City of Chesterfield

RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD
AT 16052 SWINGLEY RIDGE ROAD

OCTOBER 18, 1999

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

A roll call was taken with the following results:

PRESENT	ABSENT
Mayor Nancy Greenwood	None
Councilmember Barry Flachsbart	
Councilmember Jane Durrell	
Councilmember Barry Streeter	
Councilmember Dan Hurt	
Councilmember Mike Casey	
Councilmember Linda Tilley	
Councilmember Mary K. Brown	

The Pledge of Allegiance was led by Girl Scout Troop #500 from Green Trails Elementary School: Rebecca Amitin, Jamie Anderson, Grace Bonwich, Lily Bonwich, Tracy Ingram, Hannah Linnertz, Sammie Powell, Allison Weiss, Sarah Wunning. Also in attendance were Troop Leaders Elaine Amitin and Dianne Weiss.

Mayor Greenwood led those in attendance in a moment of silent prayer.

APPROVAL OF MINUTES

The minutes of the September 22, 1999, City Council meeting were submitted for approval. Councilmember Tilley made a motion to approve the City Council minutes. Councilmember Brown seconded the motion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Greenwood expressed sympathy to the family of deceased Councilmember Larry Grosser. In order for Ward II to have full representation, the Mayor stated her intention to nominate John Nations as Councilmember to fill the vacancy later in the meeting.

COMMUNICATIONS AND PETITIONS

Robert E. Trame, who resides at 15617 Sugar Lake Court, opposed the Traffic Calming Project.

Karen Byrne, 16660 Chesterfield Airport Road, supported Bill No. 1639 to keep the historical ambiance of the area.

Lee Wall, who resides at 14759 Plumas, supported the Mayor's intention to nominate John Nations to fill the vacancy as Councilmember in Ward II and also supported having two separate readings of legislation at two separate City Council meetings.

Jade Gardner Bute, who resides at 15593 Bedford Forge Drive, expressed appreciation to the Mayor and City Council for their support of the Chesterfield Arts Commission and supported the Mayor's nomination of John Nations to fill the vacancy as Councilmember in Ward II.

Wendy Geckeler, who resides at 26 Chesterfield Lakes, supported the Mayor's decision to nominate John Nations to fill the vacancy as Councilmember in Ward II.

Hefty Hoffman, who resides at 14308 Conway Meadows Court, supported the Mayor's decision to nominate John Nations to fill the vacancy as Councilmember in Ward II.

Laura Lueking, who resides at 15021 Conway Road, supported the Mayor's decision to nominate John Nations to fill the vacancy as Councilmember in Ward II.

Royce Engel, who resides at 135 Ridgecrest Drive, represented Chesterfield Association for Informed Residents (CAIR) and expressed opposition for Proposition P.

Bob Wald, who resides at 1600 Baxter Forest Ridge Court, represented Citizens for Parks and expressed support for Proposition P.

Mike Kodner, who resides at 216 Whitebrook Court, treasurer for Citizens for Parks, supported Proposition P and the Mayor's decision to nominate John Nations to fill the vacancy as Councilmember in Ward II.

APPOINTMENTS

Mayor Greenwood nominated Gene Clauson for re-appointment to the Chesterfield Transportation Committee. Councilmember Streeter made a motion to approve the Mayor's nomination to re-appoint Mr. Clauson to the Transportation Committee. Councilmember Brown seconded the motion. A voice vote was taken with a unanimous result and the motion was declared passed. Mr. Clauson's term will expire May 1, 2003.

Mayor Greenwood next nominated John Nations to fill the vacancy as Councilmember in Ward II. Councilmember Streeter made a motion to appoint John Nations as Councilmember in Ward II. Councilmember Brown seconded the motion. Discussion ensued. Councilmember Hurt made a motion, seconded by Councilmember Tilley, to table the appointment until the next meeting, November 1, 1999, in order for the City to request and obtain a legal opinion from the Attorney General's office. It was noted that this issue is to be placed on the November 1 City Council agenda, even if the Attorney General's office issues no opinion. A roll call vote was taken with the following results – Hurt, Flachsbart, Streeter, Tilley, Casey, Durrell. Nays – Brown. The motion was declared passed.

COUNCIL COMMITTEE REPORTS

Public Works/Parks Committee

Councilmember Barry Flachsbart, Chairperson of the Public Works/Parks Committee, reported that Bill No. 1731 regarding the renaming of Plymton Lane, Bill No. 1732 regarding the renaming of Wilson Farm Drive, Bill No. 1733 regarding construction noise within 1000 feet of a residence and Bill No. 1740 regarding the acceptance of public streets within The Courts subdivision, will be read for the first time under the Legislation portion of the agenda. Bill No. 1734, which authorizes the City Administrator to execute an agreement pertaining to "Pathway on the Parkway" project, will be considered for adoption under the Legislation portion of the agenda.

Councilmember Flachsbart next reported that the Committee voted unanimously to recommend that City Council approve the Sewer Lateral Repair Program and that it be placed on the April 2000 ballot. State law authorizes cities located within the boundaries of a sewer district to levy and impose annually for the repair of lateral sewer service lines on residential property, having six or less dwelling units, for a fee not to exceed $28/year with the approval of a majority of the qualified voters of the City. Councilmember Flachsbart made a motion to accept the Sewer Lateral Repair Program and to place the issue on the April 2000 ballot. Councilmember Casey seconded the motion. A voice vote was taken with a unanimous result and the motion was declared passed.

Councilmember Flachsbart next reported that the Committee voted unanimously to recommend that City Council adopt a policy to direct Staff to always replace existing curbs with vertical curbs and notify Trustees of the conversion prior to construction. Even if rolled curbs are currently in place, they are to be replaced with vertical curbs, unless Trustees voice objections. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to accept this policy regarding the replacement of existing curbs with vertical curbs. A voice vote was taken with a unanimous result and the motion was declared passed.

Councilmember Flachsbart next reported that Resolution No. 257 extends the contract with the Chesterfield Community Development Corporation for professional services for six months effective November 1, 1999. Councilmember Flachsbart made a motion, seconded by Councilmember Brown, to approve the six-month extension of the contract with the Chesterfield Community Development Corporation for Professional Services. A voice vote was taken with a unanimous result and the motion was declared passed.

Councilmember Flachsbart announced that the next meeting of this Committee has been scheduled for November 10 at 5:30 p.m.

Finance and Administration Committee

Councilmember Barry Streeter, Chairperson of the Finance and Administration Committee, reported that the Committee voted unanimously to recommend that City Council adopt a policy to embrace and encourage public displays of arts/artifacts specifically on City property and within City-owned buildings. Councilmember Streeter made a motion, seconded by Councilmember Casey, to adopt a policy regarding public displays of art on City property or within City-owned buildings. . A voice vote was taken with a unanimous result and the motion was declared passed.

Councilmember Streeter next reported that the budget for legal services needs to be increased by $75,000 due to increased legal activity incurred by the City. This could be offset by an increase of $75,000 in Court revenues. Councilmember Streeter made a motion to increase the budget for legal services in an amount of $75,000. Councilmember Casey seconded the motion . A voice vote was taken with a unanimous result and the motion was declared passed.

Councilmember Streeter next reported that Bill No.1729, regarding the execution of an agreement with the Levee District for use of TIF funds for levee improvements and Bill No.1730, regarding the authorization of an amendment to redevelopment agreement with THF for use of additional TIF funds for valley-wide improvements, will be considered for adoption under the Legislation portion of the agenda. Bill No. 1741, regarding the imposition and collection of court costs, was discussed. Councilmember Flachsbart made a motion to refer this legislation back to Committee for further review. Councilmember Streeter seconded the motion. A roll call vote was taken with the following results: Ayes – Durrell, Flachsbart, Hurt, Streeter. Nays – Casey, Brown, Tilley. The motion was declared passed and Bill No. 1741 was referred back to Committee.

Councilmember Streeter announced that the next meeting of this Committee has been scheduled for October 27 at 5:30 p.m.

Planning and Zoning Committee

Councilmember Mary Brown, Chairperson of the Planning and Zoning Committee, reported that there is an amendment of the Conditional Use Permit for P.C. 38-87, Geriatrics Management, Inc. (Brooking Park) and the petitioner requests that City Council receive and file this petition. Councilmember Brown made a motion to receive and file the amendment

of the Conditional Use Permit for P.C. 38-87, Geriatrics Management, Inc. Councilmember Tilley seconded the motion. A voice vote was taken with a unanimous result and the motion was declared passed.

Councilmember Brown next reported that Bill No. 1735, regarding a boundary adjustment plat for Spirit of St. Louis Airport lease lots 11 and 12, Bill No. 1737, regarding P.Z. 20-1999, U.S. Ice Sports Complex and Bill No. 1739, regarding P.Z. 23 & 24-1999, T. K. Properties, will be considered for adoption under the "Legislation – Planning Commission" portion of the agenda. After some discussion, Councilmember Flachsbart made a motion to refer Bill No. 1735 back to Committee for review. The motion died for lack of a second.

Councilmember Brown announced that the next meeting of this Committee has been scheduled for October 21 at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring announced that the next issue of the Chesterfield Citizen newsletter is scheduled for delivery during the week of November 1.

Mr. Herring reported that an application for a liquor license has been submitted by the Landings at Spirit Golf Course, located at 180 Eatherton Road, to sell all kinds of liquor by the drink to be consumed on the premises and Sunday sales. The application has been reviewed and approved by both the Planning and Police Departments. Councilmember Tilley made a motion to approve issuance of the liquor license. Councilmember Streeter seconded the motion. A voice vote was taken with a unanimous result and the motion was declared passed.

Mr. Herring next reported that City Council originally authorized an expenditure of $215,000 for inspection services, in conjunction with R and S projects, citywide. Director of Public Works/City Engineer Mike Geisel now estimates that the total amount to be spent, due to the significant volume of construction activities, will be $245,000. No additional appropriation is required, since these funds come from the R and S fund; however, it is necessary for City Council to vote specifically to authorize us to spend these additional dollars. Councilmember Flachsbart made a motion, seconded by Councilmember Brown, to authorize the expenditure in an amount not to exceed $245,000, or an additional $30,000 over the initial estimated authorization amount, for inspection services. A voice vote was taken with a unanimous result and the motion was declared passed.

NEW BUSINESS

Mayor Greenwood announced that a meeting has been scheduled on October 20 at 7:30 p.m. regarding Proposition P for parks.

LEGISLATION

BILL NO. 1729 AUTHORIZES THE EXECUTION OF AN AGREEMENT WITH

THE MONARCH-CHESTERFIELD LEVEE DISTRICT TO PROVIDE FOR IMPROVEMENTS TO THE MONARCH-CHESTERFIELD LEVEE; CONDITIONALLY AUTHORIZING THE ISSUANCE OF A TAX INCREMENT REVENUE NOTE IN A MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED $13,344,651 FOR THE PURPOSE OF PAYING A PORTION OF THE REDEVELOPMENT PROJECT COSTS IN CONNECTION WITH SAID LEVEE IMPROVEMENTS; PRESCRIBING THE FORM AND DETAILS OF SAID NOTES AND THE COVENANTS AND AGREEMENTS MADE BY THE CITY TO FACILITATE AND PROTECT THE PAYMENT THEREOF; AND PRESCRIBING OTHER MATTERS RELATING THERETO (**FIRST AND SECOND READINGS** – FINANCE AND ADMINISTRATION COMMITTEE)

Councilmember Streeter made a motion, seconded by Councilmember Tilley, for the first reading of Bill No. 1729. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1729 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Brown, to suspend the rules of Council to have both the first and second readings of this proposed ordinance at this Council meeting. A roll call vote was taken with the following results: Ayes – Hurt, Casey, Tilley, Brown. Nays – Streeter, Durrell, Flachsbart. The motion was declared passed.

Councilmember Hurt made a motion, seconded by Councilmember Tilley, for a second reading of Bill No. 1729. A voice vote was taken with an affirmative result (Councilmembers Flachsbart and Durrell voted "No") and the motion was declared passed. Bill No. 1729 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1729, with the following results: Ayes – Tilley, Hurt, Brown, Flachsbart, Streeter, Casey, Durrell. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1729 approved, passed it and it became **ORDINANCE NO. 1560.**

BILL NO. 1730 AUTHORIZES THE EXECUTION OF A FIRST AMENDMENT TO REDEVELOPMENT AGREEMENT AND OTHER RELATED ACTIONS IN CONNECTION WITH THE REDEVELOPMENT OF THE CHESTERFIELD COMMONS SUB-AREA (**FIRST AND SECOND READINGS** - FINANCE AND ADMINISTRATION COMMITTEE)

Councilmember Streeter made a motion, seconded by Councilmember Tilley, for the first reading of Bill No.1730. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1730 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Brown, to suspend the rules of Council to have both the first and second readings of this proposed ordinance at this Council meeting. A roll call vote was taken with the following results: Ayes – Hurt, Casey, Tilley, Brown. Nays – Streeter, Durrell, Flachsbart. The motion was declared passed.

Councilmember Hurt made a motion, seconded by Councilmember Tilley, for a second reading of Bill No.1730. A voice vote was taken with an affirmative result (Councilmembers Flachsbart and Durrell voted "no") and the motion was declared passed. Bill No.1730 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1730, with the following results: Ayes – Streeter, Casey, Tilley, Hurt, Brown. Nays – Durrell, Flachsbart. Whereupon Mayor Greenwood declared Bill No. 1730 approved, passed it and it became **ORDINANCE NO. 1561.**

BILL NO. 1731 CORRECTS THE NAME OF A STREET IN KEHRS MILL FARM SUBDIVISION, PLAT 4 IN THE CITY OF CHESTERFIELD FROM PLYMTON COURT TO PLYMTON LANE (**FIRST READING** – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)

Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 1731. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1731 was read for the first time.

BILL NO. 1732 CORRECTS THE NAME OF A STREET IN WILSON FARM ESTATES SUBDIVISION, PLAT 8 IN THE CITY OF CHESTERFIELD, FROM WILSON FARM ESTATES DRIVE TO WILSON FARM DRIVE (**FIRST READING** – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)

Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 1732. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1732 was read for the first time.

BILL NO. 1733 AMENDS ORDINANCE NO. 911 REGARDING THE OPERATION OF COMMERCIAL AND PRIVATE CONSTRUCTION HEAVY EQUIPMENT TO PROVIDE THAT NO PERSON SHALL ALLOW GRADING NOR ALTERNATION OR REPAIR OF A BUILDING WITHIN ONE THOUSAND FEET OF A RESIDENCE DURING CERTAIN TIMES OF THE DAY (**FIRST READING** – PUBLIC WORKS/PARKS COMMITTEE)

Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 1733. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.1733 was read for the first time.

BILL NO. 1734 AUTHORIZES THE CITY ADMINISTRATOR TO EXECUTE A MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, TRANSPORTATION ENHANCEMENT FUNDS PROGRAM AGREEMENT, REGARDING THE DESIGN AND CONSTRUCTION OF THE "PATHWAY ON THE PARKWAY" PROJECT (**FIRST AND SECOND READINGS** – PUBLIC WORKS/PARKS COMMITTEE)

Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, for the first reading of Bill No.1734. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1734 was read for the first time.

Councilmember Flachsbart made a motion, seconded by Councilmember Brown, to suspend the rules of Council to have both the first and second readings of this proposed ordinance at this Council meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart made a motion, seconded by Councilmember Tilley, for a second reading of Bill No. 1734. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1734 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1734, with the following results: Ayes – Casey, Hurt, Tilley, Flachsbart, Streeter, Durrell, Brown. Nays - None. Whereupon Mayor Greenwood declared Bill No.1734 approved, passed it and it became **ORDINANCE NO. 1562.**

BILL NO. 1740 AN ORDINANCE PERTAINING TO THE ACCEPTANCE OF PUBLIC STREETS WITHIN THE COURTS SUBDIVISION IN THE CITY OF CHESTERFIELD (**FIRST READING** – PUBLIC WORKS/PARK COMMITTEE)

Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 1740. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1740 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 1735 APPROVES A BOUNDARY ADJUSTMENT PLAT OF ADJUSTED LOTS 11 AND 12 OF SPIRIT OF ST. LOUIS AIRPORT LEASE LOTS PLAT 1, PLAT BOOK 347, PAGES 486-487, OF THE ST. LOUIS COUNTY RECORDS, CITY OF CHESTERFIELD, MISSOURI (**FIRST AND SECOND READINGS** – DEPARTMENT OF PLANNING RECOMMENDS APPROVAL)

Councilmember Brown made a motion, seconded by Councilmember Tilley, for the first reading of Bill No. 1735. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1735 was read for the first time.

Councilmember Brown made a motion, seconded by Councilmember Tilley, for a second reading of Bill No. 1735. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1735 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1735, with the following results: Ayes – Hurt, Tilley, Brown, Streeter, Casey, Durrell. Nays - Flachsbart. Whereupon Mayor Greenwood declared Bill No.1735 approved, passed it and it became **ORDINANCE NO. 1563.**

BILL NO. 1737 AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "NU" NON-URBAN DISTRICT WITH A CONDITIONAL USE PERMIT (CUP) TO "PC" PLANNED COMMERCIAL DISTRICT FOR A 14.5 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF NORTH OUTER FORTY, APPROXIMATELY 3,700 FEET EAST OF THE INTERSECTION OF BOONE'S CROSSING AND NORTH OUTER FORTY (P.Z. 20-1999 U.S. ICE SPORTS COMPLEX). (**FIRST AND SECOND READINGS –** PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL)

Councilmember Brown made a motion, seconded by Councilmember Tilley, for the first reading of Bill No.1737. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1737 was read for the first time.

Councilmember Brown made a motion, seconded by Councilmember Tilley, for a second reading of Bill No. 1737. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1737 was read for the second time. A roll call vote was taken for passage and approval of Bill No.1737, with the following results: Ayes – Hurt, Streeter, Durrell, Tilley, Flachsbart, Casey, Brown. Nays - None. Whereupon Mayor Greenwood declared Bill No.1737 approved, passed it and it became **ORDINANCE NO. 1564.**

BILL NO. 1739 AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF THE "NU" NON-URBAN DISTRICT TO "PC" PLANNED COMMERCIAL DISTRICT AND APPROVING A LANDMARK PRESERVATION AREA (LPA) PROCEDURE FOR A 0.32 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF CHESTERFIELD AIRPORT ROAD, EAST OF BAXTER ROAD EXTENSION (P.Z. 23 & 24-1999 T.K. PROPERTIES). (**FIRST AND SECOND READINGS –** PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL)

Councilmember Brown made a motion, seconded by Councilmember Tilley, for the first reading of Bill No.1739. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1739 was read for the first time.

Councilmember Brown made a motion, seconded by Councilmember Tilley, for a second reading of Bill No. 1739. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Streeter made a motion, seconded by Councilmember Casey, to amend Attachment A, Section 4C regarding the driveway construction. A voice vote was taken with a negative result (Councilmembers Streeter and Casey voted "Aye") and the motion was declared defeated. Bill No. 1739 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1739, with the

following results: Ayes – Hurt, Tilley, Durrell, Streeter, Brown, Flachsbart, Casey. Nays - None. Whereupon Mayor Greenwood declared Bill No.1739 approved, passed it and it became **ORDINANCE NO. 1565.**

ADJOURNMENT

Mayor Greenwood entertained a motion to adjourn the meeting. Councilmember Casey made a motion to adjourn the meeting. Councilmember Durrell seconded the motion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. The meeting was adjourned at 8:47 p.m.

Mayor Nancy Greenwood

ATTEST:

Martha L. DeMay, City Clerk