result, and the motion was declared passed. Bill No. 2315 was read for the first time.

Councilmember Geiger made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2315. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2315 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2315, with the following results: Ayes – Brown, Casey, Durrell, Hurt, Flachsbart, Fults Geiger and Streeter. Nays - None. Whereupon, Mayor Nations declared Bill No. 2315 approved, passed it and it became **ORDINANCE NO. 2139.**

BILL NO. 2316

APPROVES A BOUNDARY ADJUSTMENT PLAT, FOR A TRACT OF LAND BEING PART OF LOTS 7 AND 8 OF THE MARY SCHAFER ESTATE SUBDIVISION IN THE U.S SURVEY 150, TOWNSHIP 45 NORTH, RANGE 3 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI (FULL GOSPEL CHURCH AND ABICHANDANI) (**FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first reading of Bill No.2316. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2316 was read for the first time.

Councilmember Geiger made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2316. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2316 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2316, with the following results: Ayes – Geiger, Casey, Flachsbart, Hurt, Fults, Brown, Streeter and Durrell. Nays - None. Whereupon, Mayor Nations declared Bill No. 2316 approved, passed it and it became **ORDINANCE NO. 2140.**

ADJOURNMENT

Mayor Nations adjourned the meeting at 7:38 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk