



RECORD OF PROCEEDING

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

September 4, 2002

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

Mayor John Nations read a proclamation in remembrance of the tragic events of September 11, 2001 ("9/11") and followed the reading with the Pledge of Allegiance.

Mayor Nations then led those in attendance 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 August 19, 2002, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Streeter, 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 Nations commended the Public Works/Parks Department for the excellent job they did in hosting a soccer tournament recently, at the Chesterfield Valley Athletic Complex. There were 167 teams who played with over 2,000 children participating in the tournament.

COMMUNICATIONS AND PETITIONS

Kay Folsom, Chairperson of the Beautification Committee, who resides at 1747 Baxter Forest Valley Court, presented Beautification Awards 2002 in the following categories:

Large Commercial

First Award - St. Luke's Hospital

Second Award - Pharmacia/Monsanto

Third Award - Chesterfield Villages Apartments

Small Commercial

First Award - Yia's Yia's Euro Café

Second Award - Lawns of Distinction

Third Award - Peachtree Apartments

Residential Award

First Award - Wildhorse Subdivision

Second Award - Sea Beauty Farms

Third Award - Wilson Farm Estates

Honorable Mention Awards

Clarkson Woods

Villas at Whitebrook

Laura Lueking, who resides at 15021 Conway Road, opposed Bill No. 2089, P.Z. 34-2001, Chesterfield Village/Altshuler Tract.

Gary Feder supported Bill No. 2095, P.Z. 08-2002, Solon Gershman, Inc.

Mary Purvine, who resides at 16863 Chesterfield Bluffs Circle, presented information to City Council to suggest that light fixtures, at Chesterfield Commons East, have not been installed properly and are, as a result, casting a glare on homes along the bluffs. Ms. Purvine confirmed that Staff was not yet aware of this alleged "violation".

COUNCIL COMMITTEE REPORTS

Public Works/Parks Committee

Councilmember Barry Flachsbar, Chairperson of the Public Works/Parks Committee, reported that Bill No. 2091 (Approves the Mutual Aid Agreement) will be considered for adoption and Bill No. 2096 (Accepts public streets in Wildhorse Springs Subdivision) and Bill No. 2097 (Approves an agreement with Ameren UE) 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 Wednesday, September 25 at 5:30 p.m.

Finance and Administration Committee

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee, reported that Bill No. 2092 (re-adopts procedures for Disclosure of Conflicts for municipal officials) will be considered for adoption under the "Legislation" portion of the agenda.

Councilmember Geiger announced that the next meeting of this Committee has been scheduled for Wednesday, October 23 at 5:30 p.m.

Planning and Zoning Committee

Councilmember Dan Hurt, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2089 (P.Z. 34-2001, Chesterfield Village/Altshuler Tract) and Bill No. 2094 (ordinance amendment - River Crossings) will be considered for adoption and Bill No. 2095 (P.Z. 08-2002, Solon Gershman, Inc.) is scheduled for first reading approval under the "Legislation - Planning Commission" portion of the agenda.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for Thursday, September 5 at 5:30 p.m.

Public Health and Safety Committee

Councilmember Mary Brown, Chairperson of the Public Health and Safety Committee, reported that the next meeting of this Committee has been scheduled for Monday, September 30 at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that Country Club Express Wash, located at 17195 Chesterfield Airport Road, has requested a liquor license to sell all kinds of liquor in the original packages and Sunday sales. This application has been approved by both the Departments of Planning and Police. Councilmember Casey made a motion, seconded by Councilmember Durrell, to approve issuance of the liquor license. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that he recommends award of a contract, not to exceed \$32,930 to the firm of Intuition and Logic for professional engineering services, related to the development of a watershed basin plan in the Meadowbrook Farms Subdivision. Mr. Herring noted that the City would be reimbursed for \$16,475 of this total expense through a State stormwater grant. Direction to pursue this contract and seek State stormwater grant funds to cover a portion of the total cost was provided previously by the Public Works/Parks Committee. Councilmember Casey made a motion, seconded by Councilmember Hurt, to approve a contract, not to exceed \$32,930 to the firm of Intuition and Logic for professional engineering services, related to the

development of a watershed basin plan in the Meadowbrook Farms Subdivision. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

Mayor Nations announced that the next meeting of City Council has been scheduled for Wednesday, September 18, due to the observance of the Jewish holiday, Yom Kippur.

LEGISLATION

BILL NO. 2091

AUTHORIZES AND DIRECTS THE EXECUTION OF AN AGREEMENT BY THE MAYOR OF THE CITY OF CHESTERFIELD WITH THE CITIES OF CREVE COUER, DES PERES, FRONTENAC, LADUE, MARYLAND HEIGHTS, OLIVETTE, AND TOWN AND COUNTRY RELATIVE TO MUTUAL AID ASSISTANCE IN DISASTER OR EMERGENCY SITUATIONS (**SECOND READING – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2091. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2091 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2091, with the following results: Ayes - Flachsbart, Geiger, Hurt, Casey, Durrell, Fults, Streeter and Brown. Nays - None. Whereupon Mayor Nations declared Bill No. 2091 approved, passed it and it became **ORDINANCE NO. 1868**.

BILL NO. 2096

PERTAINS TO THE ACCEPTANCE OF A PUBLIC STREET WITHIN WILDHORSE SPRINGS SUBDIVISION, PLAT 2, IN THE CITY OF CHESTERFIELD (**FIRST READING - PUBLIC WORKS/PARKS COMMITTEE**)

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2096. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2096 was read for the first time.

BILL NO. 2097

PROVIDES FOR THE LIGHTING BY ELECTRICITY OF THE STREETS, AVENUES, ALLEYS, AND OTHER PUBLIC PLACES IN THE CITY OF CHESTERFIELD, IN THE STATE OF MISSOURI, AND OTHER ELECTRIC SERVICE REQUIREMENTS OF THE CITY, BY CONTRACT, SETTING FORTH THE TERMS OF THE PROPOSED CONTRACT THEREFORE BETWEEN THE CITY AND UNION ELECTRIC COMPANY (D/B/A AMEREN UE, ITS SUCCESSORS AND ASSIGNS), AND PERMITTING SAID COMPANY TO ERECT, OPERATE, AND MAINTAIN POLES, LINES, WIRES, CABLES, TRANSFORMERS, AND OTHER APPLIANCES IN

THE STREETS AND ALL OTHER PUBLIC PLACES,
NECESSARY FOR AND APPROPRIATE TO THE
PERFORMANCE OF SAID CONTRACT AS DESCRIBED
HEREIN (**FIRST READING – PUBLIC WORKS/PARKS
COMMITTEE**)

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2097. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2097 was read for the first time.

BILL NO. 2092 RE-ADOPTS THE PROCEDURE ESTABLISHED IN
ORDINANCE NO. 605 OF THE CITY OF CHESTERFIELD AS
THE PROCEDURE FOR DISCLOSURE OF CONFLICTS FOR
CERTAIN MUNICIPAL OFFICIALS (**SECOND READING –
FINANCE AND ADMINISTRATION COMMITTEE**)

Councilmember Geiger made a motion, seconded by Councilmember Streeter, for a second reading of Bill No. 2092. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2092 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2092, with the following results: Ayes - Brown, Durrell, Flachsbart, Casey, Hurt, Geiger, Streeter and Fults. Nays - None. Whereupon Mayor Nations declared Bill No. 2092 approved, passed it and it became **ORDINANCE NO. 1869**.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2089 AMENDS THE ZONING ORDINANCE OF THE CITY OF
CHESTERFIELD BY CHANGING THE BOUNDARIES
OF AN “NU” NON-URBAN DISTRICT TO A “PC”
PLANNED COMMERCIAL DISTRICT FOR 5.29 ACRES
OF LAND LOCATED ON THE NORTH SIDE OF NORTH
OUTER FORTY ROAD AND NEAR THE
INTERSECTION OF NORTH OUTER FORTY ROAD
AND CHESTERFIELD PARKWAY EAST
(P.Z. 34-2001 CHESTERFIELD VILLAGE/ALTSHULER
TRACT) (**FINAL VOTE – PLANNING COMMISSION
RECOMMENDS APPROVAL**) (**PLANNING AND
ZONING COMMITTEE RECOMMENDED
AMENDMENT**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the final vote of Bill No. 2089. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. City Attorney Beach noted for the record that Mayor Nations, at the August 19 City Council meeting, asked that this legislation be held until this meeting for a final vote and, therefore, there is no need to have a second reading of this bill. Mayor Nations next called for the final vote on Bill No. 2089 with the following results: Ayes - Casey, Brown, Streeter,

Durrell, Flachsbart and Hurt. Nays - Fults and Geiger. Whereupon Mayor Nations declared Bill No. 2089 approved, passed it and it became **ORDINANCE NO. 1870.**

BILL NO. 2094 AMENDS CITY OF CHESTERFIELD ORDINANCE
NO.1772 GOVERNING THE RIVER CROSSING'S
COMMERCIAL DEVELOPMENT, A 15.8 ACRE "PC"
PLANNED COMMERCIAL DISTRICT LOCATED ON
CHESTERFIELD AIRPORT ROAD, ACROSS FROM
PUBLIC WORKS DRIVE (**FIRST AND SECOND
READINGS - PLANNING COMMISSION
RECOMMENDS APPROVAL; PLANNING AND
ZONING COMMITTEE FORWARDED WITHOUT
RECOMMENDATION**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2094. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2094 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to amend Bill No. 2094, Exhibit 2, dated "Planning Commission - August 12, 2002 and Planning and Zoning Committee - August 22, 2002", per the revisions attached to these minutes. A roll call vote was taken for passage of this motion with the following results: Ayes - Hurt, Streeter, Geiger, Durrell, Flachsbart, and Casey. Nays - Brown and Fults. Mayor Nations declared the amendment approved.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2094, as amended. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2094 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2094, with the following results: Ayes - Casey, Flachsbart, Durrell, Geiger, Streeter and Hurt. Nays - Fults and Brown. Whereupon Mayor Nations declared Bill No. 2094 approved, as amended, passed it and it became **ORDINANCE NO. 1871.**

BILL NO. 2095 AMENDS THE ZONING ORDINANCE OF THE CITY OF
CHESTERFIELD BY CHANGING THE BOUNDARIES OF A
"C-2" SHOPPING DISTRICT TO A "PC" PLANNED
COMMERCIAL DISTRICT FOR A .25 ACRE TRACT OF
LAND LOCATED ON THE NORTH SIDE OF OLIVE
BOULEVARD EAST OF WOODSMILL ROAD (P.Z. 08-2002,
SOLON GERSHMAN, INC.) (**FIRST READING - PLANNING
COMMISSION RECOMMENDS APPROVAL; PLANNING
AND ZONING COMMITTEE RECOMMENDS
AMENDMENTS**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2095. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2095 was read for the first time.

Councilmember Flachsbart proposed an amendment to this legislation Attachment A, Section VII(A), Item 5 (Page 6) to add a sub-item D, which reads "There shall be no left turn permitted or exit from the site on to eastbound Olive Boulevard and signage to that effect shall be erected at the exit from the site." Councilmember Fults seconded the amendment. Discussion ensued and Councilmember Flachsbart reviewed the preliminary plan. A voice vote was taken with an affirmative result (Councilmember Durrell voted "No") and the motion was declared passed. Councilmember Flachsbart made a motion, seconded by Councilmember Durrell, to amend Attachment A, Section VII(C), Item 5 to read "left turns into or out of....." A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Streeter made a motion, seconded by Councilmember Flachsbart to remove all "Dairy Queen" wording within the documents and insert generic identification. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

City Attorney Beach expressed concern with regard to identification signs being referred to the Board of Adjustment for approval and suggested that this item be referred to the Planning and Zoning Committee for review. Councilmember Brown made a motion, seconded by Councilmember Casey, to refer this matter to the Planning and Zoning Committee, who will then forward recommendations to the Ordinance Review Committee. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Beach will prepare a letter, summarizing this issue and his concerns, and provide same to the members of the P&Z Committee.

ADJOURNMENT

Mayor Nations adjourned the meeting at 8:24 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk