

RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD AT 922 ROOSEVELT PARKWAY, AUGUST 19, 1991

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

A roll call was taken with the following results:

PRESENT

ABSENT

Mayor Jack Leonard	None
Councilmember Betty Hathaway	
Councilmember Nancy Greenwood	
Councilmember Susan Clarke	
Councilmember Jade Gardner Bute	
Councilmember Dan Hurt	
Councilmember Alan Politte	
Councilmember Dick Hrabko	
Councilmember Linda Tilley	

The Pledge of Allegiance was led by Boy Scout Troop #848 from Highcroft School: John Vokunn, Jon Henning, Andy Behrendt, Brian Coblitz and Matt Ziemann. Also in attendance was Troop Leader Tom Smyka.

Reverend Edward Hammer from All Saints Lutheran Church led the City Council in prayer.

The minutes of the July 15, 1991, Public Hearing were submitted for approval. A motion was made by Councilmember Hathaway, seconded by Councilmember Greenwood, to approve the minutes. A voice vote was taken, with a unanimous affirmative result, and the motion was declared passed. The minutes of the July 15, 1991, Council meeting were submitted for approval. A motion was made by Councilmember Bute, seconded by Councilmember Greenwood, to approve the minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. The minutes of the August 5, 1991, special Council meeting were submitted for approval. A motion was made by Councilmember Greenwood, seconded by Councilmember Bute, to approve the minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS - MAYOR JACK LEONARD

Mayor Jack Leonard nominated and City Council affirmed the appointment of Mr. Carl W. Glaser to serve as a member of the Public Works Board of Variance at the July 15, 1991 City Council meeting. Unfortunately, action taken by City Council was to appoint Mr. Glaser to a three (3) year term. The ordinance establishing the Public Works Board of Variance calls for five (5) year terms for all members. As a result, Mayor Leonard re-nominated Mr. Glaser to a five (5) year term, expiring August 21, 1996. A motion was made by Councilmember Bute, seconded by Councilmember Hrabko, to approve this nomination. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mayor Leonard next nominated Mr. Ivan L. Schraeder to serve as a member of the Board of Police Commissioners for a three (3) year term. A motion was made by Councilmember Politte, seconded by Councilmember Hurt, to approve this nomination. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Schraeder's term will expire August 19, 1994.

COUNCIL COMMITTEE REPORTS

Planning/Economic Development

Councilmember Betty Hathaway, Chairperson of the Planning/Economic Development Committee, reported that Bill #'s 611, 614 - 616 will be considered for adoption under the Legislation portion of the agenda.

A motion was made by Councilmember Hathaway, seconded by Councilmember Bute, to receive and file a petition received from Chesterfield Day School, P.Z. 13-91. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hathaway announced that the next meeting of this Committee has been scheduled for August 21, 1991, at 5:30 P.M.

Public Works/Parks Committee

Councilmember Jade Gardner Bute, Chairperson of the Public Works/Parks Committee, reported that Bill #'s 592 and 608 would be considered for adoption under the Legislation portion of the agenda.

Councilmember Bute next recognized Councilmember Politte who had requested, on behalf of the Parks/Recreation/Arts Citizens Advisory Group and the Public Works/Parks Committee, the

consideration of contracting with an individual as a part-time activity director, who would do such things as organizing a Family Fun Walk, as well as other recreational activities utilizing existing facilities located within the City of Chesterfield. This individual would be paid \$15.00/hour, not to exceed \$2,000.00 total for the remainder of the year, for providing these services. A motion was made by Councilmember Politte, seconded by Councilmember Hrabko, to authorize contracting for these services. This person would coordinate his activities through the City Administrator Mike Herring. Councilmember Tilley expressed concern over the need to take this action instead of seeking volunteers to do this work. Councilmember Greenwood expressed concern over the increase from \$1,000.00 total, which is what the Committee recommended, to \$2,000.00 total. A voice vote was taken with a 6 - 2 result (Councilmembers Tilley and Hathaway voting no) and the motion was declared passed.

Councilmember Bute next reported that information from the Missouri Highways and Transportation Department had been received concerning median landscaping and the state program "Growing Together". The Department suggested that the City of Chesterfield develop ideas as to where plantings would be placed within the medians, which are proposed to be along Olive and Clarkson. A motion was made by Councilmember Bute, seconded by Councilmember Tilley, to establish a Highway Beautification Committee, as a sub-Committee of the Citizens Interaction Committee. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Bute next reported that the Schoettler Road overpass should be opened to City traffic sometime in September. In addition, she reported that the Missouri Department of Highways and Transportation has closed Schoettler Road and routed traffic from Schoettler Valley to Highcroft to Schoettler Road before school has started. The Schoettler Road/outer road should be open sometime in early September, as well as the bridge.

Councilmember Bute next reported that Councilmember Tilley had requested that Old Clarkson Road be re-striped and that this project has been completed, along with the re-striping of Wilson and River Valley Drive.

Councilmember Bute announced that the next meeting of this Committee has been scheduled for August 22, 1991, at 5:30 P.M.

Public Health and Safety

Councilmember Alan Politte, Chairperson of the Public Health and Safety Committee, reported that Council had approved, during the Work Session, an addendum, recommended by this Committee, to the policy with regard to criteria for the establishment of stop signs. If the intersection in question involves a through street, the criteria for approval/denial shall be based on the nationally accepted stop sign warrants as reflected in the "manual on Uniform Traffic Control Devices" of the Department of Transportation. The Public Health and Safety Committee of Council will give

additional consideration to requests for stop signs when the request involves, as requested by the Public Health and Safety Committee, only streets determined to be a subdivision street as defined within said policy. Staff will determine the degree, if any, of negative impact that the installation of a stop sign would have on the smooth flow of traffic. If it is determined that no negative impact on the overall smooth flow of traffic in the City would result, the Committee may, at its discretion, recommend the installation of the stop sign with the following stipulation: That a petition reflecting citizen support of the stop sign installation be submitted with the request. This petition must bear the signature of at least seventy-five (75%) percent of the households and a majority of the Trustees in the subdivision where the stop sign is to be located.

Councilmember Politte next reported that Councilmembers Greenwood and Tilley have indicated a desire to study the issue of congregating teenagers within the community. Upon completion of their study, they will bring back recommendations to the Committee.

Councilmember Politte next reported that West County Cab Company has withdrawn its request to obtain a license to operate a taxicab service within the City of Chesterfield.

Councilmember Politte next reported that the Police Department has formed an internal Vandalism Task Force to study, among other things, the problem of mailbox damage throughout the City of Chesterfield.

Councilmember Politte announced that the next meeting of this Committee has been scheduled for September 10, 1991, at 7:30 A.M.

Finance and Administration

Councilmember Linda Tilley, Chairperson of the Finance and Administration Committee, reported, that during the Work Session, based upon the recommendation of the Committee, Council had approved proposed by-laws for the Finance and Administration Citizens Advisory Committee.

Councilmember Tilley next reported that the Missouri State Treasurer's Office recently implemented a Government Repurchase Agreement Trust in which local governments can participate. Interest rates are significantly higher through the State than through the repurchase agreement provided by the local bank, due to the greater amount of dollars which the State has to invest. Councilmember Tilley introduced Resolution #105 which would allow the City of Chesterfield to participate in the Missouri State Treasurer's Office Government Repurchase Agreement Trust. A motion was made by Councilmember Tilley, seconded by Councilmember Greenwood, to adopt Resolution #105. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Tilley next reported that a program to provide recognition to secondary school students in the Rockwood and Parkway School Districts was ready for implementation. Both school districts have expressed support for this proposal. This program was unanimously recommended to

Council for approval and Council approved same during the Work Session.

Councilmember Tilley next reported that the City should begin to receive a new source of revenue during September, 1992. The Local Use Tax of 1.5% will apply to sales by out-of-state vendors, including catalog and direct market sales. Estimates are that this revenue source will generate approximately \$7.00/capita per year in additional revenues for municipalities. If received as projected, the City of Chesterfield could anticipate receiving an additional \$110,000.00 in revenues for FY1992, for the period of time from September to December, 1992. On an annualized basis, this could mean \$250,000 of new revenue per year. Councilmember Tilley stated that the Committee voted unanimously to direct Staff to not include any revenues from this source in the proposed FY1992 Budget, due to the fact that the potential exists that litigation might prevent receipt of these new tax dollars.

Councilmember Tilley announced that the next meeting of this Committee has been scheduled for September 9, 1991, at 7:30 A.M.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Michael Herring announced that the Government Center will be closed on Monday, September 2, 1991, in observance of Labor Day.

Mr. Herring reported that bids were recently sought for the printing of the next four (4) issues of the Chesterfield Citizen newsletter. This would include the two (2) remaining newsletters in 1991 and two (2) newsletters for early 1992. Mr. Herring pointed out that the total cost for the next four (4) issues is just slightly higher than the total amount remaining in this year's budget for two (2) issues. Mr. Herring joined with Finance Director Jan Hawn in recommending that the low bidder, Western Press, be awarded the contract for printing of the next four (4) issues of the newsletter. A motion was made by Councilmember Greenwood, seconded by Councilmember Tilley, to award the bid to Western Press. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were recently received for the purchase of gasoline for City vehicles. Based upon the bid results and recommendation from Finance Director Jan Hawn, Mr. Herring joined with her in recommending to City Council that the City award the purchase of gasoline for City vehicles to the following three (3) stations: The Wedge Phillips 66; Green Trails Texaco; and, Shell (Schoettler/Olive). A motion was made by Councilmember Bute, seconded by Councilmember Tilley, to accept the bids from the three (3) gas stations. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for the purchase of cracksealing material and liquid asphalt. Based upon a review of the bids by Director of Public Works/City Engineer Bill

Hawn and Finance Director Jan Hawn, Mr. Herring joined with them in recommending to City Council that the bid submitted by Woody's Municipal for the purchase of PAF II Crackseal and that the bid submitted by Elf Asphalt for the purchase of CRS 2 liquid asphalt be approved. A motion was made by Councilmember Bute, seconded by Councilmember Politte, to approve these bid awards. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Casa Gallardo, located at 444 Chesterfield Center, has applied for a temporary liquor license, fee \$10.00, for the retail sale of all kinds of intoxicating liquor by the drink for consumption at the Concert in the Park to be held at Faust Park, August 20, 1991. This application has been reviewed and approved by Chief of Police Ray Johnson and Director of Planning/Economic Development Jerry Duepner. A motion was made by Councilmember Hrabko, seconded by Councilmember Tilley, to approve issuance of a temporary liquor license. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring stated that a liquor license request from Aero Hawk Catering Company, d/b/a Bird N Perch Restaurant, located at 609 Cepi Drive, had been received requesting a license to sell all kinds of liquor by the drink for consumption on the premises and Sunday sales. The application was not processed in time to be included on the agenda. However, City Council is not scheduled to meet until September 16, 1991, and this restaurant is scheduled to open within the next couple of weeks; therefore, if the liquor license request is not considered at this meeting, it would delay the restaurant serving alcoholic beverages. City Attorney Doug Beach pointed out that this item was not contained within the agenda, as posted, for tonight's meeting. However, the agenda can be amended, by a majority vote of City Council, if City Council determines that there is sufficient reason justification for doing so. A motion was made by Councilmember Bute, seconded by Councilmember Hrabko, to amend the agenda and add this item. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Herring reiterated that Aero Hawk Catering Company, d/b/a Bird N Perch Restaurant, has requested a liquor license to sell all kinds of intoxicating liquor by the drink for consumption on the premises and Sunday sales, fee \$700.00. The application has been reviewed and approved by Chief of Police Ray Johnson and Director of Planning/Economic Development Jerry Duepner. A motion was made by Councilmember Politte, seconded by Councilmember Tilley, for approval of issuance of this liquor license. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

Mayor Leonard recognized Councilmember Jade Gardner Bute, who discussed the need for the City of Chesterfield to establish a special Committee to insure compliance with the Sunshine Law. Under ordinances adopted by the City of Chesterfield, the City Administrator is responsible for insuring compliance with the Sunshine Law. The requirement of this "special Committee" will be to

monitor/review all notices placed by the City of Chesterfield, in advance (48 hours) of public meetings. City Attorney Beach stated that during the Work Session, Council voted unanimously to appoint the Finance and Administration Committee as the "special Committee" to insure compliance with the Sunshine Law

LEGISLATION

BILL #608 AMENDS PROVISIONS OF ORDINANCE #541 WHICH PERTAINS TO PUBLIC HEALTH, SAFETY, AND WELFARE; REGULATING STORAGE, COLLECTION, TRANSPORTATION, PROCESSING AND DISPOSAL OF SOLID WASTE; PROVIDING FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE; AND PROVIDING A PENALTY FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

A motion was made by Councilmember Bute, seconded by Councilmember Hurt, for the first reading of Bill #608. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #608 was read for the first time.

A motion was made by Councilmember Bute, seconded by Councilmember Tilley, for a second reading of Bill #608. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #608 was read for the second time. A roll call vote was taken for passage and approval of Bill #608, with the following results: Ayes - Hathaway, Greenwood, Clarke, Bute, Hurt, Politte, Hrabko and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #608 approved, passed it and it became ORDINANCE #599.

BILL #592 PROVIDES FOR WARNING AND SUMMONS FOR VIOLATIONS OF ORDINANCE #541, SECTION 2 (H) RELATING TO PLACING OF CANS AND GARBAGE BAGS AT THE CURBSIDE (CODE SECTION 25-28)

A motion was made by Councilmember Bute, seconded by Councilmember Hrabko, for the first reading of Bill #592. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #592 was read for the first time.

A motion was made by Councilmember Bute, seconded by Councilmember Hrabko, for a second reading of Bill #592. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #592 was read for the second time. A roll call vote was taken for passage and approval of Bill #592, with the following results: Ayes - Hathaway, Greenwood, Clarke, Bute, Hurt, Politte, Hrabko and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #592 approved, passed it and it became ORDINANCE #600.

BILL #609 AMENDS ORDINANCE #12, SECTION A, AND CODE SECTION 2-49,
REGARDING THE ORDER OF BUSINESS OF THE CITY OF
CHESTERFIELD.

A motion was made by Councilmember Clarke, seconded by Councilmember Bute, for the first reading of Bill #609. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #609 was read for the first time.

A motion was made by Councilmember Clarke, seconded by Councilmember Bute, for a second reading of Bill #609. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #609 was read for the second time. A roll call vote was taken for passage and approval of Bill #609, with the following results: Ayes - Hathaway, Greenwood, Clarke, Bute, Hurt, Politte, Hrabko and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #609 approved, passed it and it became ORDINANCE #601.

BILL #610 AMENDS ORDINANCE #3, CODE SECTION 2-55, REGARDING THE KEEPING
OF RECORDS AND ATTENDANCE OF MEMBERS.

A motion was made by Councilmember Clarke, seconded by Councilmember Bute, for the first reading of Bill #610. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #610 was read for the first time.

A motion was made by Councilmember Bute, seconded by Councilmember Greenwood, for a second reading of Bill #610. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #610 was read for the second time. A roll call vote was taken for passage and approval of Bill #610, with the following results: Ayes - Hathaway, Greenwood, Clarke, Bute, Hurt, Politte, Hrabko and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #610 approved, passed it and it became ORDINANCE #602.

BILL #611 REPEALS ORDINANCE #454 OF THE CITY OF CHESTERFIELD AND
SUBSTITUTES THEREFORE A NEW ORDINANCE DEALING WITH
THE ESTABLISHMENT OF THE BOARD OF ADJUSTMENT,
QUALIFICATIONS AND APPOINTMENT OF ITS MEMBERS AND
POWERS, DUTIES AND PROCEDURES.

A motion was made by Councilmember Hathaway, seconded by Councilmember Bute, for the first reading of Bill #611. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #611 was read for the first time.

A motion was made by Councilmember Hathaway, seconded by Councilmember Bute, for a second reading of Bill #611. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #611 was read for the second time. A roll call vote was taken for passage and approval of Bill #611, with the following results: Ayes - Hathaway, Greenwood, Clarke, Bute, Hurt, Politte, Hrabko and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #611 approved, passed it and it became ORDINANCE #603.

BILL #612AN ORDINANCE OF THE CITY OF CHESTERFIELD REGARDING CONFLICTS OF INTEREST

A motion was made by Councilmember Bute, seconded by Councilmember Politte, for the first reading of Bill #612. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #612 was read for the first time.

A motion was made by Councilmember Hrabko, seconded by Councilmember Greenwood, for a second reading of Bill #612. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #612 was read for the second time. A roll call vote was taken for passage and approval of Bill #612, with the following results: Ayes - Hathaway, Greenwood, Clarke, Bute, Hurt, Politte, Hrabko and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #612 approved, passed it and it became ORDINANCE #604.

BILL #613AN ORDINANCE OF THE CITY OF CHESTERFIELD, MISSOURI, TO ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS

A motion was made by Councilmember Hrabko, seconded by Councilmember Bute, for the first reading of Bill #613. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #613 was read for the first time.

A motion was made by Councilmember Hrabko, seconded by Councilmember Greenwood, for a second reading of Bill #613. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #613 was read for the second time. A roll call vote was taken for passage and approval of Bill #613, with the following results: Ayes - Hathaway, Greenwood, Clarke, Bute, Hurt, Politte, Hrabko and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #613 approved, passed it and it became ORDINANCE #605.

LEGISLATION - PLANNING COMMISSION

BILL #614VACATES A SEWER EASEMENT LOCATED WITHIN THE CROWN
INDUSTRIAL COURT PLAT 6 SUBDIVISION LOCATED WITHIN THE
CITY OF CHESTERFIELD

A motion was made by Councilmember Hathaway, seconded by Councilmember Bute, for the first reading of Bill #614. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #614 was read for the first time.

A motion was made by Councilmember Hathaway, seconded by Councilmember Hrabko, for a second reading of Bill #614. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #614 was read for the second time. A roll call vote was taken for passage and approval of Bill #614, with the following results: Ayes - Hathaway, Greenwood, Clarke, Bute, Hurt, Politte, Hrabko and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #614 approved, passed it and it became ORDINANCE #606.

BILL #615VACATES AN EASEMENT AND BUILDING LINES UPON CERTAIN PARCELS
OF LAND LOCATED WITHIN THE WESTERLY SUBDIVISION
LOCATED WITHIN THE CITY OF CHESTERFIELD

A motion was made by Councilmember Hathaway, seconded by Councilmember Bute, for the first reading of Bill #615. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #615 was read for the first time.

A motion was made by Councilmember Hathaway, seconded by Councilmember Politte, for a second reading of Bill #615. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #615 was read for the second time. A roll call vote was taken for passage and approval of Bill #615, with the following results: Ayes - Hathaway, Greenwood, Clarke, Bute, Hurt, Politte, Hrabko and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #615 approved, passed it and it became ORDINANCE #607.

BILL #616AMENDS ORDINANCE #564 OF THE CITY OF CHESTERFIELD (P.Z. 1-91 LOU
FUSZ FORD)

A motion was made by Councilmember Hathaway, seconded by Councilmember Bute, for the first reading of Bill #616. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #616 was read for the first time.

A motion was made by Councilmember Hathaway, seconded by Councilmember Hrabko, for a second reading of Bill #616. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #616 was read for the second time. A roll call vote was taken for passage and approval of Bill #616, with the following results: Ayes - None. Nays - Hathaway, Greenwood, Clarke, Bute, Hurt, Politte, Hrabko and Tilley. Whereupon Mayor Leonard declared

Bill #616 DEFEATED.

ADJOURNMENT

A motion was made by Councilmember Tilley, seconded by Councilmember Hrabko, 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 7:48 P.M.

Mayor Jack Leonard _____

ATTEST:

Martha L. DeMay, City Clerk