



RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD AT
922 ROOSEVELT PARKWAY, OCTOBER 3, 1994

The meeting was called to order at 7:00 P.M.

A roll call was taken with the following results:

PRESENT

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

ABSENT

None

The Pledge of Allegiance was led by Boy Scout Troop #848 from Highcroft Ridge School: Adam Stokes, Andy Merz, Mike McCarthy and Aaron Martin. Also in attendance was Troop Leader Mike Newberry.

Pastor Jose R. Jasso, Minister of Education and Youth from green Trails Baptist Church led the City Council in prayer.

The minutes of the September 19, 1994, meeting was submitted for approval. A motion was made by Councilmember Levinson, seconded by Councilmember Devers, to approve the minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

COMMUNICATIONS AND PETITIONS

Mr. Bill Friedrichs, who resides at 1403 Shepard Road, expressed his opposition to the establishment of the T.I.F. District in the Chesterfield Valley.

Mr. Fred O. Hale, who resides at 34 Waterman Place, chose not to address City Council.

Mr. John Walters, who resides at 15204 Kempwood, represented the Chesterfield Homeowners Association and expressed opposition to the proposed T.I.F. District in the Chesterfield Valley and requested that City Council hold a public meeting and defer the matter until after the public meeting has been held..

Mr. Royce Engel, who resides at 135 Ridgecrest Drive, expressed his opposition with regard to the T.I.F. District and requested City Council hold a public meeting. For the record, Councilmember Levinson questioned Mr. Engel as to whether he supported re-development of the Chesterfield Valley. Mr. Engel responded by saying that he suggests that an economic analysis should be performed on the Chesterfield Valley prior to re-development.

Councilmember Barry Flachsbart announced that Mr. Stanley Dolecki, Chairperson of the Public Works Citizens Advisory Group, received the Section 6 "Professional Recognition Award" from the American Society of Civil Engineers.

INTRODUCTORY REMARKS

Mayor Jack Leonard had no introductory remarks.

COUNCIL COMMITTEE REPORTS

Finance and Administration

Councilmember Colleen Hilbert, Chairperson of the Finance and Administration Committee, reported that the contract with the Chesterfield Community Development Corporation (CCDC) for consulting services of Mr. Lee McKinney, as it relates to the proposed FY1995 budget, will be discussed under the Report of the City Administrator.

Councilmember Hilbert next reported that CCDC has requested an allocation of \$90,000 for operational services in the FY1995. CCDC proposes to add two part-time employees to their staff. Discussion ensued. It was noted that City Council desires CCDC to be a self-supporting entity. Funding requests from CCDC will be considered on a year-to-year basis.

A motion was made by Councilmember Hilbert, seconded by Councilmember Hurt, to include \$90,000 in the FY1995 budget for operational services for CCDC. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hilbert next reported that CCDC has requested that the City continue to hold in escrow \$30,000 for the purpose of funding a severance provision for the Executive Director employed by CCDC until December 31, 1995. The severance amount originally set aside will expire December 31, 1994. It was noted that the \$30,000 was put in an escrow account and has not been used. It was noted that the request for continuation of severance funding will be reviewed again next year. A motion was made by Councilmember Hilbert, seconded by Councilmember Devers, to renew the \$30,000 severance provision for the Administrator of CCDC in the FY1995 budget. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. It was noted that City Council will consider reducing or eliminating the severance provision in the FY1996 budget.

Councilmember Hilbert next reported that Bill #'s 978 with regard to vending license fee exemptions on health related products and #972 with regard to amended hours for the sale of packaged liquor on Sundays will be considered for adoption under the Legislation portion of the agenda.

Councilmember Hilbert next reported that the Committee recommends that the "Communications and Petitions" portion of the City Council agenda be administered such that all speakers are required to strictly observe the 3 or 5 minutes allotted and that a sign be posted in the Chambers that explains that all speakers must sign speakers cards, within 10 minutes after the meeting has started. In addition, the Mayor also will announce this policy at the beginning of each meeting. It was noted that speakers cards are available well before the beginning of each City Council meeting. A motion was made by Councilmember Hilbert, seconded by Councilmember Flachsbar, to approve the recommendation of the Committee. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hilbert next reported that Bill #'s 980, 981 and 982 regarding recommendations by the T.I.F. Commission will also be considered for adoption under the Legislation portion of the agenda. Mr. Mike Flavin, President of the Rockwood Tax Increment Financing Commission, gave a brief introduction of members serving on the T.I.F. Commission and then recognized Mr. Jim Mello, Attorney with Armstrong & Teasdale who represents the T.I.F. Commission, who addressed the legal aspects involved with establishing a T.I.F. District. In addition, Mr. Mello attempted to answer some of the questions that had arisen during the "Communications and Petitions" portion of the meeting and those of the Councilmembers. Mr. Mello expressed the desire of the T.I.F. Commission to have the T.I.F. District established prior to December 8 in order to take advantage of the low tax assessment and prior to the uncertainties that could arise should the Hancock II Amendment be adopted. T.I.F. Commission members have signed "No Conflict of Interest" certifications with regard to any personal interest in the Chesterfield Valley. Since the T.I.F. Commission is an advisory board, they have complied and will continue to comply with Missouri State Statute requirements. Public Hearings on the proposed T.I.F. District were held in August and September, 1994. As a result of these Public Hearings, the T.I.F. Commission recommends the establishment of the T.I.F. District in the Chesterfield Valley. Mr. Mello also emphasized the fact that the current assessed valuation of the Chesterfield

Valley would be frozen as of January 1, 1994, and any additional growth in assessed valuation would result in taxes generated from the increment. These would be captured and put into the special allocation fund and used to pay the costs of redevelopment projects that occur in the area. Mr. Barry Hogue from Development Strategies stated that his company has worked as consultants on the City's Comprehensive Plan and Chesterfield Valley Master Plan, as well as worked with the T.I.F. Commission on the establishment of a T.I.F. District for the Chesterfield Valley. Mr. Hogue gave a brief presentation of the relationship of these three plans and called attention to the fact that the proposed T.I.F. plan and funding is only one component of implementing the Valley Master Plan. Mr. John Langa, Administrator for CCDC, spoke briefly with regard to his presentation to the Rockwood School District Board on the T.I.F. Plan. Councilmember Flachsbart suggested that the City request the Rockwood School District to submit a specific statement of support for the T.I.F. Plan. Mr. Mike Herring, City Administrator, pointed out for the record that he and Mayor Leonard attend regular meetings with the President of the Rockwood School Board and the Superintendent of the Rockwood School District, during which the T.I.F. has been discussed and no concerns/opposition have been brought forward by the School District. City Attorney Doug Beach suggested that the record reflect that the following documents be officially received and accepted: Chesterfield Valley Master Development Plan and Implementation Strategy, the Chesterfield Valley Development Plan Phase I, which is the feasibility study, and the Chesterfield Valley Tax Increment Financing District Re-Development Plan, which was presented by the T.I.F. Commission. A motion was made by Councilmember Hilbert, seconded by Councilmember Levinson, to acknowledge and receive these three documents. 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 October 24, 1994, at 5:30 P.M.

Public Works/Parks

Councilmember Ed Levinson, Chairperson of the Public Works/Parks Committee, reported on the recommendations from the Chesterfield Beautification Committee. The first priority was to construct the landscaping improvements within the Clarkson/Olive medians. The second priority is to enhance the western entrance to the Chesterfield Valley. Both landscaping projects will be completed in 1995. The Committee also recommended that funds be set aside to establish a grant or matching fund program for subdivisions and businesses along rights-of-way. A suggested funding level of \$20,000 with the City matching 50% of the actual cost of improvements at subdivision entrances with a maximum grant of \$500. The Committee recommends that the FY1995 budget contain \$50,000 for the above-noted landscape project on Highway 40 at Chesterfield Airport Road, and an additional \$20,000 to establish a grant program. Details of the grant program are to be developed by the Chesterfield Beautification Committee and to be approved by the Public Works/Parks Committee and City Council. In addition, the Committee recommended that \$20,000 be included in next year's budget for purchasing and installing new City Limit signs. A motion was made by Councilmember Levinson, seconded by Councilmember Politte, to

accept the Committee's recommendation. 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 Mr. Lane Kendig, Consultant, review the subdivision and zoning ordinance with regard to restrictions and regulations concerning the length of cul-de-sacs.

Councilmember Levinson next reported that Bill #979 which accepts Ladue Glen Court as a public street will be considered for adoption under the Legislation portion of the agenda.

Councilmember Levinson next recognized Councilmember Politte to give an update on activities related to Parks, Recreation and Arts. Councilmember Politte stated that an \$11 million bond issue for the acquisition of parkland has been placed on the November 8, 1994, ballot. An informational meeting regarding the bond issue (Proposition P) has been scheduled by the Chesterfield Area Informed Citizens (CAIR) for October 20, 1994, at 7:30 P.M. This meeting will be held at Parkway Central Junior High School.

Councilmember Levinson next reported that City Council will go into Executive Session (closed meeting) at the conclusion of the Council meeting to discuss property acquisition.

Councilmember Levinson announced that the next meeting of this Committee has been scheduled for October 19, 1994, at 7:30 P.M.

Planning and Zoning

Councilmember Dan Hurt, Chairperson of the Planning and Zoning Committee announced that the Committee voted unanimously to recommend that City Council receive and file the petition for a Conditional Use Permit with regard to P.Z. 12-94, Carl R. Tisone (Indoor Golf Driving Range). A motion was made by Councilmember Tilley, seconded by Councilmember Cullen, to exercise the "power of review" and refer this matter to the Planning Zoning Committee. No vote was taken, as the "power of review" automatically takes place when the two (2) Councilmembers in whose Ward the development is proposed make the request. After some discussion, a Public Hearing was scheduled for October 19, 1994, at 5:00 P.M.

Councilmember Hurt reported that a Public Hearing date has been tentatively scheduled for November 7, 1994, at 5:30 P.M. with regard to the western annexation. A motion was made by Councilmember Levinson, seconded by Councilmember Devers, to schedule the Public Hearing for this date/time. A voice vote was taken with an affirmative result (Councilmember Flachsbart voted "No").

Councilmember Hurt next reported that Resolution #170 pertains to acceptance of terms/conditions of Valley E.D.A. Grant and commitment of the City for matching funds

with regard to the construction of pump and stormwater drainage facilities in the Chesterfield Valley. A motion was made by Councilmember Levinson, seconded by Councilmember Politte, to adopt Resolution #170. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. After some discussion, Councilmember Flachsbart suggested that both the State of Missouri and St. Louis County be contacted to contribute to this project. A motion was made by Councilmember Levinson, seconded by Councilmember Politte, to contact both the State of Missouri and St. Louis County to contribute matching funds needed for this project. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt next reported that Bill #983, boundary adjustment plat for Walsh and Kellmann Properties, will be considered for adoption under the Legislation portion of the agenda. Bill #955 with regard to Storage Masters, Inc. has been held at the request of the petitioner.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for October 5, 1994, at 5:30 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 October 12, 1994, at 5:30 P.M.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that Resolution #171 has been submitted for consideration by City Council. This Resolution pertains to extending the contract with the Chesterfield Community Development Corporation for services from Consultant Mr. Lee McKinney, Consultant. The current contract is to expire October 31, 1994. The extended contract is for a six-month period, running from November 1, 1994 - April 30, 1995, at a rate of \$3,500/month. A motion was made by Councilmember Levinson, seconded by Councilmember Devers, to adopt Resolution #171. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Herring stated that the FY1995 Budget will be impacted for only four (4) months, since this contract will end April 30, 1995. As a result, only four (4) months would have been budgeted and if the contract was extended again in 1995, funds would have to be appropriated from Contingency. The Finance and Administration Committee recommended that twelve (12) months of consulting services at \$3,500/month, or a total of \$42,000, be placed in the FY1995 Budget to cover this expense. However, no decision will be made to extend the current contract until just prior to its expiration date.

A motion was made by Councilmember Levinson, seconded by Councilmember Devers, to authorize placement in the budget \$42,000 for twelve (12) months of service for a contract between the City of Chesterfield and the Chesterfield Community Development Corporation

for the services of Mr. Lee McKinney. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. It was noted that City Council would vote again in 1995 to extend the contract if deemed appropriate.

NEW BUSINESS

Councilmember Levinson requested to remove from the table Bill #'s 974 and 975. A motion was made by Councilmember Devers, seconded by Councilmember Hilbert, to remove Bill #'s 974 and 975 from the table. A roll call vote was taken with the following results: Ayes - Hilbert, Devers, Levinson, Cullen. Nays - Flachsbart, Hurt, Politte, Tilley. Mayor Leonard broke the tie by voting "No". These bills remain tabled.

LEGISLATION

BILL #972

AMENDS ORDINANCE #800 RELATIVE TO THE HOURS FOR SALE OF LIQUOR ON SUNDAYS BY THOSE HOLDING A LICENSE TO SELL INTOXICATING LIQUOR IN THE ORIGINAL PACKAGE IN ACCORDANCE WITH THE REVISIONS TO MISSOURI STATE STATUTE (FIRST AND SECOND READINGS - FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS APPROVAL)

A motion was made by Councilmember Levinson, seconded by Councilmember Devers, to suspend the rules of Council to have both the first and second readings of this proposed ordinance at this Council meeting. It was noted by Councilmember Hilbert that, when this ordinance was held at a previous Council meeting, it could possibly be read both times when it came back for Council consideration. A roll call vote was taken with the following results: Ayes - Hilbert, Devers, Levinson, Hurt, Politte, Tilley, Cullen. Nays - Flachsbart. The motion was declared passed.

A motion was made by Councilmember Hilbert, seconded by Councilmember Levinson, for the first reading of Bill #972. A voice vote was taken with an affirmative result (Councilmember Flachsbart voted "No") and the motion was declared passed. Bill #972 was read for the first time.

A motion was made by Councilmember Levinson, seconded by Councilmember Devers, for a second reading of Bill #972. A voice vote was taken with an affirmative result (Councilmember Flachsbart voted "No") and the motion was declared passed. Bill #972 was read for the second time. A roll call vote was taken for passage and approval of Bill #972, with the following results: Ayes - Hilbert, Devers, Levinson, Politte, Cullen and Tilley. Nays - Flachsbart, Hurt. Whereupon Mayor Leonard declared Bill #972 approved, passed it and it became ORDINANCE #949.

BILL #978

WAIVES THE ANNUAL VENDING MACHINE LICENSE TAX FOR CERTAIN VENDING MACHINES PROVIDING HEALTH RELATED PRODUCTS OR SERVICES WITHIN THE CITY OF CHESTERFIELD (**FIRST READING - FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS APPROVAL**)

A motion was made by Councilmember Hilbert, seconded by Councilmember Devers, for the first reading of Bill #978. A voice vote was taken with an affirmative result (Councilmembers Flachsbart, Politte, Tilley voted "No") and the motion was declared passed. Bill #978 was read for the first time. Note: Councilmember Hurt was not on the dias for the vote of the first reading of Bill #978.

BILL #979

PERTAINS TO THE ACCEPTANCE OF LADUE GLEN COURT AS A PUBLIC STREET WITHIN THE CITY OF CHESTERFIELD (**FIRST READING - PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL**)

A motion was made by Councilmember Levinson, seconded by Councilmember Devers, for the first reading of Bill #979. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #979 was read for the first time.

BILL #980

DESIGNATES A PORTION OF THE CITY OF CHESTERFIELD A REDEVELOPMENT AREA; APPROVES A REDEVELOPMENT PLAN; AND APPROVES REDEVELOPMENT PROJECTS UNDER THE REAL PROPERTY TAX INCREMENT ALLOCATION REDEVELOPMENT ACT; AND MAKES FINDINGS RELATED THERETO (**FIRST READING) - T.I.F. COMMISSION RECOMMENDS APPROVAL**)

A motion was made by Councilmember Hilbert, seconded by Councilmember Levinson, for the first reading of Bill #980. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #980 was read for the first time.

BILL #981

AFFIRMS APPROVAL OF A REDEVELOPMENT AREA AND REDEVELOPMENT PROJECTS; ADOPTS TAX INCREMENT ALLOCATION FINANCING; ESTABLISHES THE CHESTERFIELD VALLEY SPECIAL ALLOCATION FUND; AND AUTHORIZES THE CITY ADMINISTRATOR TO ENTER INTO CONTRACTS TO FACILITATE REVENUE ALLOCATION AND COLLECTION (**FIRST READING - T.I.F. COMMISSION RECOMMENDS APPROVAL**)

A motion was made by Councilmember Hilbert, seconded by Councilmember Levinson, for the first reading of Bill #981. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #981 was read for the first time.

BILL #982 PROVIDES FOR RELOCATION ASSISTANCE FOR CERTAIN REDEVELOPMENT ACTIVITIES PURSUANT TO SECTION 523.200 THROUGH 523.215 MISSOURI REVISED STATUTES (RSMo.), 1986, AS AMENDED (FIRST READING - T.I.F. COMMISSION RECOMMENDS APPROVAL)

A motion was made by Councilmember Hilbert, seconded by Councilmember Levinson, for the first reading of Bill #982. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #982 was read for the first time.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Hilbert, to schedule a Public Meeting for the purpose of clarifying issues related to the establishment of a T.I.F. District in the Chesterfield Valley. Discussion ensued. Councilmember Politte stated that the definition of "blight" is very clear as noted by the T.I.F. Commission. It was requested that the T.I.F. Commission make a presentation at this proposed meeting. Time is to be allotted for a question and answer period for those in attendance at this proposed meeting. Councilmember Hilbert amended the motion to reflect that the Public Meeting be in the form of a questions and answer session with a ten-minute introductory presentation highlighting key issues by the T.I.F. Commission. The amendment was accepted by Councilmember Flachsbart. A roll call vote was taken with the following results: Ayes - Flachsbart, Hilbert, Hurt, Politte, Tilley, Cullen. Nays - Devers, Levinson. The motion was declared passed. The Public Meeting has been scheduled for October 17, 1994, at 5:00 P.M.

LEGISLATION - PLANNING COMMISSION

BILL #983 APPROVES THE BOUNDARY ADJUSTMENT PLAT FOR
PART OF LOT 5 OF WM. SCHRADER'S ESTATES
SUBDIVISION (WALSH AND KELLMANN PROPERTIES)
(PLANNING COMMISSION RECOMMENDS APPROVAL)

A motion was made by Councilmember Hurt, seconded by Councilmember Levinson, for the first reading of Bill #983. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #983 was read for the first time.

A motion was made by Councilmember Hurt, seconded by Councilmember Levinson, for a second reading of Bill #983. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #983 was read for the second time. A roll call vote was taken for passage and approval of Bill #983, with the following results: Ayes - Flachsbart, Hilbert, Devers, Levinson, Hurt, Politte, Cullen and Tilley. Nays - None.

Whereupon Mayor Leonard declared Bill #983 approved, passed it and it became ORDINANCE #950.

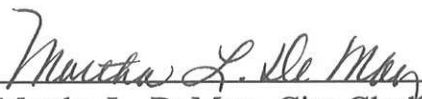
ADJOURNMENT

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 9:25 P.M.



Mayor Jack Leonard

ATTEST:



Martha L. DeMay, City Clerk