



RECORD OF PROCEEDING

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

SEPTEMBER 22, 1999

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

A roll call was taken with the following results:

PRESENT

Mayor Nancy Greenwood
Councilmember Barry Flachsbart
Councilmember Jane Durrell
Councilmember Barry Streeter
Councilmember Dan Hurt
Councilmember Mike Casey
Councilmember Linda Tilley
Councilmember Mary K. Brown

ABSENT

Councilmember Larry Grosser

The Pledge of Allegiance was led by Boy Scout Troop #848 from Highcroft Ridge School: Brett Huetteman, Ryan Fenger, David Rigden, Pat Egan, Max Fenger and Tom Sander. Also in attendance was Troop Leader Ed Huetteman.

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

APPROVAL OF MINUTES

The minutes of the September 7, 1999, City Council meeting were submitted for approval. Councilmember Tilley made a motion to approve the City Council minutes. Councilmember Durrell seconded the motion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Nancy Greenwood presented a proclamation to Mr. and Mrs. Derek Killingsly-Smith bestowing upon them the designation of “honorary residents.” The Killingsly-Smith’s reside in Chesterfield, England, and are in the St. Louis area to attend a conference of police officials. Chief of Police Ray Johnson presented Mr. Killingsly-Smith with a certificate commissioning him as an honorary Chesterfield police officer and also a plaque upon which was mounted a Chesterfield police badge and shoulder patch.

Mayor Greenwood announced that Councilmember Larry Grosser is unable to attend the City Council meeting as he is recovering from major surgery.

Mayor Greenwood stated her intention to veto Bill No. 1721, P. Z. 32-98, Conway Land Company (Chesterfield Corporate Campus). The Mayor further stated that she does not feel this development will perpetuate and preserve the quality of life in the existing neighborhoods in accordance with the Comprehensive Plan. Councilmembers Durrell, Flachsbart and Streeter also stated their intention to vote “No” on this legislation.

Mayor Greenwood reported that Sachs Properties withdrew their petition “without prejudice” on P.Z. 30-98.

Mayor Greenwood next urged those in attendance to learn CPR techniques through the TLC – Together for Life in Chesterfield. Classes are being offered at various times throughout the day and evening and in various locations throughout the City.

COMMUNICATIONS AND PETITIONS

Bert Solomon, 14567 North Outer 40 Road, spoke on behalf of other property owners of commercial development and expressed neutrality for the proposed Highway 40 Trust Fund. He requested review and clarification prior to adoption by City Council.

Laura Lueking, who resides at 15021 Conway Road, expressed opposition to Bill No. 1721, P.Z. 32-98, Conway Land Company (Chesterfield Corporate Campus).

Harvey Present, who resides at 1073 Appalachian Trail, expressed support for the traffic study and concern over the proposed ramp to Highway 40.

Debbie Himmelsbach, who resides at 14829 Conway Road, expressed opposition to Bill No. 1721, P.Z. 32-98, Conway Land Company (Chesterfield Corporate Campus) and requested a traffic study on Conway Road at Bonhomme Presbyterian Church.

Mark Tulfer, who resides at 14024 Conway Road, expressed opposition to Bill No. 1721, P.Z. 32-98, Conway Land Company (Chesterfield Corporate Campus), as well as future development and requested that the City acquire Conway Road from St. Louis County.

Stephanie Adzima and friends from Conway Oaks Drive expressed opposition to Bill No. 1721, P.Z. 32-98, Conway Land Company (Chesterfield Corporate Campus).

Hefty Hoffman, who resides at 14308 Conway Meadows Court, expressed opposition to Bill No. 1721, P.Z. 32-98, Conway Land Company (Chesterfield Corporate Campus) and thanked the Mayor and City Council for listening to the desires of the residents.

Lee Wall, who resides at 14259 Plumas, expressed opposition to Bill No. 1721, P.Z. 32-98, Conway Land Company (Chesterfield Corporate Campus).

Mary Smith, who resides at 14512 Appalachian Trail, expressed opposition to Bill No. 1721, P.Z. 32-98, Conway Land Company (Chesterfield Corporate Campus).

Steve Kling, 10 S. Brentwood Blvd., attorney for several residential subdivisions, expressed opposition to Bill No. 1721, P.Z. 32-98, Conway Land Company (Chesterfield Corporate Campus).

Skip Dufour, 8011 Clayton Road, attorney for the Senseman's who own the property of the proposed development, expressed support for Bill No. 1721, P.Z. 32-98, Conway Land Company (Chesterfield Corporate Campus) and Bill No. 1698, P. Z. 30-98, Sachs Properties, Inc.

Mike Doster, 16476 Chesterfield Airport Road, attorney for the petitioner, expressed support for Bill No. 1721, P.Z. 32-98, Conway Land Company (Chesterfield Corporate Campus).

Lynne Johnson, who resides at 15125 Conway Road, expressed opposition to comments made by Skip Dufour.

Ted Allison, who resides at 2126 Chesterfield Place, expressed support for Chesterfield becoming a Charter City and the need to require that legislation have only one reading per City Council meeting.

Councilmember Tilley made a motion, seconded by Councilmember Streeter, to suspend the rules of Council and address Bill No. 1721, P.Z. 32-98, Conway Land Company (Chesterfield Corporate Campus) at this time, as well as to have both the first and second readings of the proposed ordinance at this meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

BILL NO. 1721 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF THE "NU" NON-URBAN DISTRICT TO "PC" PLANNED COMMERCIAL DISTRICT FOR A 34.87 ACRE TRACT OF LAND LOCATED ON EAST OF THE INTERSECTION OF CHESTERFIELD PARKWAY EAST, CONWAY ROAD AND NORTH OUTER FORTY ROAD (P.Z. 32-98, CONWAY LAND COMPANY) (FIRST AND SECOND READINGS – PLANNING AND ZONING COMMITTEE)

Councilmember Brown made a motion, seconded by Councilmember Flachsbart, for the first

reading of Bill No. 1721. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1721 was read for the first time.

Councilmember Brown made a motion, seconded by Councilmember Tilley, for a second reading of Bill No. 1721. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1721 was read for the second time. A roll call vote was taken for passage and approval of Bill No.1721, with the following results: Ayes - None. Nays – Tilley, Hurt, Streeter, Casey, Brown, Durrell, Flachsbart. Whereupon Mayor Greenwood declared Bill No.1721 **DEFEATED**.

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to accept the Planning Commission’s recommendation of denial for P. Z. 32-98, Conway Land Company. A roll call vote was taken with the following results: Ayes – Brown, Flachsbart, Durrell, Tilley, Streeter, Hurt, Casey. Nays – None. Whereupon Mayor Greenwood declared the motion passed.

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to move to Committee Reports on the agenda to address the request to withdraw Bill No. 1698, P.Z. 30-98, Sachs Properties, Inc. A voice vote was taken with a unanimous result and the motion was declared passed. Councilmember Brown made a motion to accept the request of Sachs Properties to withdraw their petition P.Z. 30-98, Sachs Properties, Inc., without prejudice. Councilmember Flachsbart seconded the motion. Discussion ensued. A roll call vote was taken with the following results – Ayes – Streeter, Brown, Casey, Hurt, Flachsbart, Tilley, Durrell. Nays – None. Whereupon Mayor Greenwood declared the motion passed.

Mayor Greenwood recessed the meeting at 8:25 p.m.

Mayor Greenwood reconvened the meeting at 8:40 p.m.

COUNCIL COMMITTEE REPORTS

Public Works/Parks Committee

Councilmember Barry Flachsbart, Chairperson of the Public Works/Parks Committee, reported that Bill No. 1719 regarding the installation of fire hydrants on Olive Boulevard and the Trade Center Phase III will be considered for adoption under the Legislation portion of the agenda.

Finance and Administration Committee

Councilmember Barry Streeter, Chairperson of the Finance and Administration Committee, reported that of all of the items discussed by this Committee at its last meeting, the one item that needs to be expedited for consideration by City Council involves the only question remaining from our Five Year Budget workshop. All other issues discussed by the Committee will be forwarded to City Council for consideration at the October 4 meeting.

The issue is whether to purchase the land for the new Government Center from fund reserves

or to finance the land, in conjunction with financing the actual construction of the building. The Committee members interacted with Sondra Martin-Denk, Financial Advisor, and Director of Finance and Administration Jan Hawn to discuss the impact of various scenarios involving the acquisition and/or financing of land for our Government Center. After much discussion, the Committee voted 3 - 1 to recommend that the total cost of the building AND land be financed with Certificates of Participation (COPS) and that fund reserves NOT be used for any portion of this total expense. The Committee requested Ms. Hawn prepare an impact analysis, clearly showing the impact on the Five Year Budget of increasing the annual debt service amount, resulting from this decision. A motion was made by Councilmember Hurt, seconded by Councilmember Brown to accept the recommendation of the Finance and Administration Committee to finance the total cost of the building AND land be financed with Certificates of Participation (COPS). A roll call vote was taken with the following results – Ayes – Hurt, Streeter, Brown, Casey, Tilley. Nays – Flachsbart, Durrell. The motion was declared passed.

Councilmember Streeter announced that the next meeting of the 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 the following bills will be considered for adoption under the Legislation – Planning Commission portion of the agenda: Bill No. 1722 (P.Z. 14-99, City of Chesterfield), Bill No. 1724 (P. Z. 15-99, Beckmann Brothers, Inc./Alexander Reed Cleaners), Bill No. 1726 (P. Z. 38-99, Swingley Ridge Development, L. L. C.) and Bill No. 1728 (P. Z. 11-99, Swingley Ridge Development II, L. L. C.)

Councilmember Flachsbart made a motion, seconded by Councilmember Casey to refer Bill No. 1720 to the Planning and Zoning Committee for further review and to address the issue that trust funds not be utilized to restrict access to the Chesterfield Parkway from Schoettler Road or to restrict/eliminate Schoettler Road access to South Outer 40 to Highway 40 between the Chesterfield Parkway and Timberlake. A voice vote was taken with a unanimous result and the motion was declared passed.

Councilmember Brown announced that the next meeting of this Committee will take place on September 23 at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that following the budget workshop, held September 7, it is now necessary/appropriate to adopt Resolution No. 256 regarding the next Five-Year Budget (Fiscal Years 2000-2004). Councilmember Casey made a motion, seconded by Councilmember Streeter to adopt Resolution No. 256, which, ultimately, adopts the Five-Year Budget for Fiscal Years 2000-2004. A voice vote was taken with a unanimous result and the motion was declared passed.

Mr. Herring next reported bids were recently sought for asphalt work in conjunction with the

Traffic Calming Pilot Project on Schoettler Valley/Country Ridge/Highcroft. Having reviewed this information, he joined with Deputy Director of Public Works/Assistant City Engineer David Christensen in recommending approval of the low bid submitted by Ford Asphalt and request authorization to enter into a contract in an amount not to exceed \$94,900. Mr. Herring noted that this amount exceeds the original appropriation and estimates developed by the Department of Public Works (\$70,000) due to the overwhelming response by the citizens who served on the advisory committee for this pilot project. Their recommendations have been incorporated into the final preliminary design and, as a result, the cost for this project has increased approximately \$25,000 above the original estimates. However, this additional cost is available within the Public Works Budget, due to savings realized in other areas of the operation. Therefore, there will be no need for additional appropriation of funds to cover this expense. Councilmember Flachsbart made a motion to approve the bid submitted by Ford Asphalt in an amount not to exceed \$94,900. The motion was seconded by Councilmember Casey. A voice vote was taken with a unanimous result and the motion was declared passed.

Mr. Herring next reported that proposals were recently sought from professional consultants to provide construction management services, with regard to the development and construction of the City Government Center project. Following the interview process, Director of Public Works/City Engineer Mike Geisel and the interview team have unanimously recommended that the City enter into a contract with S. M. Wilson, for construction management services, with regard to this project, in an amount not to exceed \$720,000. Mr. Herring noted that the actual amount spent should be significantly less than this total amount, due to incentives and cost-savings built into this contract. Secondly, he recalled that the entire amount spent for construction management services will be covered by the certificates of participation (COPS) issued by the City to fund the construction of our Government Center. As a result, he joined with Mr. Geisel in recommending approval and authorization for him to enter into a contract, in an amount not to exceed \$720,000, with S. M. Wilson, for construction management services for the Government Center project. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to accept the bid submitted by S. M. Wilson for construction management services for the Government Center project, in an amount not to exceed \$720,000. A voice vote was taken with a unanimous result and the motion was declared passed.

NEW BUSINESS

Mayor Greenwood requested that the Planning and Zoning Committee review/discuss the issue of having one reading/vote on zoning matters submitted by the Planning Commission for approval by City Council at two different meetings.

LEGISLATION

**BILL NO. 1719 APPROVES THE INSTALLATION OF FIRE HYDRANTS ON
OLIVE BOULEVARD AND TRADE CENTER PHASE 3
LOCATED WITHIN THE CITY OF CHESTERFIELD (FIRST AND
SECOND READINGS – PUBLIC WORKS/PARKS COMMITTEE)**

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the first reading of Bill No.1719. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1719 was read for the first time.

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 1719. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1719 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1719, with the following results: Ayes - Casey, Durrell, Brown, Tilley, Streeter, Hurt, Flachsbart. Nays - None. Whereupon Mayor Greenwood declared Bill No.1719 approved, passed it and it became **ORDINANCE NO. 1554.**

LEGISLATION - PLANNING COMMISSION

BILL NO. 1722 AMENDS SECTION 1003.150 "PI" PLANNED INDUSTRIAL DISTRICT REGULATION OF THE CITY OF CHESTERFIELD ZONING ORDINANCE RELATIVE TO INCLUDING DRY CLEANING DROP-OFF AND PICK-UP STATIONS AS A PERMITTED USE (P.Z. 14-1999, CITY OF CHESTERFIELD) **(FIRST AND SECOND READINGS – PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No.1722. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.1722 was read for the first time.

Councilmember Brown made a motion, seconded by Councilmember Tilley, for a second reading of Bill No. 1722. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.1722 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1722, with the following results: Ayes – Casey, St5reeter, Brown, Flachsbart, Durrell, Tilley, Hurt. Nays - None. Whereupon Mayor Greenwood declared Bill No.1722 approved, passed it and it became **ORDINANCE NO.1555.**

BILL NO. 1724 CHANGES THE ZONING DESIGNATION FROM "C-7" GENERAL EXTENSIVE COMMERCIAL DISTRICT TO "PI" PLANNED INDUSTRIAL DISTRICT FOR A 2.67 ACRE TRACT OF LAND LOCATED ON CHESTERFIELD AIRPORT ROAD, 450 FEET EAST OF THE BAXTER ROAD EXTENSION. (P.Z. 15-1999, BECKMANN BROTHERS INC./ALEXANDER REED CLEANERS) **(FIRST AND SECOND READINGS – PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL)**

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 1724. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1724 was read for the first time.

Councilmember Brown made a motion, seconded by Councilmember Tilley, for a second reading of Bill No. 1724. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1724 was read for the second time. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to amend Attachment A regarding an easement for a pedestrian trail, relocation of the existing fence and, if necessary, vacation of easement to be done by the City of Chesterfield, and setback designation from property line and not edge of easement. A voice vote was taken with a unanimous result and the motion was declared passed.

A motion was made by Councilmember Brown, seconded by Councilmember Casey, to amend Attachment A requiring the lighting and signage to be reviewed and compatible with the existing historic area. A voice vote was taken with a unanimous result and the motion was declared passed.

A roll call vote was taken for passage and approval of Bill No. 1724, as amended, with the following results: Ayes – Durrell, Streeter, Hurt, Brown, Flachsbart, Casey, Tilley. Nays - None. Whereupon Mayor Greenwood declared Bill No.1724 approved, passed it and it became **ORDINANCE NO. 1556.**

BILL NO. 1726 AMENDS CITY OF CHESTERFIELD ORDINANCE NUMBERS 1413 AND 1495 FOR A NEW AMENDED ORDINANCE RELATING TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 4.26 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF SWINGLEY RIDGE ROAD, WEST OF OLIVE BOULEVARD (P.Z. 38-98, SWINGLEY RIDGE DEVELOPMENT) (**FIRST AND SECOND READINGS** – PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL)

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 1726. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.1726 was read for the first time.

Councilmember Brown made a motion, seconded by Councilmember Streeter, for a second reading of Bill No. 1726. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1726 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1726, with the following results: Ayes – Tilley, Flachsbart, Durrell, Casey, Brown, Streeter, Hurt. Nays - None. Whereupon Mayor Greenwood declared Bill No.1726 approved, passed it and it became **ORDINANCE NO. 1557.**

BILL NO. 1728 AMENDS CITY OF CHESTERFIELD ORDINANCE NUMBER 1536 FOR A NEW AMENDED ORDINANCE RELATING TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 4.6 ACRE TRACT OF LAND LOCATED ON THE WEST SIDE OF NARDIN DRIVE, NORTH OF SWINGLEY RIDGE ROAD (P.Z. 11-99 SWINGLEY RIDGE DEVELOPMENT II, L.L.C.) (**FIRST AND SECOND READINGS** – PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL)

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No.1728 . A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1728 was read for the first time.

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 1728. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1728 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1728, with the following results: Ayes – Flachsbart, Brown, Hurt, Durrell, Streeter, Tilley, Casey. Nays - None. Whereupon Mayor Greenwood declared Bill No.1728 approved, passed it and it became **ORDINANCE NO. 1558.**

ADJOURNMENT

Mayor Greenwood entertained a motion to adjourn the meeting. Councilmember Flachsbart made a motion to adjourn the meeting. Councilmember Casey seconded the motion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. The meeting was adjourned at 9:05 p.m.

Mayor Nancy Greenwood

ATTEST:

Martha L. DeMay, City Clerk