



RECORD OF PROCEEDING

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

September 3, 2003

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

The Pledge of Allegiance was led by Cub Pack #848/Den 5 from Highcroft Ridge Elementary School: Tyler Deaton, Andrew Dunn, Daniel Kang and Ellis Markman. Also in attendance was Troop Leader Scott Deaton.

Mayor Nations led everyone 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 18, 2003, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Geiger, to approve the August 18, 2003 City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor John Nations thanked the City's Parks and Recreation Division employees for the tremendous job they did in preparing the Chesterfield Valley Athletic Complex for the recently completed Ascension Soccer Tournament, in which over 160 soccer teams participated. He asked City Administrator Herring to convey this sentiment to those employees.

Mayor Nations announced that a City Council Retreat has been scheduled for September 6, beginning at 9am, to discuss long range planning and review previous actions taken, with regard to parks and recreation.

Mayor Nations also announced that the next meeting of City Council will be held on September 15 at 7 p.m.

COMMUNICATIONS AND PETITIONS

Kay Folsom, Chairperson of the Beautification Committee, presented "Beautification Awards" to the following recipients:

Subdivisions:

1. Spyglass Summit
2. Amberleigh Town Homes
3. Baywood Village Condos

Small Business:

1. Bull Moose Tube Company
2. Aqua Vin Restaurant
3. Friendship Village

Large Business:

1. Chesterfield Village Apartments
2. Westmont Apartments
3. Faust Park Butterfly Gardens

Special Award:

1. Chesterfield Commons/Chesterfield Commons East (THF Realty)

Ed Holthaus, 1 Andre Drive, supported Bill No. 2175, P.Z. 7-2003, Spirit Plaza, and requested that the curb-cut on Chesterfield Airport Road be left in the legislation.

APPOINTMENTS

Mayor Nations nominated Richard Morris as a member of the Board of Adjustment. Mr. Morris has served as an alternate since April 2002. Mayor Nations next nominated John Langa as a member of the Chesterfield Arts Commission. Councilmember Brown made a motion, seconded by Councilmember Flachsbart, to appoint both Mr. Morris to the Board of Adjustment and Mr. Langa to the Chesterfield Arts Commission. A voice vote

was taken with a unanimous affirmative result and the motion was declared passed. Mr. Morris' term will expire June 1, 2006 and Mr. Langa's term will expire August 1, 2005.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Jane Durrell, Chairperson of the Finance and Administration Committee, reported that Bill No. 2179 (re-adopts the procedure regarding conflicts of interest for elected officials) will be considered for adoption and Bill No. 2184 (approves changes to liquor laws regarding Sunday sales) will be read for the first time under the "Legislation" portion of the agenda.

Councilmember Durrell announced that the next meeting of this Committee has been scheduled for September 17 at 5:30 p.m., primarily to discuss the proposed Five-Year Budget.

Planning and Zoning Committee

Councilmember Barry Streeter, Chairperson of the Planning and Zoning Committee, reported that Bill #2175 (P.Z. 7-2003 – Spirit Plaza), Bill #2182 (approves vacation of stormwater easement – Chesterfield Grove) and Bill #2183 approves boundary adjustment plat – Lot A - Hilltown Village Center) will be considered for adoption and Bill #2180 (P.Z. 1-2003 (LPC 1-2003) Ravens-Queathem House) and Bill #2181 (P.Z. 2-2003 (LPC 2-2003) Eberwein-Howe-Doty House) will be read for the first time under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Hurt made a motion, seconded by Councilmember Casey to hold Bill #2176 (P.Z. 9-2003, Opus Northwest (One Chesterfield Place) until the next City Council meeting. Councilmember Flachsbart stated his intention not to vote on this issue because of a potential conflict of interest. A roll call vote was taken with the following results: Ayes – Fults, Hurt, Brown, Casey. Nays – Geiger, Durrell, Streeter. Abstention – Flachsbart. Mayor Nations declared the motion passed and stated that this legislation will be held until the next City Council meeting, scheduled for September 15, 2003.

Councilmember Streeter announced that the next meeting of this Committee has been scheduled for September 4, at 5:30 p.m.

Public Works/Parks Committee

Councilmember Connie Fults, Chairperson of the Public Works/Parks Committee, reported that Bill No. 2185 (accepts public streets within Sycamore Cove Subdivision) will be read for the first time and Bill No. 2174 (authorizes agreement between the City Administrator and Shenandoah Residents Association for reimbursement of certain costs) will be considered for adoption under the "Legislation" portion of the agenda.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for September 11, at 5:45 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that, after discussions with Director of Public Works/City Engineer Mike Geisel, he is recommending award of a contract to North American Salt Company, at a rate of \$20.23/ton for the fall/winter delivery of salt and \$21.23/ton for the winter/spring delivery of salt. These costs represent a decrease of \$0.42/ton over the 2002 bid amount. In addition, the City of Chesterfield coordinates the purchasing of salt for the entire St. Louis Metro Branch APWA salt cooperative. There are approximately thirty-five (35) members of the salt co-op. Mr. Herring noted that the FY2003 Budget provides \$104,500 for salt/abrasives and unloading/delivery. Adequate funds remain within said budget to cover expenses expected for the balance of the current fiscal year. Councilmember Casey made a motion, seconded by Councilmember Fults, to approve awarding a contract to North American Salt Company, at a rate of \$20.23/ton for the fall/winter delivery of salt and \$21.23/ton for the winter/spring delivery of salt. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that that bids were recently sought for unloading/loading and delivery by truck to various municipalities, for deicing salt materials purchased by the Metropolitan salt cooperative. Based upon the recommendation submitted by Mr. Geisel, Mr. Herring joined with him in recommending that the contract be awarded to Lange Stegmann, for unloading and delivery services to the City of Chesterfield's salt storage dome of \$5.44/ton, an increase of \$0.10/ton over last year's bid. Mr. Herring noted that adequate funds remain within the current budget to cover anticipated expenses for the balance for this current fiscal year. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to award a contract to Lange Stegmann, for unloading and delivery services to the City of Chesterfield's salt storage dome of \$5.44/ton. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

LEGISLATION

BILL NO. 2174 AUTHORIZES THE CITY ADMINISTRATOR OF THE CITY OF CHESTERFIELD TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF CHESTERFIELD WITH THE SHENANDOAH RESIDENTS ASSOCIATION FOR THE REIMBURSEMENT FOR STORMWATER BASIN PLANS (SECOND READING – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)

Councilmember Fults made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2174. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2174 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2174, with the following results: Ayes – Streeter, Casey, Durrell, Flachsbart, Brown, Geiger, Hurt, and Fults. Nays -

None. Whereupon Mayor Nations declared Bill No. 2174 approved, passed it and it became **ORDINANCE NO. 1952.**

BILL NO. 2179 RE-ADOPTS THE PROCEDURE ESTABLISHED IN ORDINANCES NO. 605 OF THE CITY OF CHESTERFIELD AS THE PROCEDURE FOR DISCLOSURE OF CONFLICTS FOR CERTAIN MUNICIPAL OFFICIALS (**FIRST AND SECOND READINGS; FINANCE AND ADMINISTRATION COMMITTEE**)

Councilmember Durrell made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2179. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2179 was read for the first time.

Councilmember Brown made a motion, seconded by Councilmember Casey, to suspend the rules for the second reading of Bill No. 2179. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Durrell made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 2179. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2179 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2179, with the following results: Ayes – Flachsbart, Casey, Streeter, Hurt, Geiger, Durrell, Brown and Fults. Nays - None. Whereupon Mayor Nations declared Bill No. 2179 approved, passed it and it became **ORDINANCE NO. 1953.**

BILL NO. 2184 AMENDS THE LIQUOR LAWS OF THE CITY OF CHESTERFIELD TO REFLECT CHANGES IN THE STATE LAW WHICH ALLOW FOR THE SALE OF ALCOHOL BEGINNING AT 9:00 A.M. ON SUNDAYS AND OTHER HOUSECLEANING MATTERS (**FIRST READING – FINANCE AND ADMINISTRATION COMMITTEE RECOMMEND APPROVAL**)

Councilmember Durrell made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2184. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2184 was read for the first time. Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to amend Bill No. 2184 to reflect a serving time of 11:00 a.m., instead of 9:00 a.m., throughout the ordinance. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

BILL NO. 2185 PERTAINS TO THE ACCEPTANCE OF PUBLIC STREET WITHIN SYCAMORE COVE SUBDIVISION IN THE CITY OF CHESTERFIELD (**FIRST READING – PUBLIC WORKS/PARKS COMMITTEE**)

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2185. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2185 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2175 AMENDS CITY OF CHESTERFIELD ORDINANCE NUMBER 1382 FOR A NEW AMENDED ORDINANCE RELATING TO A “PI” PLANNED INDUSTRIAL DISTRICT FOR A 4.749 ACRE TRACT OF LAND LOCATED ON THE SOUTHWEST CORNER OF CHESTERFIELD AIRPORT ROAD AND CHESTERFIELD INDUSTRIAL BOULEVARD (P.Z. 07-2003, SPIRIT PLAZA, L.L.C.)(**SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL SINCE “GREEN SHEET” WAS ADOPTED BY CITY COUNCIL AT LAST MEETING**)

Councilmember Hurt reported that he had received a letter from developer Mr. Ed Holthaus regarding the curb cut for this property. He stated, for the record, that he found the letter to be offensive and inappropriate. Councilmember Streeter made a motion, seconded by Councilmember Casey for the second reading of Bill No. 2175. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2175 was read for the second time. Councilmember Brown made a motion, seconded by Councilmember Fults to amend Page 6, Attachment A, Item 4 by adding access to Chesterfield Road language to restrict one commercial entrance located on the site development plan and constructed as directed by the St. Louis County Department of Highways and Traffic and delete Items D and E. A roll call voice vote was taken with the following results: Ayes – Fults, Casey, Geiger, Durrell, Brown, and Streeter. Nays – Hurt and Flachsbart. Mayor Nations declared the motion passed. Councilmember Streeter made a motion, seconded by Councilmember Hurt, to add a new paragraph E, which would include the gate with a lock, as approved by the Chesterfield Fire Protection District. A roll call vote was taken with the following results: Ayes – Flachsbart, Streeter, Hurt and Geiger. Nays – Brown, Durrell, Casey and Fults. The Mayor broke the tie vote by voting “No.” A roll call vote was taken for passage and approval of Bill No. 2175, as amended, with the following results: Ayes – Fults, Casey, Streeter, Brown, Geiger, Durrell and Hurt. Nays - Flachsbart. Whereupon Mayor Nations declared Bill No. 2175 approved, passed it and it became **ORDINANCE NO. 1954**.

BILL NO. 2176 AMENDS CITY OF CHESTERFIELD ORDINANCE 1660 PROVIDING FOR THE ADDITION OF COLLEGE AND UNIVERSITY USE, LIMITATION ON THE AMOUNT OF SQUARE FOOTAGE FOR SAID USE, ESTABLISHMENT OF WEEKEND HOURS OF OPERATION AND AMENDMENT TO THE LIGHTING HOURS FOR THE SUBJECTS SITE IN A 6.4 ACRE “PC” PLANNED COMMERCIAL DISTRICT LOCATED ON NORTH OUTER 40 ROAD, WEST BONHOMME PRESBYTERIAN CHURCH (P.Z. 9-2003, OPUS NORTHWEST,

**ONE CHESTERFIELD PLACE)(SECOND READING –
PLANNING COMMISSION RECOMMENDS APPROVAL;
PLANNING AND ZONING COMMITTEE RECOMMENDS
DENIAL)**

This bill has been held until the September 15th meeting of City Council.

BILL NO. 2180 ESTABLISHES A LANDMARK DESIGNATION UPON A STRUCTURE LOCATED AT 14319 OLIVE BOULEVARD UNDER THE PROCESS ESTABLISHED BY THE CITY OF CHESTERFIELD ORDINANCE 1719 (P.Z. 1-2003)(LPC 1-2003 RAVENS QUEATHEN HOUSE)(**FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2180. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2180 was read for the first time.

BILL NO. 2181 ESTABLISHES A LANDMARK DESIGNATION UPON A STRUCTURE LOCATED AT 17340 BAXTER ROAD UNDER THE PROCESS ESTABLISHED BY THE CITY OF CHESTERFIELD ORDINANCE 1719 (P.Z. 2-2003)(LPC 2-2003)(EBERWEIN-HOWE-DOTY HOUSE)(**FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2181. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2181 was read for the first time.

BILL NO. 2182 VACATES A VARYING WIDTH STORMWATER EASEMENT ON LOTS 1A AND 3 OF “CHESTERFIELD GROVE”, RECORDED IN BOOK 350, PAGE 242, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI (FAIRFAX F. POLLNOW AND GROVE V LLC)(**FIRST AND SECOND READINGS - DEPARTMENT OF PLANNING RECOMMENDS APPROVAL**)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2182. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2182 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2182. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2182 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2182, with the following results: Ayes – Hurt, Fults, Casey, Flachsbart, Durrell, Brown, Streeter and Geiger. Nays - None. Whereupon Mayor Nations declared Bill No. 2182 approved, passed it and it became **ORDINANCE NO. 1955**.

BILL NO. 2183 APPROVES A BOUNDARY ADJUSTMENT PLAT FOR A TRACT OF LAND BEING LOT “A” OF “HILLTOWN VILLAGE CENTER” AND PART OF U.S. SURVEY 154, TOWNSHIP 45 NORTH, RANGE 4 EAST, AND PART OF THE RIGHT-OF-WAY OF HENRY HOCK DRIVE VACATED BY DEED RECORDED IN BOOK 6482, PAGE 2045 OF THE ST. LOUIS COUNTY RECORDS AND THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI (FIRST AND SECOND READINGS - DEPARTMENT OF PLANNING RECOMMENDS APPROVAL)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2183. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2183 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2183. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2183 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2183, with the following results: Ayes – Flachsbart, Brown, Casey, Durrell, Streeter, Hurt, Geiger and Fults. Nays - None. Whereupon Mayor Nations declared Bill No. 2183 approved, passed it and it became **ORDINANCE NO. 1956.**

ADJOURNMENT

Mayor Nations adjourned the meeting at 8:15 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk