



RECORD OF PROCEEDING

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

October 18, 2004

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

The following members of Girl Scout Troop #201, from Shenandoah Valley School, led everyone in the Pledge of Allegiance: Katie Logan, Lauren Foster, Sarah Madsen, Jo Anna Kolker and Caitlin Magruder. Also in attendance were Troop Leaders Julie Logan and Joan Magruder.

Mayor Nations led everyone in a moment of silent prayer.

Mayor Nations introduced Dr. Robert Malito, Superintendent of the Parkway School District, Sharon Stover, Co-Chairperson of the Parkway 50th Anniversary Committee and Diana Stewart, Coordinator of Government and Community Affairs. Dr. Malito presented the Mayor with a 50th Anniversary plaque from the Parkway School District in appreciation of the excellent working relationship the School District has with the City of Chesterfield.

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 4, 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 and the motion was approved by a vote of 7-0-1, with Councilmember Geiger abstaining.

INTRODUCTORY REMARKS

Mayor John Nations announced that the next meeting of City Council has been scheduled for Monday, November 1 at 7 p.m.

Mayor Nations next recognized the birthdays of Councilmembers Fults, Brown and Geiger.

Mayor Nations next urged everyone to vote in the November 2 election and called attention to Proposition “P” on the ballot, which would support the City’s parks programs and future land acquisitions.

COMMUNICATIONS AND PETITIONS

Jeannie Geers, attorney for the petitioner, supported Bill No. 2288, P.Z. 6-2003, Villages of Kendall Bluffs/The Jones Company.

Jerry Duepner, representative of The Jones Company, supported Bill No. 2288, P.Z. 6-2003, Villages of Kendall Bluffs/The Jones Company.

Mike Roerding, representative of Sterling Engineering, supported Bill No. 2288, P.Z. 6-2003, Villages of Kendall Bluffs/The Jones Company.

Ed Unwin, engineer from Sterling Engineering, supported Bill No. 2288, P.Z. 6-2003, Villages of Kendall Bluffs/The Jones Company.

Steve Lander, who resides at 679 Old Riverwoods Lane, opposed Bill No. 2288, P.Z. 6-2003, Villages of Kendall Bluffs/The Jones Company, due to this being “improper zoning”, in his opinion, and due to “major drainage issues”. He distributed a copy of a portion of the “Zoning Ordinance”.

Bob Wald, who resides at 227 Cordovan Commons Parkway, and serves as a Trustee for the Villas of Ladue Bluffs, opposed Bill No. 2288, P.Z. 6-2003, Villages of Kendall Bluffs/The Jones Company, due to this being “improper zoning”, in his opinion, and due to “major drainage issues”.

Susan Standish, who resides at 31 Wharton Way Court, opposed Bill No. 2288, P.Z. 6-2003, Villages of Kendall Bluffs/The Jones Company. Ms. Standish expressed her

opinion that this would be “improper zoning” and that this development would cause “major drainage issues”. Mr. Jerry Duepner of the Jones Company addressed her specific issues.

Jeanne Johnson, who resides at 241 Cordovan Commons Parkway, opposed Bill No. 2288, P.Z. 6-2003, Villages of Kendall Bluffs/The Jones Company, for similar reasons, as previously expressed. Councilmember Durrell suggested that a swale be installed as soon as possible to relieve the drainage situation.

Thom Sehnert, who resides at 16806 Chesterfield Airport Road, supported the reconsideration of Bill No. 2303/Ordinance No. 2125, Thomas and Jane Sehnert – Smokehouse.

Leonard Meers, civil engineering consultant to Mr. Thom Sehnert, supported the reconsideration of Bill No. 2303/Ordinance No. 2125, Thomas and Jane Sehnert – Smokehouse.

Jade Gardner Bute, who resides at 15593 Bedford Forge, supported the Capitol Land Barnes and Noble project, Bill No. 2298, P.Z. 11-2003.

Randy Logan, who resides at 14597 Harleston Village Drive, supported the passage of Proposition “P”, which, if approved by Chesterfield voters, November 2, would fund the acquisition of additional greenspace and the development of parks and trails in the community.

APPOINTMENTS

Mayor Nations stated his intention to re-appoint Jack Giebe, 14647 Adgers Wharf Drive (Ward III), to serve as a member of the Police Personnel Board. Councilmember Casey made a motion, seconded by Councilmember Hurt, to re-appoint Jack Giebe to the Police Personnel Board. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Geibe’s three-year term will expire 8/15/07.

COUNCIL COMMITTEE REPORTS

Public Health and Safety Committee

Councilmember Barry Flachsbart, Chairperson of the Public Health and Safety Committee, reported that Bill No. 2310 (approves a three-way sign at Riverdale Drive and Eagle Bluff Court) and Bill No. 2311 (approves a three-way sign at Riverdale Drive and Eagle Winds Court) will be read for the first time under the “Legislation” portion of the agenda.

Councilmember Flachsbart announced that the next meeting of this Committee has been scheduled for November 18 at 5:45 p.m.

Planning and Zoning Committee

Councilmember Bruce Geiger, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2303/Ordinance No. 2125 (Thomas and Jane Sehnert – Smokehouse) will be reconsidered under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Geiger next reported that Bill No. 2313 (P.Z. 18-2004, City of Chesterfield (Tree Manual) will be read for the first time and Bill No. 2298 (P.Z. 11-2003, Capitol Land Company) and Bill No. 2288 (P.Z. 6-2003, Villages at Kendall Bluff) 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 October 21 at 5:30 p.m.

Public Works/Parks Committee

Councilmember Barry Streeter, Vice Chairperson of the Public Works/Parks Committee, gave the Committee report, due to the absence of Councilmember Dan Hurt at the last Committee meeting. Councilmember Streeter first reported that Bill No. 2312 (accepts the public street within Brookhaven Place Subdivision) will be read for the first time under the “Legislation” portion of the agenda.

Councilmember Streeter next reported that Resolution No. 309 authorizes the City Administrator to sign a grant application for Land and Water Conservation Funds, as it relates to the acquisition of easements for the Levee Trails. This federally-funded grant program is administered by the Missouri of Natural Resources for the purposes of development or renovation of outdoor recreational facilities, or for acquisition of parkland. This is a matching grant for up to \$150,000. Councilmember Streeter made a motion, seconded by Councilmember Flachsbarth, to adopt Resolution No. 309. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Finance and Administration Committee

Councilmember Mary Brown, Chairperson of the Finance and Administration Committee, reported that the 2005 City Council meeting calendar has been reviewed by the Committee and is recommended for approval by City Council. Councilmember Brown made a motion, seconded by Councilmember Casey, to approve the 2005 City Council meeting calendar, as submitted. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Brown next submitted Resolution No. 307 for consideration. This resolution approves the “Five-Year Forecast”. Councilmember Brown stated that because of the refinancing of the City hall debt, the projected fund balances over the forecast period have improved and if Proposition “P” passes, the current drain on the

fund reserves will be greatly reduced. Councilmember Hurt expressed concerns over the proposed forecast for 2005-2006, but commended Staff for their Capital Expenditures projections. Councilmember Brown made a motion, seconded by Councilmember Casey, to adopt Resolution No. 307. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

REPORT OF THE CITY ADMINISTRATOR

Acting City Administrator Jeremy Craig, Director of Finance and Administration, reported that the Chesterfield Community Development Corporation Board met recently and voted to recommend that City Council adopt Resolution No. 306, which recommends approval of the proposed Friendship Village IDRB project. This project would entail the use of tax-exempt revenue bonds, issued by St. Louis County, for the Friendship Village expansion project. The CCDC Attorney, Mr. Jim Mello, as well as Chesterfield's Bond Counsel, Mr. Bob Ballsrud (Gilmore and Bell), both have reviewed the enclosed documents and recommend approval by City Council. Councilmember Streeter made a motion, seconded by Councilmember Casey, to adopt Resolution No. 306. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Craig next reported that in order to submit a grant application for funding, to supplement private donations and funds already allocated by City Council for the "Miracle Field" project, it will be necessary for City Council to adopt Resolution No. 308. Councilmember Casey made a motion, seconded by Councilmember Flachsart, to adopt Resolution No. 308 for the purpose of submitting a grant application for funding of the "Miracle Field." A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Based upon information received from Director of Public Works/City Engineer Mike Geisel, Mr. Craig joined with him in recommending award of a contract to X-L Contracting, in an amount not to exceed \$150,000, for a stormwater creek stabilization project, within the Meadowbrook Farm Subdivision. This project will include the rehabilitation and restoration of an open stormwater channel, located between Thistlebriar Court and Silverwood Court. Adequate funds exist within the FY 2004 Budget, to cover this entire amount. Councilmember Hurt made a motion, seconded by Councilmember Casey, to award a contract to X-L Contracting, in an amount not to exceed \$150,000, for a stormwater creek stabilization project, within the Meadowbrook Farm Subdivision. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Craig next reported that Director of Public Works/City Engineer Mike Geisel is recommending award of a contract to Baxter Gardens, in an amount not to exceed \$16,500, for the replacement of trees planted in various beautification areas, which are the responsibility of the City of Chesterfield. This recommendation is for the **SECOND** low bidder, due to previous issues/problems with the actual low bidder, Munie Outdoors. Having reviewed the information provided to him, Mr. Craig joined with Mr. Geisel in recommending award of a contract to Baxter Gardens, in an amount not to exceed

\$16,500. There are adequate funds within the current Budget to cover this entire expense. Councilmember Brown made a motion, seconded by Councilmember Casey, to award a contract to Baxter Gardens, in an amount not to exceed \$16,500. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Craig next reported that as Director of Finance and Administration he is requesting authorization to purchase new software to perform the nightly back-up of all City computer data. It is both Information Systems Manager Jim Michael's and Mr. Craig's recommendation that City Council authorize staff to purchase the product offered by Syncsort Backup Express, totaling \$21,000. Adequate funds exist within the current Budget to cover this entire expense. A motion was made by Councilmember Casey, seconded by Councilmember Flachsbart, to purchase the product offered by Syncsort Backup Express, totaling \$21,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

Councilmember Fults made a motion, seconded by Councilmember Brown, to reconsider Ordinance No. 2127 regarding the parking restrictions on Barrons Way Drive, at the November 1 City Council meeting. A voice vote was taken with a unanimous affirmative result.

LEGISLATION

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 (**FIRST READING – PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the first 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 first time.

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

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the first 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 first time.

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

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first 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 first time.

LEGISLATION – PLANNING COMMISSION

**BILL NO. 2303/
ORDINANCE 2125** REPEALS CITY OF CHESTERFIELD ORDINANCE NO. 837 AND INCORPORATES THE CONDITIONS THEREIN TO THE REVISED ATTACHMENT “A” AUTHORIZING REVISED FLOOR AREA REQUIREMENTS FOR A “C-8” PLANNED COMMERCIAL DISTRICT, LOCATED WEST OF BAXTER ROAD AT CHESTERFIELD AIRPORT ROAD (THOMAS AND JANE SEHNERT – SMOKEHOUSE) (**RECONSIDERATION**)

Councilmember Geiger made a motion, seconded by Councilmember Hurt, to approve the amendments to this legislation provided on the yellow sheet which was distributed to Councilmembers during the Agenda Review meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. There being no further discussion, Mayor Nations called for the vote. A roll call vote was taken for passage and approval of Bill No. 2303/Ordinance No. 2125, as amended, with the following results: Ayes – Hurt, Flachsbart, Casey, Durrell, Fults, Streeter, Brown and Geiger. Nays - None. Whereupon, Mayor Nations declared the legislation passed.

BILL NO. 2298 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “C-8” PLANNED COMMERCIAL DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 6.494 ACRE TRACT OF LAND, LOCATED NORTH OF LEA OAK DRIVE, EAST OF CLARKSON ROAD, WEST OF OLD BAXTER ROAD AND SOUTH OF CHESTERFIELD PARKWAY EAST (P.Z. 11-2003, CAPITOL LAND COMPANY) (**SECOND READING**)

**-PLANNING COMMISSION RECOMMENDS
APPROVAL)**

Councilmember Geiger made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2298. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Geiger made a motion, seconded by Councilmember Brown, to amend Section N, Miscellaneous, #3 with the following: All newly installed utilities shall be installed underground. The existing feeder lines along Clarkson Road and Old Baxter Road will not be buried. A roll call vote was taken on the motion to amend with the following results: Ayes – Fults, Durrell, Streeter, Casey, Geiger and Brown. Nays – Hurt and Flachsbart. The motion was approved. A roll call vote was then taken for passage and approval of Bill No. 2298, as amended, with the following results: Ayes – Fults, Durrell, Streeter, Hurt, Casey, Geiger, Flachsbart and Brown. Nays - None. Whereupon, Mayor Nations declared Bill No. 2298 approved, passed it and it became **ORDINANCE NO. 2132.**

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) (**FIRST READING- PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL BUT ONLY IF AMENDED AS DETAILED IN THE ATTACHED "GREEN SHEET"**)

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first 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 first time. Councilmember Geiger made a motion, seconded by Councilmember Casey, to approve the amendments on the "green sheet" for Bill No. 2313. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

BILL NO. 2288

AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CREATING A PLANNED ENVIRONMENT UNIT (PEU) WITHIN AN "R-1A" RESIDENTIAL DISTRICT FOR A 63.8 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF OLIVE BOULEVARD, EAST OF CORDOVIAN COMMONS PARKWAY AND WEST OF OLD RIVERWOODS (P.Z. 6-2003, VILLAGES OF

**KENDALL BLUFFS/JONES COMPANY) (SECOND
READING – PLANNING COMMISSION
RECOMMENDS DENIAL; PLANNING AND
ZONING COMMITTEE RECOMMENDS
APPROVAL, OF THE AMENDMENTS
CONTAINED WITHIN THE ATTACHED
GREEN SHEET, BUT IS FORWARDING THIS
PROPOSED LEGISLATION WITH “NO
RECOMMENDATION”)**

Councilmember Geiger made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2288. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2288 was read for the second time. Councilmember Geiger made a motion, seconded by Councilmember Casey, to amend Bill No. 2288 pursuant to the “green sheet”, Section VII, Specific Criteria. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Geiger next referred to Page 5 Section 7 and the numbering problem. Staff will correct this problem. Councilmember Durrell made a motion, seconded by Councilmember Flachsbart, to amend Page 5, Section VII, Specific Criteria b) by adding 1.) The area within this setback shall be an area of non-disturbance and shall not be disrupted except for placement of utilities and the detention pond. 2.) Areas disturbed for utilities and detention ponds within this 50 ft. of property line shall require a buffer with landscaping in accordance with the landscape plan approved by the City of Chesterfield. 3.) This area of non-disturbance on the western property line shall be a minimum of 930 ft. in length from the right-of-way of Olive Boulevard. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Durrell made a motion, seconded by Councilmember Flachsbart, to amend Section VII, Page 5, b 4 regarding access to read: An access easement shall be provided within the 140 ft. northern setback of this property to serve as a possible link to a future trail connecting the Beckemeyer Conservation area to the east of Old Riverwoods and Faust Park to the west. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Durrell next made a motion, seconded by Councilmember Flachsbart, to change the paragraph under Section VII, (b) 11 on Page 8 referring to the “power of review” by replacing it with: “This project shall have automatic power of review of the site plan at the Council level.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Durrell next made a motion, seconded by Councilmember Flachsbart, to eliminate Item (e), which is a duplication of Item (g) on Page 13 and re-letter the items that follow. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart made a motion, seconded by Councilmember Brown, to amend the requirements in Section VII, (b) (1.) (d) on Page 5, relative to the eastern boundary setback to allow a 65 ft. setback near the two closest units to the eastern boundary (12B and 13B) so that those units can only have a deck. A voice vote was taken with an affirmative result (Councilmembers Durrell and Fults voted “No”) and Mayor Nations declared the motion passed. It was noted that this legislation will take a super majority to pass. A roll call vote was taken for passage and approval of Bill No. 2288, with the following results: Ayes – Flachsbart, Durrell, Casey, Brown, Streeter, Fults and Geiger. Nays - Hurt. Whereupon, Mayor Nations declared Bill No. 2288 approved, passed it and it became **ORDINANCE NO. 2133**.

NEW BUSINESS

Mayor Nations reminded City Council of the challenges facing the City regarding fiscal issues and that, over the past several years, every effort had been made to reduce operating expenditures. Mayor Nations stated that, with this in mind, the FY2005 would reflect a change, regarding the funding and reorganization of the Chesterfield Community Development Corporation (CCDC). Within the current FY2004 Budget, the CCDC received an appropriation of approximately \$159,000. The FY2005 Budget, as is currently being finalized, contains no such appropriation. It is proposed that the “economic development” function for the City be moved into City Hall, with two of the three current positions being funded, but not the Executive Director’s position. These two (2) new Staff positions will be supervised directly by the City Administrator. CCDC will continue to exist as a separate entity, regarding TIF issues and will continue to serve as the City’s Industrial Development Authority, with a Board of Directors, and will continue to function as an advisory committee to the City, regarding economic development. Mayor Nations stated that approximately \$50,000 - \$60,000 would be saved annually, as a result of these changes. The CCDC itself will be placed under the purview of the Finance and Administration Committee and, as noted above, these new Staff members will report directly to the City Administrator. The Mayor noted that he has already spoken with the CCDC Board of Directors and that they approved of these changes.

ADJOURNMENT

Mayor Nations adjourned the meeting at 8:40 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk