



RECORD OF PROCEEDING

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

August 18, 2003

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

Members of Explorer Post #9720, Lauren Copeland, Rachel Schwartz, Holly Fishel and Nick Zotos, posted the colors. Mayor Nations then led everyone in the Pledge of Allegiance. Ms. Shelly Farinella, Title IV Coordinator with the Parkway School District, then performed the “National Anthem”.

Mayor Nations next introduced Chief of Police Ray Johnson who gave a brief presentation on the accreditation process for CALEA (Commission on Accreditation for Law Enforcement Agencies). Chief Johnson next introduced Rev. T. D. Stubblefield, from First Baptist Church of Chesterfield, to give the invocation. Chief Johnson followed by introducing Mr. Sylvester Daughtry, Executive Director of the Commission on Accreditation for Law Enforcement Agencies. Mr. Daughtry explained the process for accreditation and commended the Chesterfield Police Department on this exceptional accomplishment. Chief Johnson recognized and presented the Chief’s Commendation to each member of the Accreditation Team: Dianne Johnson, Executive Secretary, Nancy Claxton, Crime Analyst, John Videmschek, Administrative Sergeant, Division of Police Operations and Sgt. Chris Connelly, Accreditation Manager.

Mayor Nations recessed the meeting at 7:25 p.m. for a reception to honor the Police Department for its CALEA accreditation and to thank Mr. Daughtry for his participation in this event.

Mayor Nations reconvened the meeting at 7:53 p.m.

Mayor Nations asked City Clerk DeMay to call the roll. 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 4, 2003, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Geiger, to approve the August 4 City Council minutes. A voice vote was taken with an affirmative result and the motion was declared passed.

COMMUNICATIONS AND PETITIONS

Jay Kirschbaum, who resides at 1520 Woodroyal East Drive, opposed Bill No. 2176 (P.Z. 9-2003, Opus Northwest (One Chesterfield Place) due to a change in the usage of the property.

Brett Hardesty, 232 Chesterfield Industrial Blvd., supported Bill No. 2175 (P.Z. 7-2003, Spirit Plaza).

Bob Brinkman, 16650 Chesterfield Grove Road, represented Spirit Plaza, LLC and supported Bill No. 2175 (P.Z. 7-2003, Spirit Plaza). He addressed several issues of concern regarding the proposed development and the curb cuts.

Ed Holthaus, 1 Andre Drive, developer, supported Bill No. 2175 (P.Z. 7-2003, Spirit Plaza).

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Jane Durrell, Chairperson of the Finance and Administration Committee, reported that Bill No. 2170 (sets the property tax rate for debt service regarding the Parks Bond Issue) is scheduled for second reading/adoption under the "Legislation" portion of the agenda.

Councilmember Durrell announced that the next meeting of this Committee has been scheduled for August 27 at 5:30 p.m.

Planning and Zoning Committee

Councilmember Barry Streeter, Chairperson of the Planning and Zoning Committee, made a motion, seconded by Councilmember Flachsbart, to hold Bill #2166 (P.Z. 3-2003, Montgomery Bank) until the October 20 City Council meeting. A voice vote was taken with an affirmative result and the motion was declared passed.

Councilmember Streeter next reported that Bill No. 2175 (P.Z. 7-2003, Spirit Plaza) and Bill #2176 (P.Z. 9-2003, Opus Northwest - One Chesterfield Place) will be read for the first time and Bill #2177 (Boundary Adjustment Plat – John Long Estate Subdivision (Walgreen’s – Chesterfield Parkway) and (Bill #2178 (Record Plat – Chesterfield Natoli Subdivision, Lot 1) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

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

Public Works/Parks Committee

Councilmember Connie Fults, Chairperson of the Public Works/Parks Committee, reported that Bill No. 2174 (Authorizes the City Administrator to sign an agreement with Shenandoah Residents Association for reimbursement of expenses re: the design of a stormwater project) will be read for the first time under the “Legislation portion of the agenda.

Councilmember Fults announced that the next meeting of this Committee has been scheduled for September 11 at 5:30 p.m.

REPORT OF THE CITY ADMINISTATOR

City Administrator Mike Herring reported that at the last meeting of City Council, the request by India Kitchen, 45 Forum Shopping Center, was held pending disposition of sign violations at or near this location. He was pleased to report that all signs that were found to be in violation have now been removed by the owner of this business. Councilmember Durrell made a motion, seconded by Councilmember Casey to approve the issuance of a liquor license to India Kitchen. A voice vote was taken with an affirmative result (Councilmember Flachsbart voted “No”) and the motion was declared passed.

Mr. Herring next reported that Simon Café, located at 79 Forum Shopping Center, is requesting a liquor license to sell all kinds of liquor by-the-drink, for consumption on the premises and Sunday sales. Councilmember Casey made a motion seconded by Councilmember Streeter, to approve issuance of this liquor license. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring noted that Guckenheimer Enterprises is requesting a liquor license to sell all kinds of liquor by the drink, on the premises, at Pfizer, Inc., 700 Chesterfield Parkway. Councilmember Casey made a motion, seconded by Councilmember Durrell, to approve issuance of this liquor license. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Finally, Mr. Herring reported that Dakota Steakhouse, 13419 Olive Blvd., has requested a liquor license to sell all kinds of liquor by the drink, for consumption on the premises and Sunday sales. Councilmember Casey made a motion, seconded by Councilmember Durrell, to approve issuance of the liquor license. A voice vote was taken with an affirmative result and the motion was declared passed.

Mr. Herring next reported that proposals for design services for the Shenandoah Stormwater Basin Plan project were sought from three (3) different firms. Based upon the recommendation submitted by Assistant Director of Public Works/Assistant City Engineer Brian McGownd and the fact the City will be reimbursed for 50% of this expense, up to a maximum of \$17,800, through a State stormwater grant, obtained by the City, and the fact that the Shenandoah Residents Association will reimburse the City of Chesterfield for the balance of this total expense, Mr. Herring joined with Mr. McGownd in recommending award of a contract to Horner & Shifrin, in an amount not to exceed \$33,377.00. This recommendation was made, with the understanding that the authorization to proceed will not be given until Bill #2174 is given final approval, by City Council, and the agreement attached thereto has been signed by all parties. Councilmember Streeter made a motion, seconded by Councilmember Geiger to approve the award of a contract to Horner & Shifrin, in an amount not to exceed \$33,377.00 with the provision that all applications and agreements are signed by those authorized to do so, following the passage of Bill #2174. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that a contract was previously approved by City Council, with SBC Contracting, in an amount not to exceed \$125,000, for sidewalk replacement city-wide. Director of Public Works/City Engineer Mike Geisel is now requesting that the contract amount be increased to the maximum amount budgeted, which is \$150,000. This increased funding request is being made due to the additional amount of work identified by the Department of Public Works, since award of this initial contract. Mr. Herring joined with Mr. Geisel in recommending that the contract with SBC Contracting be increased by \$25,000, to a new total of \$150,000. Adequate funds exist within the current budget to cover this additional amount. Councilmember Casey made a motion, seconded by Councilmember Brown, to increase the contract with SBC Contracting by \$25,000, to a new total of \$150,000, to cover the cost of additional work that is needed. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

Councilmember Geiger requested that the Public Health and Safety Committee review/discuss resident concerns regarding the speed of traffic in the Highcroft/Schoettler Valley area and enforcement of same.

LEGISLATION

BILL NO. 2170 FIXES THE RATE OF TAXATION FOR THE YEAR 2003 AND LEVIES A TAX ON ALL REAL AND PERSONAL 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 INFORMATION BOND ISSUE FOR PARKS; EFFECTIVE WHEN (**SECOND READING – FINANCE AND ADMINISTRATION COMMITTEE**)

Councilmember Durrell made a motion, seconded by Councilmember Geiger, for a second reading of Bill No. 2170. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.2170 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2170, with the following results: Ayes – Hurt, Flachsbart, Brown, Casey, Fults, Streeter, Geiger and Durrell. Nays - None. Whereupon Mayor Nations declared Bill No. 2170 approved, passed it and it became **ORDINANCE NO. 1949**.

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

Councilmember Fults made a motion, seconded by Councilmember Casey, for the first 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 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.)(FIRST READING – PLANNING COMMISSION
RECOMMENDS APPROVAL; PLANNING AND ZONING
COMMITTEE RECOMMENDS APPROVAL ONLY IF
AMENDED AS RECOMMENDED - SEE “GREEN SHEET”)**

Councilmember Streeter made a motion, seconded by Councilmember Fults, for the first 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 first time. Councilmember Streeter made a motion, seconded by Councilmember Flachsbart, to approve the proposed “green sheet” and amend Section VII. Specific Criteria, A 5. Public/Private Road Improvements, Including Sidewalks by deleting “at developer’s cost” and adding “and construct an additional lane.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt made a motion to approve the “pink sheet” and revise Section 7, Paragraph A, 4 Access, Paragraph D to read “No direct access shall be allowed at this time.” The motion failed for lack of a second.

Councilmember Flachsbart made a motion, seconded by Councilmember Durrell, that the proposed curb-cut be used for truck use only and that the developer erect signs indicating it is for trucks only and access from the parking area, closest to Chesterfield Airport Road, be restricted and to gate the connection from the parking area to the driveway area, behind the buildings, subject to approval by the Chesterfield Fire Protection District. If the Fire District does not approve this traffic restriction, then it is to be removed from the ordinance. City Attorney Beach expressed concern that the Fire Department has the ultimate decision and added that it be subject to the lower level retail stores accessibility. Additional discussion ensued. Mayor Nations restated Councilmember Flachsbart’s motion. A roll call vote was taken, with the following results: Ayes – Durrell, Flachsbart, Streeter, Hurt, Geiger. Nays – Fults, Brown and Casey. Mayor Nations declared the motion passed.

**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)(FIRST READING –
PLANNING COMMISSION RECOMMENDS APPROVAL;
PLANNING AND ZONING COMMITTEE RECOMMENDS
DENIAL)**

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2176. A voice vote was taken with an affirmative result (Councilmember Flachsbart “Abstained” and the motion was declared passed. Bill No. 2176 was read for the first time.

BILL NO. 2177 APPROVES A BOUNDARY ADJUSTMENT PLAT OF PARTS OF LOT 8 OF JOHN LONG ESTATES SUBDIVISION, A TRACT OF LAND IN TOWNSHIP 45 NORTH, RANGE 4 EAST, CITY OF CHESTERFIELD, COUNTY OF ST. LOUIS, STATE OF MISSOURI; WALGREENS, CHESTERFIELD PARKWAY WEST)(**FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2177. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2177 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2177. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2177 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2177, with the following results: Ayes – Casey, Geiger, Hurt, Streeter, Brown, Fults, Flachsbart and Durrell. Nays - None. Whereupon Mayor Nations declared Bill No. 2177 approved, passed it and it became **ORDINANCE NO. 1950.**

BILL NO. 2178 PROVIDES FOR THE APPROVAL OF THE RECORD PLAT FOR CHESTERFIELD NATOLI SUBDIVISION, LOT 1, A 3.03 ACRE TRACT OF LAND ZONED “M-3” PLANNED INDUSTRIAL DISTRICT, LOCATED SOUTH OF CHESTERFIELD AIRPORT ROAD AND EAST OF GODDARD AVENUE (**FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2178. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2178 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2178. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2178 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2178, with the following results: Ayes – Streeter, Durrell, Flachsbart, Brown, Casey, Hurt, Fults and Geiger. Nays - None. Whereupon Mayor Nations declared Bill No. 2178 approved, passed it and it became **ORDINANCE NO. 1951.**

ADJOURNMENT

Mayor Nations adjourned the meeting at 8:38 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk