

RECORD OF PROCEEDING

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

April 15, 2002

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

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 Charles Scheidt

ABSENT

None

The Pledge of Allegiance was led by Girl Scout Troop #682 from Incarnate Word Catholic Church: Melissa Masherowski, Gloria Masherowski, Katie Foerster, Christina Rejeko, Kelsy Rejko, Sarah Masherowski and Julia Swanger. Also in attendance were Troop Leaders Anne Masherowski and Mary Foerster.

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

APPROVAL OF MINUTES

The minutes of the March 18, 2002, City Council meeting were submitted for approval. Councilmember Scheidt made a motion, seconded by Councilmember Streeter, to approve the amended City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

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 Barry

Flachsbart – Ward I, Councilmember Bruce Geiger – Ward II, Councilmember Mike Casey – Ward III and Councilmember Connie Fults – Ward IV.

A roll call vote was taken, again, this time with the re-elected and newly-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 Mary Brown
Councilmember Connie Fults

ABSENT

None

Mayor Nations presented Councilmember Charles Scheidt with a plaque commemorating his term of office as Councilmember representing Ward IV and a proclamation highlighting his accomplishments while serving in office.

Mayor Nations recessed the meeting at 7:25 p.m. in order to have the reception for the City officials.

Mayor Nations reconvened the meeting at 8:05 p.m.

INTRODUCTORY REMARKS

Mayor Nations announced that the annual Kiwanis Prayer Breakfast would be held Thursday, April 18 at 7 a.m.

Mayor Nations next announced that a special City Council meeting has been scheduled for Wednesday, April 17 at 6 p.m. to authorize and approve issuance of the tax increment refunding and improvement revenue bonds pertaining to projects in the Chesterfield Valley.

Mayor Nations also announced that he had approved Mr. Clifford Frazier to serve as a member of the Historical Commission.

COMMUNICATIONS AND PETITIONS

Darcy Capstick, Chairperson, and Ken Denson, Vice-Chairperson, of the Citizens Committee for the Environment announced that Tree Day will be held Saturday, April 20

from 9 a.m. – noon. There will be many interesting booths and activities available to the residents.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Jane Durrell, Chairperson of the Finance and Administration Committee, reported that the Committee discussed the City's policy on fund balance, which is currently 40% of operating expenditures. The Committee voted unanimously to recommend that City Council approve use of the total General Fund expenditures, including capital expenditures and debt service on the City Hall and Public Works facility to calculate the fund reserve level. The actual percentage will remain unchanged, but the actual dollars set aside will increase, since the percentage will be applied to a larger number. Councilmember Durrell made a motion, seconded by Councilmember Brown, to use the total General Fund expenditures, including capital expenditures and debt service on the City Hall and Public Works facility, to calculate the fund reserve level. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Durrell next reported that the Committee also discussed who should be permitted to use the City's logo and letterhead. The City is in the process of obtaining a copyright for the logo. Councilmember Durrell made a motion, seconded by Councilmember Flachsbart, to modify the existing policy on the use of the City's letterhead to include "logo," as well, and to add "City Administrator," in addition to the Committee liaison, for the review of the request. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Public Works/Parks Committee

Councilmember Barry Streeter, Chairperson of the Public Works/Parks Committee, reported that the Committee reviewed the proposal submitted by Sachs Properties regarding completing the landscaping between Swingley Ridge Road and Highway 40 in the vicinity of the IKON Building. The City has been asked to fund half the cost of the project. Councilmember Streeter made a motion, seconded by Councilmember Flachsbart, to authorize a maximum of \$10,000 from the current budget for beautification projects to share in the cost of landscaping the area around the IKON Building. However, Sachs must accept responsibility for maintaining this landscaping. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Streeter next reported that the Committee voted to utilize \$20,000 from Fund Reserves to replace dead and or/missing trees in the rights-of-way areas that have been previously landscaped with beautification funds. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to approve the allocation of \$20,000 from Fund Reserves to cover the cost of replacing dead trees in all landscaped/beautification areas, as recommended by the Beautification Committee. Discussion ensued. A voice vote was taken with the following: Ayes – Hurt, Casey,

Fults, Brown and Flachsbart. Nays – Streeter, Geiger and Durrell. Mayor Nations declared the motion passed.

Councilmember Streeter next reported that Bill No. 2063 (authorizes the City Administrator to sign TIF Forward-Funding Agreements) and Bill No. 2062 (authorizes the City Administrator to sign agreement with St. Louis County regarding the “Pathway on the Parkway” Project) will be read for the first time and Bill No. 2065 (regarding the installation of fire hydrants) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Streeter announced the next meeting of this Committee has been scheduled for May 29 at 5:30 p.m.

Public Health and Safety Committee

Councilmember Mike Casey, Chairperson of the Public Health and Safety Committee, reported that Bill No.2060 (prohibits the blocking of vehicular traffic on public streets) would be read for the first time under the “Legislation” portion of the agenda.

Councilmember Casey next reported that the Citizen Contact Bureau, located in Chesterfield Mall, was originally established as a convenience for citizens, since the Police Department was located in Chesterfield Valley. Originally this office was federally funded under a grant. When the funding ended, the Mall agreed to help fund the operation costs and the City of Chesterfield contributed the remaining cost. With the Police Department now being located in the new City Hall, across Highway 40 from the Mall, Chief Johnson noted that the Citizen Contact Bureau is no longer critical in terms of public convenience. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to close the Citizen Contact Bureau within a reasonable period of time, thus saving approximately \$65,000/year. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Planning and Zoning Committee

Councilmember Dan Hurt, Vice-Chairperson of the Planning and Zoning Committee, reported that Bill No. 2064 (approves amendments to Ordinance No. 1417 – Long Road Plaza) will be read for the first time under the “Legislation – Planning Commission” portion of the agenda. Bill No. 2061 (approves/adopts new building, mechanical, electrical and plumbing codes of St. Louis County), Bill No. 2066 (approves the record plat for River Crossing), Bill No. 2067 (approves record plat for Seasons at Schoettler Addition) and Bill No. 2068 (approves vacation of utility easement at the McBride and Sons Center) 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 April 18 at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that the Better Business Bureau has contacted the City of Chesterfield requesting permission to remove signs posted in the rights-of-way throughout the City that advertise misleading information and/or “get rich quick” schemes. Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to grant permission to the Better Business Bureau to remove such signs posted in the rights-of-way throughout the City and that the “BBB” be commended for their efforts to rid the City of such misleading signage. 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 repair of storm sewer joints, using an internal epoxy process. Based upon the information submitted by Assistant Director of Public Works/Assistant City Engineer Brian McGownd, Mr. Herring joined with him in recommending an award of a contract to Walden Associated Technologies. He noted that the FY 2002 Budget provides \$129,600 for unspecified storm water projects. This firm will be used, at the hourly rates quoted within their bid, on an as-needed basis. Councilmember Casey made a motion, seconded by Councilmember Brown, to award a contract to Walden Associated Technologies for unspecified storm water projects throughout the City, at the hourly rates quoted. 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 installation of handicapped access ramps, at various locations throughout the City. This project is funded entirely by Community Development Block Grant (CDBG) funds, as administered by St. Louis County. Having reviewed the information provided to him by Mr. McGownd, Mr. Herring joined with him in recommending award of a contract to R. V. Wagner, Inc. in an amount not to exceed \$34,200. This contract will be funded totally by CDBG funds received from St. Louis County. Councilmember Casey made a motion, seconded by Councilmember Hurt, to award a contract to R. V. Wagner, Inc. in an amount not to exceed \$34,200 for the installation of handicapped ramps throughout the City, through the use of CDBG funding. 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 purchase of a replacement equipment trailer used by the Public Works Maintenance Division for hauling heavy equipment. Having reviewed the information provided by Director of Public Works/City Engineer Mike Geisel, Mr. Herring joined with him in recommending award of a contract to Pat Kelly Equipment Company, at a total cost of \$11,186. He noted that the FY 2002 Budget contains an appropriation of \$12,538 for this purchase. Councilmember Hurt made a motion, seconded by Councilmember Casey, to award a contract to Pat Kelly Equipment Company at a cost of \$11,186 for the purchase of an equipment trailer. 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 repairs to the Timberlake Manor Parkway Bridge. Having reviewed the information provided to him by Mr.

McGownd, Mr. Herring joined with Mr. McGownd in recommending award of a contract to Sunrise Construction, Inc., in an amount not to exceed \$75,000. The project was not undertaken nor completed during FY 2001. As a result, all funds for said project lapsed and reverted to Fund Reserves. Therefore, it is the recommendation of Mr. Herring that those funds be re-allocated from Fund Reserves to the current budget to cover the total expense for this project. If City Council approves the recommendation, it will be necessary to approve awarding of a contract to Sunrise Construction, Inc., in an amount not to exceed \$75,000 for repairs to the Timberlake Manor Parkway Bridge and to transfer \$75,000 from Fund Reserves to cover this expense. Councilmember Casey made a motion, seconded by Councilmember Hurt, to award the bid to Sunrise Construction, Inc., in an amount not to exceed \$75,000 for repairs, to the Timberlake Manor Parkway Bridge, and to transfer \$75,000 from Fund Reserves to cover this expense. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Acting Director of Public Works/Acting City Engineer Brian McGownd and the Public Works/Parks Committee had previously recommended extension of the contracts with Bi-State Utilities Company and Tope, Inc., in conjunction with the sanitary sewer lateral repair program. These firms performed video investigations and actual repairs, respectively, during FY 2001 and have agreed to extend those contracts for all of FY 2002, at the same pricing bid during 2001. As a result, based upon the recommendations made by the Public Works/Parks Committee, Mr. Herring recommended that contracts with both Bi-State Utilities Company and Tope, Inc., be extended for a one-year period, at 2001 contract prices. He further noted that these contracts are funded entirely by the sewer lateral repair program. Councilmember Flachsbart made a motion, seconded by Councilmember Geiger, to extend a contract to both Bi-State Utilities Company and Tope, Inc., for a one-year period, at 2001 contract prices. 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 street sweeping services throughout the City. Based upon the information provided to him, Mr. Herring joined with Mr. McGownd in recommending award of a contract to Scrubby, Inc. There is \$27,000 provided within the FY 2002 Budget for street sweeping services. This firm's bid includes \$6,290 for a spring sweep City wide, \$6,290 for a fall sweep City-wide, as well as \$75 per hour for additional sweeping, on an as-needed basis. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to award a contract to Scrubby, Inc., which includes \$6,290 for a spring sweep City wide, \$6,290 for a fall sweep City-wide, as well as \$75 per hour for additional sweeping, on an as-needed basis. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Resolution No. 282 provides a contract for services prepared by the Chesterfield Community Development Corporation involving services provided by Lee McKinney and funded 100% by TIF funds. The CCDC recently took action to extend their contract with Mr. McKinney and, as a result, it is now necessary for City Council to extend said contract with CCDC for an additional six-month period, from

May 1 through October 31, 2002. Councilmember Geiger made a motion, seconded by Councilmember Brown, to adopt Resolution No. 282, which extends the contract with CCDC for contractual services, as provided by Lee McKinney, with the Chesterfield Community Development Corporation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

City Attorney Doug Beach gave an update on litigation regarding THF signage in which the judgment reached was in the City's favor, but recently has been appealed.

City Attorney Beach next reported that the Sprint Consent Judgment, regarding the cell tower at the County Emergency Center, has been resolved.

City Attorney Beach next reported that the repair of tie walls on the common ground in Green Trails was ruled not to be part of the storm water system and the City is not obligated to pay for repairs of same.

City Attorney Beach next reported that the Bid Bond dispute with Baxter Gardens has been settled.

City Attorney Beach next reported that the Stoneridge issue now proceeds to Federally-mandated mediation.

With the installation of the re-elected and newly-elected Councilmembers, President Pro Tem Mary Brown made a motion, seconded by Councilmember Street, to approve membership on the four standing Committees of Council. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Finance and Administration Committee

Councilmember Bruce Geiger – Ward II (Chairperson)
Councilmember Jane Durrell – Ward I
Councilmember Dan Hurt – Ward III
Councilmember Connie Fults – Ward IV

Planning and Zoning Committee

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

Public Health and Safety Committee

Councilmember Mary Brown – Ward IV (Chairperson)
Councilmember Barry Flachsbart – Ward I
Councilmember Barry Streeter – Ward II
Councilmember Mike Casey – Ward III

Public Works/Parks Committee

Councilmember Barry Flachsbart – Ward I (Chairperson)
Councilmember Bruce Geiger – Ward II
Councilmember Mike Casey – Ward III
Councilmember Connie Fults – Ward IV

President Pro Tem Brown next called for the election of a new President Pro Tem. Councilmember Durrell place Councilmember Barry Flachsbart's name in nomination as President Pro Tem. Councilmember Streeter made a motion, seconded by Councilmember Hurt, to accept the nomination by acclamation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Barry Flachsbart will now serve as President Pro Tem.

LEGISLATION

BILL NO. 2060 PROHIBITS THE BLOCKING OF VEHICULAR TRAFFIC ON PUBLIC STREETS/ROADWAYS (**FIRST READING** – PUBLIC HEALTH & SAFETY COMMITTEE RECOMMENDS APPROVAL)

Councilmember Casey made a motion, seconded by Councilmember Brown, for the first reading of Bill No.2060. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2060 was read for the first time.

BILL NO. 2062 APPROVES A COOPERATIVE AGREEMENT BETWEEN THE CITY OF CHESTERFIELD AND ST. LOUIS COUNTY RELATIVE TO THE PATHWAY ON THE PARKWAY (**FIRST READING** – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2062. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2062 was read for the first time.

BILL NO. 2063 APPROVES A FORWARD FUNDING AGREEMENT FOR THE CONSTRUCTION OF SANITARY SEWER PUMPS STATION

NO. 4 AND ASSOCIATED SANITARY SEWER SYSTEM, A TIF
PRIORITY PROJECT (**FIRST READING – PUBLIC
WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2063. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No.2063 was read for the first time.

BILL NO. 2065 APPROVES THE INSTALLATION OF FIRE HYDRANTS ON
CHESTERFIELD AIRPORT ROAD, IN DUGSFORD
COMMONS, NOONING TREE ADDITION AND VALLEY
VILLAGE SUBDIVISIONS, LOCATED WITHIN THE CITY OF
CHESTERFIELD (**FIRST AND SECOND READINGS - PUBLIC
WORKS/PARKS COMMITTEE**)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2065. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2065 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Geiger, for a second reading of Bill No. 2065. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2065 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2065, with the following results: Ayes - Streeter, Geiger, Hurt, Casey, Durrell, Fults, Brown and Flachsbart. Nays - None. Whereupon Mayor Nations declared Bill No. 2065 approved, passed it and it became **ORDINANCE NO. 1838**.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2061 ADOPTS AND ENACTS THE BUILDING, MECHANICAL,
ELECTRICAL AND PLUMBING CODES OF ST. LOUIS
COUNTY, AS AMENDED, AS THE BUILDING, MECHANICAL,
ELECTRICAL AND PLUMBING CODES OF THE CITY OF
CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI (**FIRST
AND SECOND READINGS – PLANNING AND ZONING
COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2061. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2061 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 2061. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2061 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2061, with the following results: Ayes – Hurt, Geiger, Casey, Fults, Streeter, Durrell, Flachsbart and Brown. Nays -

None. Whereupon Mayor Nations declared Bill No. 2061 approved, passed it and it became **ORDINANCE NO. 1839.**

BILL NO. 2064 AMENDS CITY OF CHESTERFIELD ORDINANCE NO. 1417 GOVERNING LONG ROAD PLAZA, A “C8” PLANNED COMMERCIAL DISTRICT, LOCATED ON THE WEST SIDE OF LONG ROAD, SOUTH OF CHESTERFIELD AIRPORT ROAD (**FIRST READING** – PLANNING COMMISSION RECOMMENDS APPROVAL/PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, WITH AMENDMENT)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2064. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2064 was read for the first time.

BILL NO. 2066 PROVIDES FOR THE APPROVAL OF THE 15.84 ACRE RECORD PLAT, TRUST INDENTURES, WARRENTY DEED AND ESCROW AGREEMENT FOR RIVER CROSSING SUBDIVISION, A “PC” PLANNED COMMERCIAL DISTRICT, LOCATED ON CHESTERFIELD AIRPORT ROAD, WEST OF BOONE’S CROSSING (**FIRST AND SECOND READINGS** – PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2066. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2066 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2066. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2066 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2066, with the following results: Ayes – Geiger, Durrell, Streeter, Hurt, Flachsbar, Brown, Casey and Fults. Nays - None. Whereupon Mayor Nations declared Bill No. 2066 approved, passed it and it became **ORDINANCE NO. 1840.**

BILL NO. 2067 PROVIDES FOR THE APPROVAL OF A 5.42 ACRE RECORD PLAT, ESCROW AGREEMENT, WARRENTY DEED AND TRUST INDENTURES FOR SEASONS AT SCHOETTLER ADDITION, “R-2” PEU RESIDENTIAL DISTRICT LOCATED ON SCHOETTLER ROAD (**FIRST AND SECOND READINGS** – PLANNING COMMISSION RECOMMENDS APPROVAL)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2067. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2067 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2067. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2067 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2067, with the following results: Ayes – Fults, Brown, Flachsbart, Durrell, Streeter, Geiger, Casey and Hurt. Nays - None. Whereupon Mayor Nations declared Bill No. 2067 approved, passed it and it became **ORDINANCE NO.1841.**

BILL NO. 2068 VACATES A PORTION OF A 20’ WIDE UTILITY EASEMENT IN LOT 4 OF MCBRIDE AND SONS CENTER, PART OF US SURVEY 125, TOWNSHIP 45 NORTH – RANGE 4 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI (**FIRST AND SECOND READINGS – DEPARTMENTS OF PLANNING AND PUBLIC WORKS RECOMMEND APPROVAL**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2068. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2068 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2068. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2068 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2068, with the following results: Ayes – Brown, Durrell, Hurt, Flachsbart, Casey, Streeter, Fults and Geiger. Nays - None. Whereupon Mayor Nations declared Bill No. 2068 approved, passed it and it became **ORDINANCE NO. 1842.**

ADJOURNMENT

Mayor Nations adjourned the meeting at 8:40 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk