



RECORD OF PROCEEDING

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

August 5, 2002

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

Mayor John Nations led everyone 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 July 15, 2002, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Durrell, 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 Nations urged everyone to vote in the Tuesday, August 6 election.

Mayor Nations introduced Chief of Police Ray Johnson, who announced that "National Night Out," an event to bring communities and neighborhoods together to take a stand against crime, would be held Tuesday, August 6. He urged all Chesterfield neighborhoods to participate in this event.

Mayor Nations announced that the next City Council meeting has been scheduled for Monday, August 19 at 7 p.m.

COMMUNICATIONS AND PETITIONS

Gary Feder, Husch & Eppenberger, 190 Carondelet Plaza, represented Sachs Properties and supported passage of Bill No. 2089, P. Z. 34-2001, Chesterfield Village/Altshuler Tract.

Frances Capra, who resides at 16791 Chesterfield Bluffs Circle, opposed Bill No. 2090, P.Z. 09-2002, THF Chesterfield Two, due to the proposed drive-thru restaurants.

Shana J. Paul, who resides at 16776 Chesterfield Bluffs Circle, opposed Bill No. 2090, P.Z. 09-2002, THF Chesterfield Two, due to the proposed drive-thru restaurants.

Donald R. Kern, who resides at 16807 Chesterfield Bluffs Circle, opposed Bill No. 2090, P.Z. 09-2002, THF Chesterfield Two, due to the proposed drive-thru restaurants.

Ellen Becker, who resides at 16827 Chesterfield Bluffs Circle, opposed Bill No. 2090, P.Z. 09-2002, THF Chesterfield Two, due to the proposed drive-thru restaurants.

Mary Purvines, who resides at 16863 Chesterfield Bluffs Circle, opposed Bill No. 2090, P.Z. 09-2002, THF Chesterfield Two, due to the proposed drive-thru restaurants.

Jeanne Tevlin, who resides at 16705 Chesterfield Farms, opposed Bill No. 2090, P.Z. 09-2002, THF Chesterfield Two, due to the proposed drive-thru restaurants.

Mike Doster, attorney for the petitioners, supported Bill No. 2090, P.Z. 09-2002, THF Chesterfield Two and Bill No. 2085, P.Z. 07-2002, Walgreen's.

Terry Barnes, Koman Properties, 8027 Forsyth, supported Bill No. 2085, P.Z. 07-2002, Walgreen's.

Julie Nolfo, 1830 Craig Park, addressed traffic issues as they relate to Bill No. 2085, P.Z. 07-2002, Walgreen's.

J. T. Weissenburger, Acoustics Engineer, 8420 Delmar Blvd., addressed concerns related to Bill No. 2090, P.Z. 09-2002, THF Chesterfield Two, proposed drive-thru restaurants.

Laura Lueking, who resides at 15021 Conway Road, opposed Bill No. 2089, P.Z. 34-2001, Sachs Properties/Altshuler Tract.

APPOINTMENTS

Mayor Nations nominated Marilyn Ainsworth and Norm Stewart for re-appointment to the Board of Adjustment. Councilmember Brown made a motion, seconded by Councilmember Casey, to re-appoint Marilyn Ainsworth and Norm Stewart to the Board of Adjustment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Their terms will expire June 1, 2007.

Mayor Nations next nominated Alan Politte and Wendy Wells for appointment to the Chesterfield Community Development Corporation. Councilmember Hurt made a motion, seconded by Councilmember Casey, to appoint Alan Politte and Wendy Wells to the Chesterfield Community Development Corporation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Their terms will expire July 20, 2008.

Mayor Nations next nominated Sandy Stewart, John Hammond and Joan Schmelig for re-appointment to the Chesterfield Arts Commission. Councilmember Casey made a motion, seconded by Councilmember Hurt, to re-appoint Sandy Stewart, John Hammond and Joan Schmelig to the Chesterfield Arts Commission. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Their terms will expire August 1, 2006.

Mayor Nations next nominated Doris Frazier for re-appointment to the Human Rights Commission. Councilmember Fults made a motion, seconded by Councilmember Brown, to re-appoint Ms. Frazier to the Human Rights Commission. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Her term will expire May 1, 2005.

Mayor Nations next nominated Lauren Strutman for re-appointment to the Landmarks Preservation Commission. Councilmember Durrell made a motion, seconded by Councilmember Flachsbart, to re-appoint Lauren Strutman to the Landmarks Preservation Commission. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Her term will expire June 30, 2005.

Mayor Nations next nominated Lauren Strutman for re-appointment to the Public Works Board of Variance. Councilmember Fults made a motion, seconded by Councilmember Brown, to re-appoint Ms. Strutman to the Public Works Board of Variance. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Her term will expire August 21, 2007.

COUNCIL COMMITTEE REPORTS

Public Works/Parks Committee

Councilmember Barry Flachsbart, Chairperson of the Public Works/Parks Committee, reported that the recommendations for the Fourth of July Celebration have been held for further discussion at its next meeting.

Councilmember Flachsbart next reported that the Committee and Staff have identified the TIF Special Projects Fund as a critical improvement project. As a result, the Committee recommends a partial reimbursement to THF Realty for the construction of three storm water pipes in the Valley. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to reimburse THF Realty in the amount not to exceed \$49,966 from TIF Special Projects Fund, as a partial reimbursement for the construction of three storm water pipes at Chesterfield Airport Road. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart next reported that the Committee realizes the importance to identify the exact location and configuration of the future Long Road interchange, due to the development on the north side of Highway 40 in Chesterfield Valley. This will allow the required drainage ditches, reservoirs and sewers to be constructed without concern that they would have to be relocated at a later date. In addition, it would ensure obtaining the required right-of-way as development occurs. In order to ensure that the interchange would be constructed with the same design and detailing as the Boone's Crossing interchange, a proposal was requested from Kuhlmann Design Group, the designer of the Boone's Crossing interchange. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to authorize the City Administrator to enter into a contract with Kuhlmann Design Group for preliminary engineering services related to the future construction of the Long Road interchange in an amount not to exceed \$200,000, to be funded out of the TIF Project Fund. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart next reported that the Committee reviewed the proposal to display a piece of artwork at City Hall loaned by Julie Weigand. The Chesterfield Arts Commission reviewed the proposal and recommended that the artwork be displayed at City Hall for one year and that promotional material describing the artist be made available. The current piece of artwork could either be shown at a different location within City hall or it could be returned to Chesterfield Arts. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to accept the artwork loaned by Julie Weigand to be displayed for a period of one year and that information regarding the piece and the artist be made available to the public; and, that the current artwork that is being displayed at City Hall be returned to Chesterfield Arts. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart next briefly described the summary of the I-270/I-64 mutual aid agreement and that the Committee recommends approval of this agreement. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to approve the I-270/I-64 Mutual Aid Agreement, which also involves Police Departments in the neighboring communities. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart next reported that Bill No. 2088 (recommendation to approve the Memorandum of Understanding with St. Louis County regarding Highway 340 improvements (sidewalks along Olive Blvd. Inside Faust Park) will be read for the first time and Bill No. 2087 (approves fire hydrants at various locations throughout the City) will be considered for adoption under the "Legislation" portion of the agenda.

Councilmember Flachsbart next 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 (fixed property tax rate for 2002 at \$.06/\$100 assessed valuation) 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/Altshuler Tract) and Bill No. 2090 (P.Z. 09-2002, THF Chesterfield Two Development - Abichandani Tract) would be given a first reading and Bill No. 2085 (P.Z. 7-2002, Walgreens) 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 8 at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

There were no items for City Administrator Mike Herring to report at this time.

NEW BUSINESS

Ward II Councilmembers Barry Streeter and Bruce Geiger stated their intention to exercise the "power of review" with regard to the proposed Monarch Trace development, which is across from Central Park. The Site Development Plan for Monarch Trace was

approved by the Planning Commission on July 20. However, Councilmembers Streeter and Geiger found the Site Development Plan to be unacceptable. Councilmember Streeter made a motion, seconded by Councilmember Geiger, to refer this project to the Planning and Zoning Committee for further review. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. The results of the meeting will then be forwarded to City Council for further action.

Councilmember Flachsbart reported that a letter from the Braefield Subdivision has been forwarded to MoDOT and requested that City Council discuss their request and the possibility of City Council sending a letter of support to MoDOT at the next City Council meeting.

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

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

BILL NO. 2087 APPROVES THE INSTALLATION OF FIRE HYDRANTS
ON BELLE MONTE ROAD, RIVER CROSSING AND
WOODLAND HILLS SUBDIVISIONS, SPIRIT
AIRPORT/WINDSOR CROSSING AND CHESTERFIELD
COMMONS EAST LOCATED WITHIN THE CITY OF
CHESTERFIELD (**FIRST AND SECOND READINGS –**
PUBLIC WORKS/PARKS COMMITTEE)

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2087. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2087 was read for the first time.

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2087. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2087 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2087, with the following results: Ayes - Durrell, Fults, Geiger, Casey, Flachsbart, Brown, Hurt and Streeter. Nays - None. Whereupon Mayor Nations declared Bill No.2087 approved, passed it and it became **ORDINANCE NO. 1862.**

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

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

LEGISLATION – PLANNING COMMISSION**BILL NO. 2085**

AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “PC” PLANNED COMMERCIAL DISTRICT AND AN “R3” 10,000 SQUARE-FOOT DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 2.08 ACRE TRACT OF LAND LOCATED ON CHESTERFIELD PARKWAY EAST BETWEEN SWINGLEY RIDGE ROAD AND OLIVE BOULEVARD (P.Z. 7-2002, CHESTERFIELD PARKWAY L.L.C.) (**SECOND READING** - PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS DENIAL; CITY COUNCIL APPROVED SEVERAL AMENDMENTS)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2085. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2085 was read for the second time. Councilmember Hurt made a motion, seconded by Councilmember Casey, to amend Attachment A, Section V Site Specific Criteria item 4 Access and adding a paragraph F to read "At such time as the cross access set forth in E above is approved, the City shall determine if the southernmost entrance to the parcel shall close. Closure shall be subject of the determination of the Department of Public Works that there is adequate egress to the southern parcels." A roll call vote was taken with the following results: Ayes - Hurt, Fults, Flachsbart, Casey, Durrell and Brown. Nays - Streeter and Geiger. The motion was declared passed.

Councilmember Hurt next made a motion, seconded by Councilmember Flachsbart, to amend Section XV, Item A, Section 1a by adding a second paragraph (1b) to read: "All the utilities shall be installed underground. The development of this parcel shall coordinate the installation of all utilities in conjunction with the construction of any roadway on site. Further, future telecommunication devices shall be installed adjacent

and/or parallel to any proposed roadway or other location as directed by the City of Chesterfield in order to facilitate the installation of utilities and telecommunication infrastructure for current and future users." A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Streeter made a motion, seconded by Councilmember Hurt, to amend Attachment A, Section 12, Item D to read "The hours of operation shall be 7 a.m. to 10 p.m. Additional retail hours of operation shall be allowed only when a pharmacist is on duty, except that closure in an unusual situation when a pharmacist is not available for less than one week, shall not force the closure of the retail facilities." A roll call vote was taken with the following results: Ayes - Flachsbart, Geiger, Streeter, Fults and Hurt. Nays - Brown, Durrell, Casey. Mayor Nations declared the motion passed. Councilmember Flachsbart stated a conflict of interest by having owned a small amount of Walgreen stock. In addition, he expressed concern that the intense retail use was out of character for the Chesterfield Parkway and that traffic is too heavy to accommodate two drives exiting in two different directions. Councilmember Geiger stated that while he would have rather had an office building on this site, he does support retail in this area. In addition, he stated that some individuals have concerns with the "look" of the Walgreen's store and that he would like to exercise the "power of review" in working with the petitioner on the exterior portion of the building. A roll call vote was taken for passage and approval of Bill No. 2085, as amended, with the following results: Ayes - Durrell, Fults, Streeter, Hurt, Brown, and Geiger. Nays - Flachsbart and Casey. Whereupon Mayor Nations declared Bill No. 2085, approved, passed it and it became **ORDINANCE NO. 1863.**

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

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

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) (**FIRST READING – PLANNING
COMMISSION RECOMMENDS APPROVAL**)

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

ADJOURNMENT

Mayor Nations requested a motion to go into Executive Session. Councilmember Streeter made a motion, seconded by Councilmember Casey, to go into Executive Session - Closed Meeting to discuss RSMo 610.021.001 regarding the Stoneridge Development litigation. A roll call vote was taken with the following results: Ayes - Streeter, Hurt, Brown, Flachsbart, Casey, Geiger, Fults and Durrell. Nays - None. The meeting was adjourned at 9:05 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk