



RECORD OF PROCEEDING

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

April 21, 2003

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

The Pledge of Allegiance was led by Girl Scout Troop #4375 from River Bend School: Taylor Jones, Martha Tracey, Sophie Wrobel, Courtney Guenther, Ginny Boeckling, Kaitlin Bumpus, Melody Man, Eliah Overbey, Erica Kaiser and Kristen Latta. Also in attendance were Troop Leaders Beverly Wrobel and Debbie Guenther.

The National Anthem was sung by Ms. Shelly Farinella, Title IV Coordinator – Parkway School District.

Mayor Nations presented Rajiv Tarigopula, who won the Post-Dispatch Spelling Bee contest, with a Proclamation recognizing this achievement. Rajiv will now compete in the National Spelling Bee competition in Washington, D.C.

Mayor Nations led those in attendance in 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 Connie Fults

ABSENT

Councilmember Mary Brown

APPROVAL OF MINUTES

The minutes of the March 17, 2003, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Fults, 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 announced that the City of Chesterfield had, once again, been awarded a “Tree City - USA” designation, for 2002.

Mayor Nations recognized Darcy Capstick and Ken Denson, Chairperson and Co-Chairperson, respectively, of the Citizens Committee for the Environment. They presented a program in celebration of the 12th Annual Tree, Earth and Arbor Day.

SWEARING-IN CEREMONY

Mayor Nations recognized and requested Judge Rick Brunk to preside at the swearing-in ceremony. Judge Brunk administered the Oath of Office to Councilmember Jane Durrell – Ward I, Councilmember Barry Streeter – Ward II and Councilmember Dan Hurt – Ward III. Councilmember Mary Brown was not in attendance and will be sworn in at a later date.

A roll call vote was taken, again, this time with the re-elected officials of the City of Chesterfield, 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 Connie Fults

ABSENT

Councilmember Mary Brown

Mayor Nations recessed the meeting at 7:38 p.m. in order to have a reception for all of the City officials and all family/friends and guests in attendance.

Mayor Nations reconvened the meeting at 8 p.m.

COMMUNICATIONS AND PETITIONS

Dean Burns, THF Realty, and Mike Doster, representing the petitioner on Bill No. 2152 (originally P.Z. 07-2001, THF Technology Park II – Wehrenberg Theatre) opposed the provision of this proposed legislation pertaining to requiring the undergrounding of regional power poles, which are located within the public right-of-way on Chesterfield Airport Road.

Victoria Sherman, who resides at 1895 Schoettler Valley Drive and serves as Chairperson of the Planning Commission, requested that the newly-revised Comprehensive Plan be received and filed under the Planning and Zoning Committee report. Ms. Sherman noted that this document has already been officially approved/adopted by the Planning Commission. Ms. Sherman then distributed the Comprehensive Plan to the Mayor and City Councilmembers.

Brian Calderwood, who resides at 2024 Meadowbrook Way Drive, expressed his appreciation for all the assistance he received from City officials during his recent campaign for Councilmember in Ward III.

APPOINTMENTS

Mayor Nations placed the name of Alice Fugate in nomination as a member of the Landmark Preservation Commission. Councilmember Durrell made a motion, seconded by Councilmember Flachsart, to approve the appointment of Alice Fugate as a member of the Landmark Preservation Commission. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Ms. Fugate's term will expire June 30, 2006.

COUNCIL COMMITTEE REPORTS

Public Works/Parks Committee

Councilmember Barry Flachsart, Chairperson of the Public Works/Parks Committee, reported that the Committee unanimously voted to recommend that the City Administrator be authorized to execute TIF forward-funding agreements with the adjacent property owners north of Highway 40, for the construction/extension of a waterline, from the water main at the U.S. Ice Sports Facility to the existing water main at the Outdoor Equipment site. With this in mind, Councilmember Flachsart made a motion, seconded by Councilmember Geiger, to authorize the City Administrator to execute TIF forward funding agreements, as noted above. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsart next reported that the Committee had voted to recommend that the Public Works Department be authorized to proceed with the development of plans and specifications for construction of Phase I and Phase II of the Meadowbrook Farm Subdivision Stormwater Project. Councilmember Flachsart made a motion, seconded by Councilmember Casey, to authorize the Department to proceed with this project. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsart next reported that the City recently authorized a contract with Thomas and Hutton Associates to provide assistance to the City in updating the Valley Stormwater Model. The Committee recommends approval of a Staff recommendation that "functional equivalence" stormwater requests NOT be honored/accepted during the time period that Thomas and Hutton Associates is working to complete this project. It is estimated that this might take 6 – 8 months. Councilmember Flachsart made a motion, seconded by Councilmember Casey, to direct Staff to not consider any "functional equivalence" stormwater requests, regarding any "new" development in Chesterfield Valley, during the time period that Thomas and Hutton Associates is working to complete this project. It was specifically noted that this restriction would NOT apply

to any project that was already under review by the City, nor would it restrict any “new” project that was fully in compliance with the current Valley Master Stormwater Model. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart next reported that Bill No. 2149 (establishes parking restrictions at Villas at Ladue Bluffs Subdivision), Bill No. 2150 (establishes turn restrictions at Villas at Ladue Bluffs Subdivision) and Bill No. 2151 (requires “as built” information and engineer’s certification for all Valley Master Stormwater Improvements) will be read for the first time. Bill No. 2146 (accepts public streets in Regency Estates Subdivision) and Bill No. 2148 (approves the installation of fire hydrants in Westchester Manor) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Flachsbart announced that the next meeting of this Committee has been scheduled for June 9 at 5:45 p.m.

Finance and Administration Committee

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee, reported that Bill No. 2119 (Property Maintenance Code) will be placed on the May 5 City Council agenda for a second reading and final approval. Councilmember Geiger stated that the Committee agreed, as determined by City Administrator Herring and Planning Director Price, that the Planning Department could handle the enforcement of this proposed ordinance, with existing Staff. He also noted that the Committee recommended that Staff should respond to specific complaints only. Although not anticipated, if a backlog results, complaints will be dealt with, as time allows. During certain times of the year, when the Planning Technician is specifically occupied with weed/trash/debris violations, those will take priority. The Committee requested no additional resources be provided at this time.

Councilmember Geiger announced that the next meeting of this Committee has been scheduled for June 25 at 5:30 p.m.

Planning and Zoning Committee

Councilmember Dan Hurt, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2152 (amends Chesterfield Commons Ordinance No. 1773 regarding Wehrenberg Theater) and Bill No. 2153 (authorizes construction of Davis Street) will be read for the first time and Bill No. 2145 (amends Chesterfield Zoning Ordinance regarding definition for “ancillary uses”) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Hurt made a motion, seconded by Councilmember Casey, to “receive and file” the Comprehensive Land Use Plan for the City of Chesterfield, as approved by the Chesterfield Planning Commission. A voice vote was taken with an affirmative result (Councilmember Flachsbart voted “No”) and the motion was declared passed.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for April 24 at 5:30 p.m.

Public Health and Safety Committee

Due to the absence of Councilmember Mary Brown, Chairperson of the Public Health and Safety Committee, Mayor Nations requested City Administrator Mike Herring to deliver her report. Mr. Herring reported that the Committee, by a vote of 3 – 0, recommends approval of a new policy, as it relates to secondary employment. This new policy states that any employee seeking secondary employment would be required to sign a waiver, acknowledging the fact that the City's insurance coverage (Worker's Comp. and liability) would NOT cover them in their secondary employment job. Additionally, all such employees would be required to provide to the City a copy of the insurance coverage provided to them by their secondary employer. Councilmember Casey made a motion, seconded by Councilmember Streeter, to adopt this new policy, relating to employee secondary employment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that The Grill House, located at 1637 Clarkson Road, has requested a liquor license to serve beer by the drink for consumption on the premises and Sunday sales. Both the Police and Planning Departments recommended approval of this license. Councilmember Casey made a motion, seconded by Councilmember Streeter, 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 Wine and Spirits of St. Louis, located at 54 THF Boulevard, has requested a liquor license to serve package liquor and Sunday sales. Again, Mr. Herring noted that both the Police and Planning Departments recommended approval of this license. Councilmember Casey made a motion, seconded by Councilmember Fults, 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 bids were recently sought for the sprigging of Bermuda grass on selected athletic fields at the Chesterfield Valley Athletic Complex (CVAC). Mr. Herring joined with Director of Public Works Mike Geisel in recommending that a bid be awarded to Florissant Sod Company, in an amount not to exceed \$23,325. Mr. Herring noted that the FY2003 Budget provides \$15,000 for this purpose, however, Mr. Geisel is recommending that the remaining \$8,325 be transferred from the Wetland Parks Fund to enable completion of this entire project during this Fiscal Year. Councilmember Casey made a motion, seconded by Councilmember Fults, to award a contract to Florissant Sod Company, in an amount not to exceed \$23,325 for sprigging of Bermuda grass at CVAC and to transfer \$8,325 from the Wetland Parks Fund. 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 reconstruction of handicapped ramps adjacent to Stablestone Drive, Greentrails North and Greentrails South, in compliance with all requirements of the Americans with Disabilities Act. Mr. Herring joined with Mr. Geisel in recommending award of a contract to R.V. Wagner, in an amount not to exceed \$116,000. Mr. Herring stated that adequate funds exist within the current FY2003 Budget to cover this entire expense. Councilmember Casey made a motion, seconded by Councilmember Fults, to award a

contract to R.V. Wagner in an amount not to exceed \$116,000 for reconstruction of handicapped ramps on Stablestone Drive, Greentrails North and Greentrails South. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

President Pro Tem Barry Flachsbart announced the Committee assignments for the four (4) Standing Committees of City Council, for the coming year (April, 2003 – April, 2004):

Finance and Administration

Jane Durrell, Chair - Ward I
Bruce Geiger - Ward II
Dan Hurt - Ward III
Connie Fults - Ward IV

Planning and Zoning

Jane Durrell - Ward I
Barry Streeter, Chair - Ward II
Dan Hurt - Ward III
Mary Brown - Ward IV

Public Health and Safety

Barry Flachsbart - Ward I
Barry Streeter - Ward II
Mike Casey, Chair - Ward III
Mary Brown - Ward IV

Public Works/Parks

Barry Flachsbart - Ward I
Bruce Geiger - Ward II
Mike Casey - Ward III
Connie Fults, Chair - Ward IV

Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, to approve the Committee assignments for the coming year. A voice vote was taken with an affirmative result and the motion was declared passed.

Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to nominate Councilmember Jane Durrell, as President Pro Tem of City Council. Councilmember Hurt made a motion, seconded by Councilmember Fults, to nominate Councilmember Mike Casey, as President Pro Tem. Discussion ensued. Mayor Nations called for a motion to close the nomination process. Councilmember Streeter made a motion, seconded by Councilmember Fults, to close nominations for the position of President Pro Tem. A voice vote was taken with an affirmative result and the motion was declared passed. A roll call vote was taken to fill the

position of President Pro Tem with the following results: Ayes for Councilmember Durrell – Durrell, Flachsbart and Geiger. Ayes for Councilmember Casey – Fults, Hurt, Casey, Streeter. As a result, Mayor Nations stated, for the record, that Councilmember Casey will serve as President Pro Tem of City Council, for the coming year.

LEGISLATION

BILL NO. 2146 PERTAINS TO THE ACCEPTANCE OF PUBLIC STREETS WITHIN
REGENCY ESTATES SUBDIVISION IN THE CITY OF
CHESTERFIELD (**SECOND READING – PUBLIC WORKS/PARKS
COMMITTEE**)

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2146. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2146 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2146, with the following results: Ayes – Fults, Streeter, Geiger, Casey, Durrell, Flachsbart and Hurt. Nays - None. Whereupon Mayor Nations declared Bill No. 2146 approved, passed it and it became **ORDINANCE NO. 1922.**

BILL NO. 2148 APPROVES THE INSTALLATION OF FIRE HYDRANTS IN
WESTCHESTER MANOR 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. 2148. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2148 was read for the first time.

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2148. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2148 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2148, with the following results: Ayes – Flachsbart, Casey, Streeter, Hurt, Geiger, Durrell and Fults. Nays - None. Whereupon Mayor Nations declared Bill No. 2148 approved, passed it and it became **ORDINANCE NO. 1923.**

BILL NO. 2149 AMENDS ORDINANCE NO. 35, SCHEDULE IX, OF THE
ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING
PROVISIONS THERETO TO RESTRICT PARKING ON CERTAIN
STREETS, WITHIN THE VILLAS AT LADUE BLUFFS SUBDIVISION
(**FIRST READING - PUBLIC WORKS/PARKS COMMITTEE
RECOMMENDS APPROVAL**)

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2149. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2149 was read for the first time.

BILL NO. 2150 AMENDS ORDINANCE NO. 35, SCHEDULE IV, OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THERETO TO RESTRICT TURNING MOVEMENTS AT THE INTERSECTION OF OLIVE BOULEVARD AND CORDOVAN COMMONS PARKWAY (**FIRST READING - PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2150. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2150 was read for the first time.

BILL NO. 2151 REQUIRES “AS BUILT” INFORMATION AND ENGINEERS CERTIFICATIONS TO BE SUBMITTED FOR ALL CHESTERFIELD VALLEY MASTER STORMWATER IMPROVEMENTS (**FIRST READING - PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Flachsbart made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2151. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2151 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2145 AMENDS SECTION 1003.020 (DEFINITIONS) OF THE CITY OF CHESTERFIELD ZONING ORDINANCE TO INCLUDE A DEFINITION FOR ANCILLARY USE (P.Z. 33-2002, CITY OF CHESTERFIELD) (**SECOND READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2145. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2145 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2145, with the following results: Ayes - Hurt, Durrell, Flachsbart, Casey, Streeter, Fults and Geiger. Nays - None. Whereupon Mayor Nations declared Bill No. 2145 approved, passed it and it became **ORDINANCE NO. 1924**.

BILL NO. 2152 AMENDS CITY OF CHESTERFIELD ORDINANCE NUMBER 1773 FOR A NEW AMENDED ORDINANCE RELATING TO A “PI” PLANNED INDUSTRIAL DISTRICT FOR A 21.643 ACRE TRACT OF LAND LOCATED SOUTH OF CHESTERFIELD AIRPORT ROAD AND EAST OF PUBLIC WORKS DRIVE (ORIGINALLY P.Z. 07-2001, THF TECHNOLOGY PARK II) (**FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2152. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2152 was read for the first time.

**BILL NO. 2153 APPROVES THE PUBLIC PURPOSE AND PUBLIC NECESSITY FOR
THE DAVIS STREET PROJECT AND AUTHORIZES CONSTRUCTION
OF DAVIS STREET (FIRST AND SECOND READINGS – PLANNING
AND ZONING COMMITTEE)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2153. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2153 was read for the first time.

ADJOURNMENT

Mayor Nations adjourned the meeting at 8:48 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk