



RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD AT 922 ROOSEVELT PARKWAY APRIL 20, 1998

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

A roll call was taken with the following results:

PRESENT

Mayor Nancy Greenwood
Councilmember Barry Flachsbart
Councilmember Allan Sheppard
Councilmember Barry Streeter
Councilmember Larry Grosser
Councilmember Dan Hurt
Councilmember Alan Politte
Councilmember Linda Tilley
Councilmember Mary K. Brown

ABSENT

None

The Pledge of Allegiance was led by Cub Scout Pack #848 from Highcroft Ridge School: Nick Triipi, Zack Skalar, Alex Ashton, Sean Hamilton, Bryan Uelk, Greg Schwartz. Also in attendance was Troop Leaders Harvey Uelk and Ron Hamilton.

Mayor Greenwood led those in attendance in a moment of silent prayer.

APPROVAL OF MINUTES

The minutes of the March 16, 1998, City Council meeting were submitted for approval. A motion was made by Councilmember Grosser, seconded by Councilmember Flachsbart, to approve the minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

SWEARING-IN CEREMONY

Mayor Nancy Greenwood recognized and requested Judge Rick Brunk to preside at the swearing-in ceremony. Judge Brunk administered the Oath of Office to Councilmember Barry Flachsbart – Ward I; Councilmember Larry Grosser – Ward II; Councilmember-elect Mike Casey – Ward III; and, Councilmember Linda Tilley – Ward IV.

A roll call was taken, again, this time with the re-elected and newly-elected officials of the City of Chesterfield with the following results:

PRESENT

Mayor Nancy Greenwood
Councilmember Barry Flachsbart
Councilmember Allan Sheppard
Councilmember Barry Streeter
Councilmember Larry Grosser
Councilmember Dan Hurt
Councilmember Mike Casey
Councilmember Linda Tilley
Councilmember Mary K. Brown

ABSENT

None

INTRODUCTORY REMARKS

Mayor Greenwood presented a plaque to former Councilmember Alan Politte for his service and dedication to the City of Chesterfield over the last eight years.

Mayor Greenwood next nominated Mr. Gerald D. Troester to serve a two-year term as a member of the University of Missouri Extension Council. A motion was made by Councilmember Flachsbart, seconded by Councilmember Streeter, to approve the nomination. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mayor Greenwood next nominated Ms. Joan Schmelig and Ms. Barbara Briggs to serve as members of the Chesterfield Arts, Inc. A motion was made by Councilmember Flachsbart, seconded by Councilmember Grosser, to approve the appointments. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Their terms will expire April 20, 2002.

Mayor Greenwood next presented a proclamation to Ms. Darcy Capstick, Chairperson of the Citizens for the Environment Committee, in recognition of Tree Day.

Mayor Greenwood then recognized Councilmember Tilley who read the list of the assignments for 1998-1999 for the four standing Council Committees:

Finance and Administration Committee

Councilmember Allan Sheppard – Ward I
Councilmember Larry Grosser – Ward II
Councilmember Mike Casey – Ward III
Councilmember Linda Tilley – Ward IV (Chairperson)

Planning and Zoning Committee

Councilmember Barry Flachsbart – Ward I
Councilmember Barry Streeter – Ward II
Councilmember Dan Hurt – Ward III (Chairperson)
Councilmember Mary Brown - Ward IV

Public Health and Safety Committee

Councilmember Allan Sheppard – Ward I
Councilmember Larry Grosser – Ward II (Chairperson)
Councilmember Mike Casey – Ward III
Councilmember Linda Tilley – Ward IV

Public Works/Parks Committee

Councilmember Barry Flachsbart – Ward I (Chairperson)
Councilmember Barry Streeter – Ward II
Councilmember Dan Hurt – Ward III
Councilmember Mary Brown – Ward IV

A motion was made by Councilmember Tilley, seconded by Councilmember Grosser to approve the Committee assignments. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mayor Greenwood next opened the floor for nominations of individuals to serve as President Pro Tem. A motion was made by Councilmember Tilley, seconded by Councilmember Casey, to nominate Councilmember Dan Hurt. A motion was made by Councilmember Sheppard, seconded by Councilmember Grosser, to nominate Councilmember Barry Flachsbart. There being no other nominations, Mayor Greenwood instructed the Council to mark their secret ballot. After the ballots were counted by City Attorney Doug Beach, Mayor Greenwood announced that Councilmember Dan Hurt has been selected to serve as President Pro-Tem.

COMMUNICATION AND PETITIONS

There were no communications or petitions.

COUNCIL COMMITTEE REPORTS

Planning and Zoning Committee

Councilmember Dan Hurt, Chairperson of the Planning and Zoning Committee, reported that Bill Nos. 1521 – 1524 will be considered for adoption under the Legislation portion of the meeting.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for April 23 at 5:30 p.m.

Public Works/Parks Committee

Councilmember Barry Streeter, former Chairperson of the Public Works/Parks Committee, reported that the passage of Ordinance No. 1184 required the contractor to construct a sidewalk on the east side of Sycamore Drive, adjacent to the Twin Estates at Meadowbrook subdivision. In so doing, trees would need to be removed. As a result, the Committee recommended to require the developer to establish a special cash escrow, rather than build the sidewalk at this time. A motion was made by Councilmember Streeter, seconded by Councilmember Brown, to direct City Attorney Doug Beach to draft an ordinance to amend Ordinance No. 1184 to approve the recommendation of establishing a special cash escrow account in lieu of constructing sidewalks on Sycamore Drive in Twin Estates at Meadowbrook subdivision. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Streeter next reported that Resolution No. 234 authorizes the refinancing of the Parks Bond Issue debt. This is a method of reducing the total interest paid by the City. The Committee voted unanimously to endorse that an resolution be prepared authorizing the sale, along with a parameters resolution designating the Mayor to represent the City in this issue, setting a 2 percent minimum savings in order to proceed on the day of sale. A motion was made by Councilmember Streeter, seconded by Councilmember Grosser, to adopt Resolution No. 234. A motion was then made by Councilmember Sheppard, seconded by Councilmember Flachsbart, to amend the resolution to provide a “call provision” in five years versus the ten years as stated in the resolution. A voice vote was taken with a negative result (Councilmember Sheppard voted “Yes”) and the motion was declared defeated. A voice vote was taken on the original motion with a unanimous affirmative result and the motion was declared passed. Resolution No. 234 was adopted by City Council.

Councilmember Streeter made a motion to schedule a special City Council meeting for May 5 at 12 noon for the possible approval of refinancing the existing Parks debt as authorized by the passage of Resolution No. 234. The motion was seconded by Councilmember Tilley. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Streeter next reported that the Committee was proposing a policy of distributing net proceeds between participating sponsors from the Gobble Wobble. The Committee recommends that the proceeds be divided equally between the participating agencies – Friends for Chesterfield Parks, Teen Challenge and the City of Chesterfield. A motion was made by Councilmember Streeter, seconded by Councilmember Grosser, to distribute the net proceeds equally between the three participating agencies. A voice vote was

taken on the original motion with a unanimous affirmative result and the motion was declared passed.

Councilmember Streeter next reported that Bill No. 1526, regarding a fire hydrant at Baxter Pointe Addition, will be considered for adoption under the Legislation portion of the agenda.

Finance and Administration Committee

Councilmember Linda Tilley, Chairperson of the Finance and Administration Committee, reported that Bill No. 1516, which would authorize T.I.F. funding for levee improvements of the creation of a wetlands mitigation bank, will be considered for adoption under the Legislation portion of the agenda.

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

Public Health and Safety Committee

Councilmember Barry Flachsbarth, former Chairperson of the Public Health and Safety Committee, reported that Bill No.1525 will be considered for a first reading under the Legislation portion of the agenda.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that an application has been submitted for a temporary liquor license in conjunction with “Celebrate Chesterfield” event, scheduled for the first week of June, 1998. This application has been reviewed and approved by all appropriate Staff. Issuance of this license to the City of Chesterfield is necessary in order for the City to obtain the necessary County and State licenses, which are also required. A motion was made by Councilmember Grosser, seconded by Councilmember Brown, to approve issuance of a temporary liquor license to the City of Chesterfield. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that a liquor license request has been received from Fitz’s Restaurant, Inc., located at 14808 Clayton Road, to sell all kinds of intoxicating liquor by the drink for consumption on the premises and Sunday sales. This application has also been reviewed and approved by appropriate Staff. A motion was made by Councilmember Grosser, seconded by Councilmember Casey, to approve the liquor license for Fitz’s Restaurant. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring reported that bids were recently sought for various street reconstruction projects within Area “C.” Having reviewed this information, Mr. Herring joined with Director of Public Works/City Engineer Mike Geisel and Director of Finance and Administration Jan Hawn in recommending approval of the bid submitted by L. Krupp Construction Company, Inc., in an amount not to exceed \$974,000. This amount is approximately 15 percent above the base bid proposal submitted, to allow for contingencies and additional work if necessary in the immediate area. This project is funded entirely through the passage of Propositions

“R” and “S.” A motion was made by Councilmember Casey, seconded by Councilmember Grosser, to award the contract to L. Krupp Construction Company, Inc. in an amount not to exceed \$974,000. 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 various street reconstruction projects located within Area “D.” Having reviewed the information submitted, he joined with Director of Public Works/City Engineer Mike Geisel and Director of Finance and Administration Jan Hawn, in recommending approval of the contract with Vee-Jay Construction Company, in an amount not to exceed \$1,082,000, which is approximately 15 percent of the base bid proposal, to allow for contingencies and additional work if necessary in the immediate area. A motion was made by Councilmember Casey, seconded by Councilmember Grosser, to award the contract to Vee-Jay Construction Company, in an amount not to exceed \$1,082,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. The entire amount of this project is funded by the passage of Propositions “R” and “S.”

Mr. Herring next reported that bids were recently sought for various street reconstruction projects located within Area “E.” Having reviewed the information submitted, he joined with Director of Public Works/City Engineer Mike Geisel and Director of Finance and Administration Jan Hawn, in recommending approval of the contract with L. Krupp Construction Company, Inc., in an amount not to exceed \$970,000. This is approximately 15 percent of the base bid proposal, to allow for contingencies and additional work if necessary in the immediate area. A motion was made by Councilmember Grosser, seconded by Councilmember Tilley, to award the contract to L. Krupp Construction Company, Inc., in an amount not to exceed \$970,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. As stated previously, the entire amount of this project is funded by the passage of Propositions “R” and “S.”

Mr. Herring next reported that bids were recently sought for the purchase of a one-ton truck with dump body. The FY1998 Budget provides \$38,110 for this purchase. Mr. Herring joined with Director of Public Works/City Engineer Mike Geisel and Director of Finance and Administration Jan Hawn, in recommending approval of the bid submitted by Elco Chevrolet, totaling \$35,831. A motion was made by Councilmember Flachsart, seconded by Councilmember Grosser, to approve the bid submitted by Elco Chevrolet, totaling \$35,831 for a one-ton truck with dump body. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that a proposal was recently sought for engineering services in conjunction with the design of the Georgetown Stormsewer Extension Project. In excess of \$200,000 has been budgeted for FY1998 for unspecified stormsewer projects. After reviewing the information, he joined with Director of Public Works/City Engineer Mike Geisel in recommending approval of a contract with Site Development Engineering in an amount not to exceed \$27,748. A motion was made by Councilmember Flachsart, seconded by Councilmember Brown, to accept the proposal submitted by Site Development Engineering in an amount not to exceed \$27,748. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Director of Public Works/City Engineer Mike Geisel has proposed that authorization be given to enter into a contract with Black and Veatch, in an amount not to exceed \$13,500, for services related to Wilson Road reconstruction, from Wilson Manors southward to the existing improvement at Clarkson Road. The cost for this design work is funded entirely from proceeds resulting from the passage of Propositions “R” and “S.” A motion was made by Councilmember Flachsbart, seconded by Councilmember Brown, to enter into a contract with Black and Veatch, in an amount not to exceed \$13,500, for services related to Wilson Road reconstruction, from Wilson Manors southward to the existing improvement at Clarkson Road. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next recalled that due to the uncertain nature as to the constitutionality of the Use Tax when enacted by the State legislature, the City of Chesterfield made a conscious decision to escrow all funds received from that tax, with the thought that the City would probably be required to repay most, if not all, of the proceeds received from this tax. Director of Finance and Administration Jan Hawn has stated that the City currently has a deferred revenue from the local use tax totaling \$3,119,759.80. According to a settlement reached by the State of Missouri Department of Revenue, due to the efforts of the Missouri Municipal League, the total amount owed by the City of Chesterfield is only \$1,432,576. As a result, the City can declare the remaining amount, \$1,687,183.80 as revenue. These funds will be recognized as revenue in this fiscal year and will be added to the Fund Reserves. These funds cannot be spent without approval by a majority of City Council.

Mr. Herring next reported that the next issue of the Chesterfield Citizen newsletter is expected to be distributed the first week in May. With no additions or corrections to the rough draft enclosed for Council’s perusal, Mr. Herring directed City Clerk Marty DeMay to proceed with the publication.

NEW BUSINESS

Mayor Greenwood reported that a request has been received from the Historical Commission enlisting financial assistance from the City to publish a book on the history of Chesterfield, as written by Historical Commission member Dan Rothwell. A motion was made by Councilmember Flachsbart, seconded by Councilmember Grosser, to loan the Historical Commission \$12,500 to be taken from the Contingency Fund to publish the book in time for its sale at “Celebrate Chesterfield.” The first \$12,500 in proceeds received from the sale of the book will be used to reimburse the City for this loan and will be returned to the Contingency Fund. The remaining profits from the sale of the book will be deposited in the Historical Committee’s account. Discussion ensued. Mr. Beach noted, as a point of order, that this is a new item for consideration and was not placed on this evening’s agenda, as required by the Sunshine Law. Additional discussion ensued. It was agreed that there would be a “first vote” at this meeting and that final consideration for this proposal will be voted on at the May 4 City Council meeting. Mr. Streeter called for the question. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

LEGISLATION

BILL NO. 1516 AUTHORIZES THE ISSUANCE OF UP TO \$4,400,000 ORIGINAL PRINCIPAL AMOUNT TAX INCREMENT FINANCING NOTES (CHESTERFIELD VALLEY REDEVELOPMENT PROJECT) OF THE CITY OF CHESTERFIELD, MISSOURI, FOR THE PURPOSE OF PAYING A PORTION OF THE REDEVELOPMENT PROJECT COSTS IN CONNECTION WITH THE CHESTERFIELD VALLEY REDEVELOPMENT PLAN; PRESCRIBING THE FORM AND DETAILS OF SAID NOTES AND THE COVENANTS AND AGREEMENTS MADE BY THE CITY TO FACILITATE AND PROTECT THE PAYMENT THEREOF; AND PRESCRIBING OTHER MATTERS RELATING THERETO (**SECOND READING – FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS APPROVAL**)

A motion was made by Councilmember Tilley, seconded by Councilmember Grosser, for a second reading of Bill No. 1516. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1516 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1516, with the following results: Ayes - Streeter, Grosser, Hurt, Casey, Tilley and Brown. Nays - Flachsbart, Sheppard. Whereupon Mayor Greenwood declared Bill No. 1516 approved, passed it and it became **ORDINANCE NO. 1386**.

BILL NO. 1525 AMENDS ORDINANCE NO. 35, SCHEDULE IX OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THERETO TO RESTRICT PARKING ON WILD HORSE CREEK ROAD, AT 17827 WILDHORSE CREEK ROAD (**FIRST READING – PUBLIC HEALTH AND SAFETY COMMITTEE**)

A motion was made by Councilmember Flachsbart, seconded by Councilmember Tilley, for the first reading of Bill No. 1525. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1525 was read for the first time.

BILL NO. 1526 APPROVES THE INSTALLATION OF A FIRE HYDRANT IN BAXTER POINTE ADDITION, LOCATED WITHIN THE CITY OF CHESTERFIELD (**FIRST AND SECOND READINGS – PUBLIC WORKS/PARKS COMMITTEE**)

A motion was made by Councilmember Streeter, seconded by Councilmember Grosser, for the first reading of Bill No. 1526. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1526 was read for the first time.

A motion was made by Councilmember Streeter, seconded by Councilmember Grosser, for a second reading of Bill No. 1526. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1526 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1526, with the following results: Ayes -

Flachsbart, Sheppard, Streeter, Grosser, Hurt, Casey, Tilley and Brown. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1526 approved, passed it and it became **ORDINANCE NO. 1387.**

LEGISLATION – PLANNING COMMISSION

BILL NO. 1521 PROVIDES FOR THE APPROVAL OF THE RECORD PLAT, TRUST INDENTURES, WARRANTY DEED AND ESCROW AGREEMENT FOR WILDHORSE MEADOWS, A SUBDIVISION LOCATED ON THE SOUTH SIDE OF WILD HORSE CREEK ROAD, EAST OF KEHRS MILL ROAD (PLANNING COMMISSION RECOMMENDS APPROVAL)

A motion was made by Councilmember Hurt, seconded by Councilmember Tilley, for the first reading of Bill No. 1521. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1521 was read for the first time.

A motion was made by Councilmember Hurt, seconded by Councilmember Brown, for a second reading of Bill No. 1521. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1521 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1521, with the following results: Ayes - Flachsbart, Sheppard, Streeter, Grosser, Hurt, Casey, Tilley and Brown. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1521 approved, passed it and it became **ORDINANCE NO. 1388.**

BILL NO. 1522 PROVIDES FOR THE APPROVAL OF THE RECORD PLAT, TRUST INDENTURES, WARRANTY DEED AND ESCROW AGREEMENT FOR SPRING HILL BLUFFS, A SUBDIVISION LOCATED ON THE NORTH SIDE OF WILDHORSE CREEK ROAD, EAST OF KEHRS MILL ROAD (PLANNING COMMISSION RECOMMENDS APPROVAL)

A motion was made by Councilmember Hurt, seconded by Councilmember Tilley, for the first reading of Bill No. 1522. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1522 was read for the first time.

A motion was made by Councilmember Hurt, seconded by Councilmember Grosser, for a second reading of Bill No. 1522. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1522 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1522, with the following results: Ayes - Flachsbart, Sheppard, Streeter, Grosser, Hurt, Casey, Tilley and Brown. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1522 approved, passed it and it became **ORDINANCE NO. 1389.**

BILL NO. 1523 REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBER 1264 AND REPLACES IT WITH AN ORDINANCE PROVIDING FOR THE APPROVAL OF THE RECORD PLAT, TRUST

INDENTURES, WARRANTY DEED AND ESCROW AGREEMENT
FOR THE CROSSING AT CHESTERFIELD, A SUBDIVISION
LOCATED ON THE EAST SIDE OF KEHRS MILL ROAD, SOUTH
OF WILD HORSE CREEK ROAD (PLANNING COMMISSION
RECOMMENDS APPROVAL)

A motion was made by Councilmember Hurt, seconded by Councilmember Tilley, for the first reading of Bill No. 1523. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1523 was read for the first time.

A motion was made by Councilmember Hurt, seconded by Councilmember Brown, for a second reading of Bill No. 1523. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1523 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1523 with the following results: Ayes - Flachsbart, Sheppard, Streeter, Grosser, Hurt, Casey, Tilley and Brown. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1523 approved, passed it and it became **ORDINANCE NO. 1390.**

BILL NO. 1524 PROVIDES FOR THE APPROVAL OF THE RECORD PLAT FOR
THE CHESD SHEL EMETH CEMETERY PLAT TWO, EAST
SIDE OF WHITE ROAD, SOUTH OF OLIVE BOULEVARD
(PLANNING COMMISSION RECOMMENDS APPROVAL)

A motion was made by Councilmember Hurt, seconded by Councilmember Tilley, for the first reading of Bill No. 1524. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1524 was read for the first time.

A motion was made by Councilmember Hurt, seconded by Councilmember Tilley, for a second reading of Bill No. 1524. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1524 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1524, with the following results: Ayes - Flachsbart, Sheppard, Streeter, Grosser, Hurt, Casey, Tilley and Brown. Nays - None. Whereupon Mayor Greenwood declared Bill No. 1524 approved, passed it and it became **ORDINANCE NO. 1391.**

ADJOURNMENT

Mayor Greenwood entertained a motion to adjourn the meeting. A motion was made by Councilmember Tilley, seconded by Councilmember Casey, 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 8:10 p.m.

Mayor Nancy Greenwood

ATTEST:

Martha L. DeMay, City Clerk