



RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD
AT 922 ROOSEVELT PARKWAY
MARCH 20, 1995

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

A roll call was taken with the following results:

PRESENT

Mayor Jack Leonard
Councilmember Barry Flachsbart
Councilmember Colleen Hilbert
Councilmember Bill Devers
Councilmember Ed Levinson
Councilmember Dan Hurt
Councilmember Alan Politte
Councilmember Mike Cullen
Councilmember Linda Tilley

ABSENT

None

The Pledge of Allegiance was led by Girl Scouts representing Troop #702, from Green Trails School: Amy Allen, Karen Ruff, Sheila Biggs, Emily Grossman, and Margie Borges. Also in attendance were Troop Leaders Jackie Ruff and Sue Allen.

Reverend Harvey Fields from Union Baptist Church led the City Council in prayer.

APPROVAL OF MINUTES

The minutes of the March 6, 1995, City Council meeting were submitted for approval. A motion was made by Councilmember Tilley, seconded by Councilmember Hurt, to approve the minutes. Councilmember Colleen Hilbert made a motion to add her name as the person who seconded the motion shown in the sixth paragraph on page 3. The motion was seconded by Councilmember Levinson and approved unanimously. Councilmember Ed Levinson made a motion to delete Councilmember Tilley's comments contained within the sixth paragraph on page 3 of the minutes. The motion failed for lack of a second. A voice vote was taken to approve the minutes, as amended, with an affirmative result (6-1-1; Councilmember Levinson voted "No" and Councilmember Devers "abstained") and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Leonard announced that the municipal election will be held April 4, and urged all to vote.

Mayor Leonard announced that the next City Council meeting has been scheduled for April 17, 1995, and will begin at 7:30 P.M.

Mayor Leonard and Chairman of the Board of Police Commissioners Larry Grosser each presented a Proclamations to Police Chief Ray Johnson to commend him for his efforts in obtaining Federal Grant Funds to enable the hiring of two (2) additional Police Officers. The Federal funding will cover 75% of the total cost, with the City required to pay the remaining 25%.

COMMUNICATIONS AND PETITIONS

Mr. Clayton Hathaway, who resides at 112 High Valley Drive, expressed his concerns regarding the land recently acquired by the Chesterfield Fire Protection District near the intersection of Olive and River Valley Drive.

Mr. Robert Buck, who resides at 1920 Newburyport, expressed his concerns about the condition of streets within Chesterfield Meadows subdivision, in Ward IV. Councilmember Cullen noted that this issue had been referred to the Public Works/Parks Committee and that he would inform Mr. Buck when that meeting has been scheduled.

Mr. Barry Streeter, who resides at 1177 Jonesborough Road, expressed his concerns with regard to political campaigning in Ward 2.

Mr. John Stoler, who resides at 1877 Schoettler Valley, expressed his concerns with regard to political campaigning in Ward 2.

Mr. Michael Bender, who resides at 1222 Luray, expressed his support for Councilmember Bill Devers' candidacy.

COUNCIL COMMITTEE REPORTS

Finance and Administration

Councilmember Colleen Hilbert, Chairperson of the Finance and Administration Committee, noted that there were no items discussed at the March 13 F&A Committee meeting requiring action by City Council. She also stated that the next Committee meeting will be scheduled after the April 7 municipal election.

Public Works/Parks

Councilmember Ed Levinson, Chairperson of the Public Works/Parks Committee, reported that, based upon recommendations submitted by the Chesterfield Beautification Committee, the Public Works/Parks Committee has recommended two versions of a City Limit sign design, submitted by Beth Gorman, 282 Ridge Trail Drive, for consideration by City Council. Following the review of

both renditions of the design, City Council selected the design designated "M". In addition, City Council recommended that the current population figure and City logo be shown by hanging an additional sign to the bottom of the City Limit sign. The matter will be referred to the Beautification Committee for final decisions with regard to color, type of posts upon which the signs will be placed, and total number of locations Citywide.

Councilmember Levinson next reported on the proposed project for Bramblewood Court. A motion was made by Councilmember Colleen Hilbert, seconded by Councilmember Alan Politte, to transfer funds in the amount of \$62,100 from the Contingency Fund for slab replacement work on Bramblewood Court. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Levinson next reported that a Public Works Facility Design Advisory Committee has been formed with two members of the Planning Commission, Barbara McGuinness and Rick Bly; two members of the Public Works Citizens Advisory Group, Gary Durney and Rob Kiem; and Councilmembers Levinson and Cullen. This Committee will work with Staff and the consultant selected to design the new Public Works facility, which will be forwarded to the Planning Commission for review/approval.

Councilmember Levinson next announced that the Committee has recommended the firm of Holleran -Duitsman Architects for the architectural/engineering/design firm, and the firm of C. Rallo Construction as a construction management firm, regarding the proposed Public Works Maintenance facility. Mr. Levinson announced that passage of Bill #'s 1049 and 1050 would enable the City Administrator to sign contracts with these firms. A motion was made by Councilmember Dan Hurt, seconded by Councilmember Alan Politte, to transfer \$151,300 from Fund Reserves to cover the cost of a contract with the firm of Holleran-Duitsman for architectural/engineering services regarding the design of a new street maintenance facility, and to transfer \$134,000 from Contingency Account to cover costs associated with a contract with C. Rallo Construction for construction/management services on the same project. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Levinson next reported on the Storm Water Project in Chesterfield Industrial Park. Councilmember Levinson stated that the owners would be willing to split the \$36,000 cost of the project with the City on a 50-50 basis. Councilmember Levinson noted that the Committee recommends that the City participate in the project with the City retaining ownership of the pumps, and Chesterfield Industrial Park providing a hold harmless agreement to the City and paying to the City 50% of the total cost. A motion was made by Councilmember Levinson, seconded by Councilmember Politte, to transfer \$36,000 from the funds escrowed for improvements to the levee and/or drainage improvements in the Valley, to cover costs associated with a project in the Chesterfield Industrial Park area. Fifty percent of the costs for this project will be paid by the Chesterfield Industrial Park Development. In addition, a hold harmless agreement must be executed by the owners of the Chesterfield Industrial Park Development. A voice vote was taken with an affirmative result (7-1 with Councilmember Hilbert voting "No"), and the motion was declared passed.

Councilmember Levinson next reported on 1995 Slab Replacement Projects. He noted that, due to the failure of the sales tax proposals, there were not enough funds in the current budget to cover the cost of the 1995 projects. As a result, there is now a need to transfer \$576,110 from fund reserves

to preclude falling behind in the work scheduled to be accomplished in 1995. Councilmember Levinson made a motion, seconded by Councilmember Flachsbarth, to transfer \$576,110 from Fund Reserves to cover additional costs associated with the 1995 slab replacement projects. A voice vote was taken with a unanimous affirmative result, and the motion was declared passed. A motion was made by Councilmember Levinson, seconded by Councilmember Politte, to authorize the City Administrator to sign three (3) contracts for the 1995 slab replacement projects: D. Bennish Construction totaling \$804,227.30; Vee-Jay Cement Contracting Company totaling \$1,070,070.69; and \$50,000 for Professional Services Industries for construction inspection services. A voice vote was taken with a unanimous affirmative result, and the motion was declared passed.

Councilmember Levinson announced that the next meeting of this Committee would be scheduled after the April 4 municipal election.

Mayor Leonard recognized Councilmember Alan Politte, who reported updates on several issues: Booker Associates is working to complete an analysis of the four sites identified by the Parks Bond issue, including both the assessed and appraised values for each; additionally, negotiations are soon to conclude with Booker Associates re: a contract for design of all facilities to be constructed with funds from the bond issue; the interview selection team had narrowed the choice of candidates for the Parks Director position down to five individuals, and interviews will be held April 1; along with the Kammergild Orchestra, the Parks, Recreation & Arts Citizens Advisory Committee participated in a successful event held March 19, and commended three of the Committee members for their hard work, Millie Hill, Carol Kenney, and Bob Grant; finally, that the Sand Volleyball Court is open for the new season and is receiving much use.

Planning and Zoning

Councilmember Dan Hurt, Chairperson of the Planning and Zoning Committee, reported that Bill #1048 -P.Z. 1-95 Pierce Hardy Real Estate Company (84 Lumber) was the version endorsed by the Planning and Zoning Committee, and would be recommended for approval.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for Thursday, March 30, 1995 at 5:30 P.M.

Public Health and Safety

Councilmember Linda Tilley, Chairperson of the Public Health and Safety Committee, reported that it was determined by the City building inspector that the house at 1263 Stillhouse Creek Road should be razed as a health hazard and a nuisance. As a result, the Public Health and Safety Committee accepted this report and directed that all appropriate steps be taken to have this structure demolished. On a motion by Councilmember Bill Devers, seconded by Councilmember Levinson, City Council voted 8-0 to receive and file the report from the Public Health & Safety Committee concerning this matter.

Councilmember Tilley next reported that the Committee had authorized L.A.W. Publications representatives to solicit ads from local businesses with the funds going toward publication of drug information booklets for elementary and high school students. The Mayor will provide a letter of support to be used by the company as an introduction to Chesterfield businesses.

Councilmember Tilley next reported that the Committee had voted to recommend approval of Bill #1046 regarding the sale of cigarettes to minors. This Bill, if passed, would require the owner of an establishment at which tobacco products are sold to locate the vending machine in such a place where the vending machine is in the direct line of sight of the owner and/or his/her employees, and to post signs clearly indicated that sales of cigarettes to minors is prohibited.

Councilmember Tilley next reported that the Committee had voted 2-2 regarding a recommendation that the City's court costs be increased by \$1.00, to fund the Weinman Center, a shelter for abused women and children. Councilmember Tilley made a motion, seconded by Councilmember Devers, to approve adding \$1.00 to court costs to every ticket written in Chesterfield, the proceeds from which will be forwarded to support the Weinman Center. Councilmember Flachsbart stated that he believed it was a good cause, but intended to vote "no" because he felt it was inappropriate to use court costs to fund this project. Councilmember Levinson stated that he had supported this project in the past, but stated his intention to vote "no" also because of the inappropriateness of the funding from court costs. A voice vote was taken with an affirmative result (5-3 with Councilmembers Flachsbart, Levinson and Politte voting "No"). The motion was declared passed.

Councilmember Tilley next reported on Bill #1047 which, if passed, would authorize the City Administrator to permit establishments licensed to sell intoxicating liquor in the original package to have wine tasting at said establishments. Councilmember Tilley stated that this will be read for the first time under the Legislation portion of this meeting.

Councilmember Tilley next reported that the Committee had directed Mr. Herring to send a letter, on behalf of the City, to the City's legislative delegation in Jefferson City, expressing support for H.B. 275, which would eliminate the requirement that appointments to City Boards of Police Commissioners be made on the basis of political affiliation..

Councilmember Tilley next reported on the Proposed Valley Watch/Warning Plan. Councilmember Tilley made a motion, seconded by Councilmember Levinson, to accept the Proposed Valley Watch/Warning Plan. The motion was approved unanimously.

Councilmember Tilley announced that the next meeting of this Committee would be scheduled after the April 4 election.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that bids were recently received for contractual street sweeping. The low bid for contractual street sweeping was submitted by Contractors and Municipal Sweeping Service Company, Inc., totaling \$15,950 for a scheduled Fall and Spring sweeping throughout the entire City, with an hourly rate for additional sweeping on an as-needed basis at a rate of \$55.00. This would be accommodated within the entire budget established for this purpose, which totals \$20,000. Councilmember Barry Flachsbart made a motion, seconded by Councilmember Hilbert, to accept the bid submitted by Contractors and Municipal Sweeping Service Company, Inc., totaling \$15,950. A voice vote was taken with a unanimous affirmative result, and the motion was declared passed.

Mr. Herring stated that bids were recently opened for the purchase of landscaping bulbs in conjunction with the Highway Beautification projects this year. The only bid to meet

specifications for landscape bulbs, as specified by our landscaping consultant Environmental Planning & Design, was submitted by Kirkwood Material Supply, totaling \$15,542.05, for the purchase of double-nosed, size one bulbs. A motion was made by Councilmember Flachsbart, seconded by Councilmember Politte, to accept the bid submitted by Kirkwood Material Supply, totaling \$15,542.05. A voice vote was taken with a unanimous affirmative result, and the motion was declared passed.

Mr. Herring stated that bids were recently opened for the purchase of a walk-behind breaker. Of the two (2) bids received, the low bid submitted by Cummins, McGowan & West, totaling \$12,948 is recommended. This would be for the purchase of a Greenlee 1000G 16-horsepower Hydraulic Drop Hammer. A motion was made by Councilmember Levinson, seconded by Councilmember Tilley, to accept the bid submitted by Cummins, McGowan & West, totaling \$12,948. Due to the difference in the amount between the budgeted amount and the low bid, a transfer of \$5,052 will be made to the Contingency Account. A voice vote was taken with a unanimous affirmative result, and the motion was declared passed.

Mr. Herring stated that bids were recently opened for purchase of a new plotter to be used in conjunction with the two CADD stations in the engineering division of the Public Works Department. The F.Y. 1995 budget contains an allocation of \$10,000 for this purchase. The low bid was submitted by Specialty Blueprint, for the purchase of an H.P.650C "E" size color inkjet plotter, at a total price of \$8,063.68. A motion was made by Councilmember Levinson, seconded by Councilmember Devers, to accept the bid, submitted by Specialty Blueprint, totaling \$8,063.68. A transfer of \$1,936 in savings due to the difference between the low bid and the budgeted amount will be made to the Contingency Account. A voice vote was taken with a unanimous affirmative result, and the motion was declared passed.

Mr. Herring stated that bids were recently received for the purchase of Flashing Barricades. The only bid received was that submitted by Traffic Control Corporation, which submitted unit pricing as follows: 24-inch barricades -\$57.50 each; 6-volt flasher units - \$16.50 each; and "A" frame legs - \$30.00/pair. The initial purchase contemplated by the Department will total seventy-five (75) barricades and flasher units, at a total price of \$5,550. The additional dollars will be used to purchase additional barricades and "A" frame legs on an as-needed basis. A motion was made by Councilmember Levinson, seconded by Councilmember Flachsbart, to accept this bid. A voice vote was taken with a unanimous affirmative result, and the motion was declared passed.

Mr. Herring stated that the City recently received bids for contractual hauling. The low bid was submitted by Moody's Hauling at the rate of \$42.50/hour. The budget for this activity includes \$15,000 for the entire calendar year. As noted in the bid specifications, the successful bidder will provide hauling services to the City on an as-needed basis, carrying a variety of materials, ranging from street rubble, crushed stone, soil, sand, and/or quarry runs anywhere in the immediate St. Louis metropolitan area. A motion was made by Councilmember Barry Flachsbart, seconded by Councilmember Levinson, to accept this bid. A voice vote was taken with a unanimous affirmative result, and the motion was declared passed.

Mr. Herring stated that bids were recently received for street striping services, on an as-needed basis throughout the City. The only bid submitted was that of Park Mark Corporation, which submitted a total bid of \$.05/lineal foot. The budget includes an appropriation of \$5,000 for street striping throughout the City on an as-needed basis. A motion was made by Councilmember

Levinson, seconded by Councilmember Flachsbart, to accept the bid submitted by Park Mark Corporation for street striping, at a rate of \$.05/lineal foot. A voice vote was taken with a unanimous affirmative result, and the motion was declared passed.

Mr. Herring stated that a liquor license request has been received from Pueblo Nuevo, Inc., located at 41 Forum Center. Pueblo Nuevo, Inc. is requesting to sell all kinds of intoxicating liquor by the drink to be consumed on the premises. This application has been reviewed and approved by Chief of Police Ray Johnson and Director of Planning Jerry Duepner. A motion was made by Councilmember Levinson, seconded by Councilmember Devers, to approve the liquor license. A voice vote was taken with a unanimous affirmative result, and the motion was declared passed.

Mr. Herring announced that the next edition of the Chesterfield Citizen Newsletter will be delivered the latter part of April, following the municipal election. Following discussion of the rough draft, Council authorized publication and distribution of the newsletter with all changes made to the final version.

NEW BUSINESS

There was no new business.

LEGISLATION

BILL #1046 AMENDS ORDINANCE #275 AS CODIFIED INTO SECTION 21-29 OF THE CODE OF ORDINANCES OF THE CITY OF CHESTERFIELD RELATING TO THE SALE OF CIGARETTES THROUGH VENDING MACHINES (PUBLIC HEALTH & SAFETY COMMITTEE RECOMMENDS APPROVAL -**FIRST READING**).

A motion was made by Councilmember Tilley, seconded by Councilmember Flachsbart, for the first reading of Bill #1046. A voice vote was taken with an affirmative result (7-1, with Councilmember Levinson voting "No"), and the motion was declared passed. Bill #1046 was read for the first time.

A motion was made by Councilmember Tilley, seconded by Councilmember Flachsbart, to suspend the rules of Council to have both the first and second readings of this proposed ordinance at this Council meeting. City Attorney Doug Beach announced that passage of this motion would require a two-thirds majority, or six (6) votes. A roll call vote was taken with the following results: Ayes -Tilley, Politte, Hurt, Hilbert, and Flachsbart. Nays -Devers, Levinson and Cullen. The motion was declared failed. The final reading of this proposed ordinance will occur April 17.

BILL #1047 PROVIDES FOR AUTHORIZATION AND APPROVAL FOR ESTABLISHMENTS LICENSED TO SELL INTOXICATING LIQUOR IN THE ORIGINAL PACKAGE TO ALLOW WINE TASTING AT SAID ESTABLISHMENTS (PUBLIC HEALTH & SAFETY COMMITTEE RECOMMENDS APPROVAL -**FIRST READING**).

A motion was made by Councilmember Tilley, seconded by Councilmember Devers, for the first

reading of Bill #1047. A voice vote was taken with an unanimous affirmative result, and the motion was declared passed. Bill #1047 was read for the first time.

BILL #1049 AN ORDINANCE APPROVING A CONSTRUCTION MANAGEMENT SERVICE CONTRACT WITH HOLLERAN DUTSMAN FOR CONSTRUCTION OF THE PUBLIC WORKS FACILITY FOR THE CITY OF CHESTERFIELD (PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL - **FIRST AND SECOND READINGS**)

A motion was made by Councilmember Levinson, seconded by Councilmember Politte, for the first reading of Bill #1049. A voice vote was taken with an unanimous affirmative result, and the motion was declared passed. Bill #1049 was read for the first time.

A motion was made by Councilmember Levinson, seconded by Councilmember Politte, to suspend the rules of Council to have both the first and second readings of Bill #1049 at this Council meeting. A voice vote was taken with an unanimous affirmative result, and the motion was declared passed.

A motion was made by Councilmember Levinson, seconded by Councilmember Politte, for a second reading of Bill #1049. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #1049 was read for the second time. A roll call vote was taken for passage and approval of Bill #1049, with the following results: Ayes -Flachsbart, Hilbert, Devers, Levinson, Hurt, Politte, Cullen and Tilley. Nays -None. Whereupon Mayor Leonard declared Bill #1049 approved, passed it and it became **ORDINANCE #1008**.

BILL #1050 AN ORDINANCE APPROVING A CONSTRUCTION MANAGEMENT SERVICE CONTRACT WITH C. RALLO CONSTRUCTION COMPANY, INC. FOR CONSTRUCTION OF THE PUBLIC WORKS FACILITY FOR THE CITY OF CHESTERFIELD (PUBLIC WORKS/ PARKS COMMITTEE RECOMMENDS APPROVAL - **FIRST AND SECOND READINGS**)

A motion was made by Councilmember Levinson, seconded by Councilmember Politte, for the first reading of Bill #1050. A voice vote was taken with an affirmative result (7-0-1, Councilmember Cullen abstaining), and the motion was declared passed. Bill #1050 was read for the first time.

A motion was made by Councilmember Levinson, seconded by Councilmember Politte, to suspend the rules of Council to have both the first and second readings of Bill #1050 at this Council meeting. A voice vote was taken with an affirmative result (7-0-1, Councilmember Cullen abstaining), and the motion was declared passed.

A motion was made by Councilmember Levinson, seconded by Councilmember Politte, for a second reading of Bill #1050. A voice vote was taken with an affirmative result (7-0-1, Councilmember Cullen abstaining), and the motion was declared passed. Bill #1050 was read for the second time. A roll call vote was taken for passage and approval of Bill #1050, with the following 7-0-1 results: Ayes -Flachsbart, Hilbert, Devers, Levinson, Hurt, Politte, and Tilley. Nays -None. Councilmember Cullen abstaining. Whereupon Mayor Leonard declared Bill #1050 approved, passed it and it became **ORDINANCE #1009**.

LEGISLATION -PLANNING COMMISSION

BILL #1048 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "NU" NON URBAN DISTRICT TO "C-8" PLANNED COMMERCIAL DISTRICT FOR A 7.4 ACRE TRACT OF LAND LOCATED ON THE NORTH SIDE OF CHESTERFIELD AIRPORT ROAD, EAST OF LONG ROAD (P.Z. 1-95, PIERCE HARDY REAL ESTATE COMPANY -84 LUMBER) (PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL)

A motion was made by Councilmember Hurt, seconded by Councilmember Levinson, for the first reading of Bill # 1048. A voice vote was taken with an unanimous affirmative result, and the motion was declared passed. Bill #'s 1048 was read for the first time.

A motion was made by Councilmember Barry Flachsbart to amend Bill #1048 by inserting the Planning Commission's recommendations regarding signage contained in Bill #1045. The motion failed for lack of a second.

A motion was made by Councilmember Hurt, seconded by Councilmember Levinson, for a second reading of Bill #1048. A voice vote was taken with an unanimous affirmative result, and the motion was declared passed. Bill #1048 was read for the second time. A roll call vote was taken for passage and approval of Bill #1048, with the following 7-1 results: Ayes -Cullen, Tilley, Politte, Hurt, Levinson, Devers, and Hilbert. Nays -Councilmember Flachsbart. Whereupon Mayor Leonard declared Bill #1048 approved, passed it and it became **ORDINANCE #1010**.

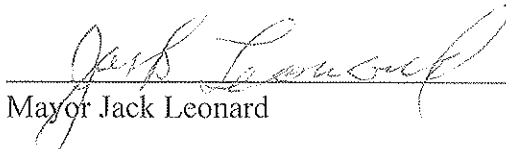
ADJOURNMENT

Mayor Leonard recognized Councilmember Colleen Hilbert, who indicated that she has made no endorsement of any candidates for any race within the City of Chesterfield except herself.

Mayor Leonard recognized Councilmember Ed Levinson who indicated that he has also not endorsed any candidates for any race within the City of Chesterfield, except Councilmember Bill Devers.

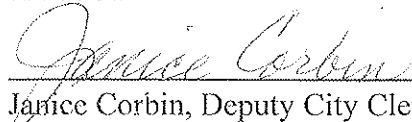
Mayor Leonard entertained a motion to adjourn. A motion was made by Councilmember Ed Levinson, seconded by Councilmember Bill Devers, to go into Executive Session (closed meeting) for the purpose of discussing litigation 610.021(1). A roll call vote was taken with the following results: Ayes -Flachsbart, Hilbert, Devers, Levinson, Hurt, Politte, Tilley, and Cullen. Nays -None.

The meeting was adjourned at 8:10 P.M.



Mayor Jack Leonard

ATTEST:



Janice Corbin, Deputy City Clerk