



RECORD OF PROCEEDING

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

August 16, 2004

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

Mayor Nations led everyone 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 2, 2004, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Brown, 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 John Nations announced that City Hall would be closed Monday, Sept. 6 in observance of Labor Day and that the next City Council meeting has been scheduled for Wednesday, Sept. 8.

Mayor Nations next wished Councilmember Mike Casey a Happy Birthday.

COMMUNICATIONS AND PETITIONS

Jade Gardner Bute, 15593 Bedford Forge, stated she remained neutral on Bill No. 2298 and made several suggestions for amendments to this legislation.

Gene Rovak from Horner & Shifrin, represented the Howard Bend Levee District, and requested that his organization have the opportunity to review development plans that are in the preliminary stages so that concerns such as stormwater runoff, velocity, erosion and sedimentation could be addressed before major problems became imminent.

APPOINTMENTS

Mayor Nations next nominated David Whitfield for re-appointment to the Architectural Review Board and Richard Skoff to the Police Personnel Board. Councilmember Flachsbart made a motion, seconded by Councilmember Durrell, to re-appoint Mr. Whitfield to the Architectural Review Board and Mr. Skoff to the Police Personnel Board. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Whitfield's term will expire May 1, 2006 and Mr. Skoff's term will expire August 15, 2007.

COUNCIL COMMITTEE REPORTS

Planning and Zoning Committee

Councilmember Bruce Geiger, Chairperson of the Planning and Zoning Committee, stated that due to additional concerns regarding the legislation, made a motion, seconded by Councilmember Flachsbart, to hold Bill No. 2288 (P. Z. 6-2003, Villages at Kendall Bluffs/Jones Company) until the next City Council meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger next reported that Bill No. 2298 (P.Z. 11-2003, Capitol Land Company) and Bill No. 2300 (P.Z. 35-2003, Subdivision Regulations) will be read for the first time and Bill No. 2289 (P.Z. 05-2004, Kemp Foundation, Bill No. 2290 (P.Z. 3-2004, City of Chesterfield/Home Occupation), Bill No. 2291 (P.Z. 11-2004, City of Chesterfield, Kennel) and Bill No. 2299 (Record Plat for Tara Estates) will be considered for adoption under the "Legislation – Planning Commission" portion of the agenda.

Councilmember Geiger announced that the next meeting of this Committee has been scheduled for August 19 at 5:30 p.m.

Public Works/Parks Committee

Councilmember Dan Hurt, Chairperson of the Public Works/parks Committee, summarized briefly a memorandum of understanding (MOU) with the Great Rivers Greenway District (GRGD), regarding construction of the Chesterfield Levee Trail. The GRGD would fund the entire cost of construction and the City would be responsible for land acquisition, as well as contract administration and construction supervision. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to approve the MOU with the Great Rivers Greenway District regarding the Chesterfield Levee Trail. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt next reported that an opportunity to leverage funding for expansion of the facilities at the Chesterfield Valley Athletic Complex and construction of a “Miracle Field” for physically disadvantaged children. Mr. Mike Matheny, catcher for the St. Louis Cardinals, has proposed construction of the field and is willing to commit \$200,000 to the project. Additional funds of \$200,000 Fund Reserves could apply and place the City in a position to apply for an additional \$200,000 from the Municipal Parks Grant Commission. Councilmember Flachsbart made a motion, seconded by Councilmember Hurt, to authorize Staff to pursue the project and seek funding via the Municipal Parks Grant and to authorize funding by the City, not to exceed \$200,000 from Fund Reserves. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt next reported that the Public Works Department completed a sign inventory and by utilizing the Geographic Information System was able to review the placement of signs throughout the City. To be sure that signs were placed where needed, removing unnecessary signs that clutter the environment and saving additional material and manpower costs associated with the placement/maintenance of signs, a policy regarding the posting of speed limit has been developed. The Committee unanimously endorsed the policy. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to adopt the policy regarding the posting of speed limit signs. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt next reported that the Public Works Department has identified a critical priority stormwater improvement to fill in a gap in the drainage system along the north side of Highway 40 between Boone’s Crossing and Long Road. The Monarch Chesterfield Levee District is responsible for re-grading one of the sites and has agreed to include the drainage channel work as part of that project with the understanding that they will be reimbursed for these additional costs. Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to authorize expenditure of up to \$400,000 from the TIF Special Projects Fund for the design and construction of storm water drainage facilities adjacent to Chesterfield Power Sports and US Turf, with an interim channel

extending westward to provide positive drainage to Long Road. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hurt next reported that Bill No. 2297, which prohibits parking on certain public streets within Chesterfield Valley, will be read for the first time under the “Legislation” portion of the agenda.

Finance and Administration Committee

Councilmember Mary Brown, Chairperson of the Finance and Administration Committee, reported that Bill No. 2301 (Personal Financial Disclosure) will be read for the first time and Bill No. 2296 (Fixes property tax rate at \$.06/\$100 of assessed valuation) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Brown announced that the next meeting of this Committee has been scheduled for August 18 at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

Director of Public Works/City Engineer Mike Geisel, who was designated as Acting City Administrator, reported that bids were recently sought for sealcoating of the parking lots at City Hall and Central Park. Based upon review of the information submitted, Mr. Geisel recommended award of a contract to Byrne and Jones Construction, in an amount not to exceed \$30,000. Mr. Geisel noted that even though the F.Y. 2004 Budget provides \$25,500 for this specific expense, adequate funds exist within this account, due to savings realized on previous expenditures. Councilmember Casey made a motion, seconded by Councilmember Fults, to award a contract to Byrne and Jones Construction, in an amount not to exceed \$30,000 for sealcoating services. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Geisel next reported that he recommends acceptance of a bid submitted by North American Salt Company, at a rate \$21.45/ton for the fall/winter delivery and \$22.451/ton for the winter/spring delivery. Adequate funds exist within the F.Y. 2004 Budget. Councilmember Casey made a motion, seconded by Councilmember Flachsbarth, to award a contract to North American Salt Company, at a rate \$21.45/ton for the fall/winter delivery and \$22.451/ton for the winter/spring delivery. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Geisel next reported that Trader Joe’s has requested a liquor license, in conjunction with their new business, to be located at 1679 Clarkson Road. This liquor license request includes retail sales of all kinds of liquor, in their original package, including Sunday sales and wine tastings. This application has been reviewed/approved by both the departments of Planning and Police. Councilmember Geiger made a motion, seconded by Councilmember Streeter, to approve issuance of a liquor license to Trader Joe’s. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Geisel next reported that Director of Finance and Administration Jeremy Craig and City Attorney Doug Beach are recommending that City Council give authorization to engage the services of Attorney Ivan Schraeder, to perform specific work regarding changes to the Fair Labor Standards Act, as it applies to overtime and those who qualify for same. Mr. Schraeder's proposal is for a maximum (not-to-exceed) cost of \$2500, or \$130/hour, whichever is lower. Councilmember Flachsbart made a motion, seconded by Councilmember Brown, to approve authorization to engage the services of Attorney Ivan Schraeder, to perform specific work regarding changes to the Fair Labor Standards Act, as it applies to overtime and those who qualify for same. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

LEGISLATION

BILL NO. 2287 PERTAINS TO THE ACCEPTANCE OF THE PUBLIC
STREET WITHIN WILDHORSE MEADOWS
SUBDIVISION IN THE CITY OF CHESTERFIELD
(SECOND READING – PUBLIC WORKS/PARKS
COMMITTEE)

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, for a second reading of Bill No. 2287. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2287 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2287, with the following results: Ayes – Geiger, Durrell, Hurt, Flachsbart, Brown, Streeter, Casey and Fults. Nays - None. Whereupon, Mayor Nations declared Bill No. 2287 approved, passed it and it became **ORDINANCE NO. 2113.**

BILL NO. 2294 APPROVES THE INSTALLATION OF FIRE HYDRANTS
IN SPIRIT PLAZA AND DRURY PLAZA HOTEL
LOCATED WITHIN THE CITY OF CHESTERFIELD
(FIRST AND SECOND READINGS – PUBLIC
WORKS/PARKS COMMITTEE)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2294. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2294 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2294. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2294 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2294, with the following results: Ayes – Brown, Geiger, Casey, Durrell, Streeter, Hurt, Fults and Flachsbart. Nays - None. Whereupon, Mayor Nations declared Bill No. 2294 approved, passed it and it became **ORDINANCE NO. 2114.**

BILL NO. 2295 PERTAINS TO THE ACCEPTANCE OF PUBLIC
STREETS WITHIN EAGLE CREST ESTATES
SUBDIVISION IN THE CITY OF CHESTERFIELD
(**FIRST READING – PUBLIC WORKS/PARKS
COMMITTEE**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2295. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2295 was read for the first time.

BILL NO. 2296 FIXES THE RATE OF TAXATION FOR THE YEAR 2004
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
OBLIGATION BOND ISSUE FOR PARKS; EFFECTIVE
WHEN (**FIRST AND SECOND READINGS – PUBLIC
WORKS/PARKS COMMITTEE**)

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2296. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2296 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2296. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2296 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2296, with the following results: Ayes – Casey, Fults, Geiger, Hurt, Streeter, Brown and Durrell. Nays - Flachsart. Whereupon, Mayor Nations declared Bill No. 2296 approved, passed it and it became **ORDINANCE NO. 2115.**

BILL NO. 2297 AMENDS ORDINANCE NO. 35, SCHEDULE IX OF THE
ORDINANCES OF THE CITY OF CHESTERFIELD BY
ADDING PROVISIONS THERETO TO RESTRICT
PARKING ON CHESTERFIELD COMMONS DRIVE, RHL
DRIVE AND PUBLIC WORKS DRIVE. (**FIRST
READING – PUBLIC WORKS/PARKS COMMITTEE
RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2297. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2297 was read for the first time.

BILL NO. 2301 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 Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2301. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2301 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2289 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CREATING A MUSEUM ARTS AREA (MAA) WITHIN A “PC” PLANNED COMMERCIAL DISTRICT FOR A 5.1 ACRE TRACT OF LAND ON THE NORTH SIDE OF CHESTERFIELD AIRPORT ROAD, EAST OF BOONE’S CROSSING (P.Z. 05-2004, KEMP FOUNDATION) (**SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Geiger made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2289. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2289 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2289, with the following results: Ayes – Streeter, Fults, Casey, Brown, Geiger, Hurt, Durrell and Flachsbart. Nays - None. Whereupon, Mayor Nations declared Bill No. 2289 approved, passed it and it became **ORDINANCE NO. 2116.**

BILL NO. 2290 AMENDS THE CITY OF CHESTERFIELD ZONING ORDINANCE SECTION 1003.020 (86) TO ALLOW FOR A NEW DEFINITION FOR HOME OCCUPATION AND AMENDS SECTION 1003.167 (20) TO ALLOW FOR A NEW CRITERIA (P.Z. 3-2004, CITY OF CHESTERFIELD/HOME OCCUPATION) (**SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2290. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2290 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2290, with the following results: Ayes – Flachsbart, Durrell, Streeter, Casey, Geiger, Hurt, Brown and Fults. Nays - None. Whereupon, Mayor Nations declared Bill No. 2290 approved, passed it and it became **ORDINANCE NO. 2117.**

BILL NO. 2291 AMENDS THE CITY OF CHESTERFIELD ZONING ORDINANCE SECTION 1003.020 (101) TO ALLOW FOR A

NEW DEFINITION FOR A BOARDING KENNEL AND TO
ESTABLISH SECTION 1003.020 (102) FOR THE
ESTABLISHMENT OF A DEFINITION FOR PRIVATE
KENNEL (P.Z. 11-2004, CITY OF CHESTERFIELD/KENNEL)
**(SECOND READING – PLANNING COMMISSION
RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2291. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2291 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2291, with the following results: Ayes – Geiger, Fults, Casey, Durrell, Streeter, Brown, Hurt and Flachsbart. Nays - None. Whereupon, Mayor Nations declared Bill No. 2291 approved, passed it and it became **ORDINANCE NO. 2118.**

BILL NO. 2298 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “C-8” PLANNED COMMERCIAL DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 6.494 ACRE TRACT OF LAND LOCATED NORTH OF LEA OAKS DRIVE, EAST OF CLARKSON ROAD, WEST OF OLD BAXTER ROAD AND SOUTH OF CHESTERFIELD PARKWAY EAST (P.Z. 11-2003, CAPITOL LAND COMPANY) **(FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED WITHIN THE ATTACHED “GREEN SHEETS”).**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2298. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2298 was read for the first time. Councilmember Geiger made a motion, seconded by Councilmember Streeter, to amend the “green sheet” to reflect hours of operation from 9 a.m. to 10 p.m. on Friday and Saturday. Discussion ensued. Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to amend Section I Permitted Uses, Item B to read Friday and Saturday hours of operation to be from 7:00 a.m. – 10:00 p.m. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

BILL NO. 2299 PROVIDES FOR THE APPROVAL OF A RECORD PLAT FOR TARA ESTATES, FOR A 12.4 ACRE TRACT OF LAND ZONED “E-1 ACRE” ONE ACRE RESIDENTIAL DISTRICT, LOCATED ON THE NORTH SIDE OF WILDHORSE CREEK ROAD, WEST OF TARA OAKS SUBDIVISION **(FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2299. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2299 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2299. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2299 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2299, with the following results: Ayes – Casey, Brown, Geiger, Streeter, Hurt, Durrell, Flachsbart and Fults. Nays - None. Whereupon, Mayor Nations declared Bill No. 2299 approved, passed it and it became **ORDINANCE NO. 2119.**

BILL NO. 2300 AMENDS ORDINANCE NO. 2060 OF THE CITY OF CHESTERFIELD BY ATTACHING NEW FORMS OF THE IRREVOCABLE LETTER OF CREDIT (SUBDIVISION REGULATIONS/P.Z. 35-2003) (**FIRST READING – PLANNING DEPARTMENT STAFF/CITY ATTORNEY RECOMMEND APPROVAL**)

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2300. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2300 was read for the first time.

NEW BUSINESS

Discussion ensued regarding the placement of temporary signs, particularly real estate signs, in the right of way. Mayor Nations referred this matter to the Public Works/Parks Committee for further discussion and review.

ADJOURNMENT

Mayor Nations adjourned the meeting at 7:55 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk

