



RECORD OF PROCEEDING

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

August 19, 2002

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

Mayor Nations led those in attendance in the Pledge of Allegiance and followed with 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 5, 2002, Public Hearing and the August 5, 2002, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Durrell, to approve both sets of minutes. Councilmember Flachsbart noted that there was an error under his report, in the August 5 City Council meeting minutes. The date for the next meeting of the Public Works/Parks Committee should be September 25, and not August 28. A voice vote was taken with a unanimous affirmative result, to approve both sets of minutes, as amended above, and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Nations announced that City Hall would be closed September 2 in observance of Labor Day.

Mayor Nations announced that the next meeting of City Council has been scheduled for Wednesday, September 4 at 7 p.m.

COMMUNICATIONS AND PETITIONS

Sgt. Steve Lewis, Chesterfield Police Officer, spoke on behalf of the Chesterfield Police Officers Association regarding their concern with the City's pension plan fund and requested a different type of pension plan be put into place for Police Officers.

Dean Burns, THF Realty, 2127 Innerbelt Business Center Drive, supported Bill No. 2090 (P.Z. 09-2002, THF Chesterfield Two Development), but requested this legislation permit drive thru restaurants.

Joy McMillen, attorney for the petitioner, 17107 Chesterfield Airport Road, supported Bill No. 2090 (P.Z. 09-2002, THF Chesterfield Two Development), but requested this legislation permit drive thru restaurants.

Don Kern, who resides at 16807 Chesterfield Bluffs Circle, opposed drive-thru restaurant amendments to be included in Bill No. 2090 (P.Z. 09-2002, THF Chesterfield Two Development).

Fran Capra, who resides at 16791 Chesterfield Bluffs Circle, opposed drive-thru restaurant amendments to be included in Bill No. 2090 (P.Z. 09-2002, THF Chesterfield Two Development).

John Sinnett, who resides at 16801 Chesterfield Bluffs Circle, opposed drive-thru restaurant amendments to be included in Bill No. 2090 (P.Z. 09-2002, THF Chesterfield Two Development).

Karyn Griffin, who resides at 16657 Chesterfield Manor Drive, opposed drive-thru restaurant amendments to be included in Bill No. 2090 (P.Z. 09-2002, THF Chesterfield Two Development).

Barbara Niemeyer, who resides at 168 Brighthurst, opposed drive-thru restaurant amendments to be included in Bill No. 2090 (P.Z. 09-2002, THF Chesterfield Two Development).

Mary Purvines, who resides at 16863 Chesterfield Bluffs Circle, opposed drive-thru restaurant amendments to be included in Bill No. 2090 (P.Z. 09-2002, THF Chesterfield Two Development).

Craig Borchelt, who resides at 15477 Long Castle Forest Court, announced his Republican candidacy for St. Louis County Executive and his willingness to meet at a future date with the Mayor and City Council regarding any St. Louis County issues.

COUNCIL COMMITTEE REPORTS

Public Works/Parks Committee

Councilmember Barry Flachsbart, Chairperson of the Public Works/Parks Committee, reported that Director of Public Works/City Engineer Mike Geisel, along with Superintendent of Parks, Recreation and Arts Darren Dunkle, has developed detailed information regarding the proposed Fourth of July celebration in Chesterfield. The information is being forwarded to City Council for consideration/approval for budgeting in the FY 2003 Budget. Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, to proceed with planning the Fourth of July Celebration for year 2003 and to authorize appropriation of \$65,000 for the cost of the event, in the FY2003 Budget. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. City Staff was authorized seek contracts for long-lead items, such as the fireworks display and bands. All such contracts will be reviewed/approved by City Council.

Councilmember Flachsbart next reported that Bill No. 2088 (approves the agreement with St. Louis County regarding the multi-purpose trail through Faust Park) will be considered for adoption and Bill No. 2091 (approves the I-270/I-64 Mutual Aid Agreement) will be read for the first time under the "Legislation" portion of the agenda. The concept for the agreement was approved at the August 5 City Council meeting.

Councilmember Flachsbart next reported that previously, City Council approved funding for one-half of the total cost, not to exceed \$10,000, for landscaping of the right-of-way, located on the south side of North Outer Forty, adjacent to the IKON Building, with the caveat that Sachs Properties would assume responsibility for the maintenance. Sachs Properties has responded that they are not willing to accept this responsibility, but are still willing to fund one-half of the cost of the plants/trees/shrubs that would be planted. Director of Public Works/City Engineer Mike Geisel has confirmed that the annual estimated maintenance costs for this landscaped area should not exceed \$4,250. After some discussion, Councilmember Flachsbart made a motion, seconded by Councilmember Brown, to approve annual maintenance costs, not to exceed \$4,250, for the landscaped area adjacent to the IKON Building. A voice vote was taken with an affirmative result (Councilmember Flachsbart voted "No") and the motion was declared passed.

Councilmember Flachsbart announced that the next meeting of this Committee has been scheduled for 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. 2086 (sets the property tax rate for debt service regarding the parks bond issue) would be considered for adoption and Bill No. 2092 (re-adopts procedures for Disclosure of Conflicts for municipal officials) will be read for the first time under the "Legislation" portion of the agenda.

Councilmember Geiger announced that the next meeting of this Committee has been scheduled for August 28 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/Altschuler Tract), Bill No. 2090 (P.Z. 09-2002, Chesterfield Two Development) and Bill No. 2093 (approves a re-subdivision plat regarding Lot 2 in Chesterfield Industrial Park) will be considered for adoption under the "Legislation - Planning Commission" portion of the agenda.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for August 22 at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that a liquor license request has been received from Rosteria, Inc. DBA/Terra Nova Wines, located at 125 Towne Center, to sell all kinds of liquor on the original package, not to be consumed on the premises. Both the Police and Planning Departments have approved this application. 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 Xcentrix Gifts and Home Décor, located at 63 Chesterfield Mall, requested a liquor license to sell all kinds of liquor in the original packages, not to be consumed on the premises. Both the Police and Planning Departments have approved this application. 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.

NEW BUSINESS

Councilmember Barry Streeter expressed sympathy for the family of Shenandoah Subdivision Trustee, Kendall Durk, who was killed in a car accident last week.

LEGISLATION – PLANNING COMMISSION

Due to the large crowd in attendance interested in Bill No. 2090, Councilmember Flachsbart made a motion, seconded by Councilmember Fults, to amend the agenda to address Bill No. 2090, P.Z.09-2002, THF Chesterfield Two Development, at this time. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

BILL NO. 2090

AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “N-3” PLANNED INDUSTRIAL DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 6.085 ACRE TRACT OF LAND LOCATED SOUTH OF CHESTERFIELD AIRPORT ROAD, WEST OF BAXTER ROAD, AND EAST OF CHESTERFIELD COMMONS DRIVE (P.Z. 09-2002 – THF CHESTERFIELD TWO DEVELOPMENT) (SECOND

**READING – PLANNING COMMISSION RECOMMENDS
APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, for a second reading of Bill No. 2090. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2090 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2090, with the following results: Ayes - Hurt, Fults, Flachsbart, Geiger, Casey, Durrell, Brown and Streeter. Nays - None. Whereupon Mayor Nations declared Bill No. 2090 approved, passed it and it became **ORDINANCE NO. 1864.**

LEGISLATION

BILL NO. 2086 FIXES THE RATE OF TAXATION FOR THE YEAR 2002 AND
LEVEES A TAX ON ALL PROPERTY MADE TAXABLE BY
THE LAW WITHIN THE CORPORATE LIMITS OF THE CITY
OF CHESTERFIELD, MISSOURI, FOR THE PAYMENT OF
PRINCIPAL AND INTEREST ON THE GENERAL
OBLIGATION BOND ISSUE FOR PARKS: EFFECTIVE
WHEN (**SECOND READING – FINANCE AND
ADMINISTRATION COMMITTEE**)

Councilmember Geiger made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2086. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2086 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2086, with the following results: Ayes - Casey, Streeter, Fults, Durrell, Geiger, Brown and Hurt. Nays - Flachsbart. Whereupon Mayor Nations declared Bill No. 2086 approved, passed it and it became **ORDINANCE NO. 1865.**

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 (**FIRST READING –
FINANCE AND ADMINISTRATION COMMITTEE**)

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first 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 first time.

BILL NO. 2088 APPROVES A MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF CHESTERFIELD AND ST. LOUIS
COUNTY DEPARTMENT OF PARKS AND RECREATION
RELATIVE TO THE HIGHWAY 340 TRANSPORTATION
ENHANCEMENT PROJECT (**SECOND READING - PUBLIC
WORKS/PARKS COMMITTEE RECOMMENDS
APPROVAL**)

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2088. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2088 was read for the second time. A roll call vote was

taken for passage and approval of Bill No. 2088, with the following results: Ayes - Brown, Streeter, Hurt, Durrell, Casey, Geiger, Flachsbart and Fults. Nays - None. Whereupon Mayor Nations declared Bill No. 2088 approved, passed it and it became **ORDINANCE NO. 1866.**

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 (**FIRST READING – PUBLIC WORKS/PARKS RECOMMENDS APPROVAL**)

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the first 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 first time.

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) (**SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL**) (**PLANNING AND ZONING COMMITTEE RECOMMENDS AMENDMENT**)

Councilmember Hurt made a motion, seconded by Councilmember Brown, for the second reading of Bill No. 2089. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2089 was read for the second time.

Councilmember Hurt amended Section 2 to read "The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council, which are set out in Attachment A, which is attached hereto and made a part hereof." A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Streeter made a motion, seconded by Councilmember Brown, to amend Attachment A, Section 5, Specific Criteria, A1a, to read " eighty (80) feet" and to amend Section 5, A2b, to read "two hundred forty (240) feet from the right-of-way....." Discussion ensued. Councilmember Flachsbart made a motion, seconded by Councilmember Durrell, to amend Councilmember Streeter's motion to establish the setback at North Outer Forty at sixty-seven (67) feet. A roll call vote was taken with the following result: Ayes - Brown, Durrell, Casey and Flachsbart. Nays - Streeter, Geiger, Fults, and Hurt. The Mayor broke the tie vote by voting "No." Councilmember Streeter then made a motion, seconded by Councilmember Hurt,

to call for the question. A voice vote was taken with a unanimous affirmative result and the motion was declared passed

Councilmember Streeter made a motion, seconded by Councilmember Durrell, to hold Bill No 2089 until the September 4 City Council meeting, for the final vote, for passage/approval. A roll call vote was taken with the following results: Ayes - Geiger, Durrell, Fults, Brown and Streeter. Nays – Casey, Flachsbart, Hurt. Whereupon Mayor Nations declared the motion passed. Bill No. 2089 will be held, for a final vote, until the September 4 meeting.

BILL NO. 2093 PROVIDES FOR THE APPROVAL OF THE RE-SUBDIVISION
PLAT FOR LOT 2 OF THE CHESTERFIELD INDUSTRIAL
PARK, A 4.75 –ACRE “PI” PLANNED INDUSTRIAL
DISTRICT LOCATED ON THE WEST SIDE OF
CHESTERFIELD INDUSTRIAL BOULEVARD, SOUTH OF
THE INTERSECTION OF CHESTERFIELD AIRPORT ROAD
(**FIRST AND SECOND READINGS – PLANNING
COMMISSION RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2093. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2093 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2093. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2093 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2093, with the following results: Ayes - Hurt, Brown, Streeter, Fults, Durrell, Flachsbart, Geiger and Casey. Nays - None. Whereupon Mayor Nations declared Bill No. 2093 approved, passed it and it became **ORDINANCE NO. 1867**.

ADJOURNMENT

Mayor Nations adjourned the meeting at 8:40 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk