

RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD AT 922 ROOSEVELT PARKWAY, MARCH 5, 1990

The meeting was called to order at 7:30 P.M.

A roll call was taken with the following results:

PRESENT

ABSENT

Acting-Mayor Charles W. Fawcett, Jr. None
Councilmember Betty Hathaway
Councilmember Barry Flachsbart
Councilmember June Schroeder
Councilmember Jade Gardner Bute
Councilmember Dan Hurt
Councilmember Doug Hartman
Councilmember Dick Hrabko

The Pledge of Allegiance was led by Cub Scout Troop #803, Den #2 from Shenandoah Valley School: Steven Sapot, Jeff Sparks, Jonathon Douthit, Justin Brooks, Phillip Newman, David McCormac and Michael Wardell. Also in attendance were Troop Leaders Pam Douthit and Sara Sparks.

Reverend Tim Vowels from Incarnate Word Catholic Church led the City Council in prayer.

The minutes of the February 20, 1990, meeting were submitted for approval. A motion was made by Councilmember Bute, seconded by Councilmember Schroeder, to approve the minutes. A voice vote was taken, with a unanimous affirmative result, and the motion was declared passed.

COMMUNICATIONS AND PETITIONS

Mr. Maurice Allen, who resides at 271 Glen Hollow, addressed the City Council and expressed his opinions concerning a variety of issues which, in general, focused on a central theme urging Council to continue to listen to and be responsive to the citizens of Chesterfield.

INTRODUCTORY REMARKS - ACTING-MAYOR CHARLES W. FAWCETT, JR.

Acting-Mayor Fawcett expressed his appreciation for all those individuals who sent their best wishes during his recent hospitalization.

Acting-Mayor Fawcett called upon Councilmember Bute, who introduced and read a Proclamation honoring the Historical Commission, for their fund-raising benefit dance scheduled for March 16, 1990. A motion was made by Councilmember Barry Flachsbart, seconded by Councilmember Hathaway, to adopt this Proclamation. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Those members of the Historical Commission in attendance were recognized for their efforts.

COUNCIL COMMITTEE REPORTS

Planning and Economic Development

Councilmember Hrabko, Chairperson of the Planning and Economic Development Committee, reported that Bill #'s 418 - 424 will be considered for adoption under the Legislation portion of the Agenda.

Councilmember Hrabko reported on correspondence received from Mr. Warren H. Schultz of West Oak Cleaners located in the Dierberg's Market Place, requesting three-minute parking in front of his place of business. It was noted that the area requested for parking was a fire lane and in close proximity to the entrance from Baxter Road. As a result, the Committee denied Mr. Schultz his request.

Finance and Administration

Councilmember Hartman, Chairperson of the Finance and Administration Committee, updated those in attendance regarding the sales tax appeal. City Attorney Beach filed notice with the Administrative Hearing Commission on February 27, 1990, requesting a hearing regarding an appeal from the Missouri Department of Revenues' adverse decision concerning Chesterfield becoming a point-of-sale city. When a hearing date has been scheduled, representatives from the City will appear before the Administrative Hearing Commission to appeal the Missouri Department of Revenues' decision.

Councilmember Hartman next reported on the completion of the Annual Report and commended Michael G. Herring, City Administrator, and members of his Staff on their outstanding job regarding this document.

Public Works/Parks

Councilmember Jade Gardner Bute, Chairperson of the Public Works/Parks Committee, corrected information reported at the City Council meeting held February 20, 1990, regarding the closing of Schoettler Valley Drive for sixty days during construction. Councilmember Bute reported that since St. Louis County Department of Highways and Traffic is ahead of schedule regarding this project, Schoettler Valley Drive will not be closed during the construction period.

Councilmember Bute announced that the next meeting of her Committee is scheduled for March 8, 1990, at 5:00 P.M.

Public Health and Safety

Councilmember Flachsbart, Chairperson of the Public Health and Safety Committee, stated that Bill #'s 415, 416, 417, and 425 are scheduled for consideration under the Legislation portion of the Agenda.

Councilmember Flachsbart announced that the next meeting of his Committee is scheduled for March 12, 1990, at 7:05 A.M.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Herring reported that due to the fact that the City of Chesterfield is a member of the State's Cooperative Procurement Program, the City can take advantage of low bids obtained by the State of Missouri on a state-wide competitive bid basis for the purchase of certain items. This applies to the proposed expenditure of budgeted funds for the purchase of two (2) pool vehicles. The low bid received on a state-wide basis for this type of vehicle was from Florissant Dodge. As a result, the City can purchase two (2) four-door, Dodge Spirits, for the price of \$10,303.00 each or a total of \$20,606.00. Based upon the fact that the best price available to the City is from Florissant Dodge, Mr. Herring recommended that the Council approve the purchase of two (2) Dodge Spirits for a total cost of \$20,606.00. A motion was made by Councilmember Bute, seconded by Councilmember Hathaway, to approve this purchase. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids had been received for the purchase of a brush chipper for use by the Public Works Department, in conjunction with the tree trimming program. Based upon review of the bids submitted by Jan Kluba, Finance Director, and Bill Hawn, Director of Public Works/City Engineer, Mr. Herring recommended to City Council that the low bid, meeting all

specifications, be accepted from Vermeer Equipment Company for the purchase of one (1) Vermeer Model 1250 (Diesel) brush chipper at a cost of \$13,813.19. A motion was made by Councilmember Flachsbart,

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seconded by Councilmember Bute, to accept this proposal. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next stated that bids have been received for the purchase of two 2-1/2 ton double dump trucks with snow plows. Based upon review of the bids submitted by Jan Kluba, Finance Director, and Bill Hawn, Director of Public Works/City Engineer, Mr. Herring recommended to City Council that the bid submitted by GMC Truck Center be accepted for the purchase of two 2-1/2 ton double dump trucks with Heil dump bodies and Fisher snow plows for a total price of \$92,008.00. A motion was made by Councilmember Flachsbart, seconded by Councilmember Bute, to accept this proposal for the purchase of this equipment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that a budget transfer was needed in order to accomplish the purchase of all these items. Mr. Herring stated that purchasing the two (2) administrative pool vehicles now would save the City approximately \$2,600.00, as opposed to leasing. However, the amount budgeted for this account was approximately \$13,000.00 less than the amount needed. Combined with the fact that the bid results for the brush chipper were approximately \$6,000.00 below budget and the bid result for the dump trucks were approximately \$2,500.00 over budget, the amount needed to cover this would be \$10,204.00, which could be transferred from the Contingency Account. A motion was made by Councilmember Bute, seconded by Councilmember Hrabko, to accomplish the following transfers:

From:001-030.036-520.268 \$ 7,200.00Equipment Rental
001-070.072-540.440\$ 6,186.00Machinery and Equipment
001-090.091-550.511\$10,204.00Contingency

To:001-030.036-540.460\$20,606.00Automobiles and Trucks
001-070.072-540.460\$ 2,984.00Automobiles and Trucks

A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

Councilmember Bute recognized and commended the Cub Scouts, who presented the Flag Ceremony at the beginning of the Council meeting, as well as Boy Scout Troop #848 from Highcroft School, who attended the City Council meeting.

LEGISLATION

BILL #415AN ORDINANCE AMENDING ORDINANCE NUMBER #35, SCHEDULE IX OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THEREFROM

A motion was made by Councilmember Flachsbart, seconded by Councilmember Hurt, for the first reading of Bill #415. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #415 was read for the first time.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Hathaway, for a second reading of Bill #415. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A roll call vote was taken for passage and approval of Bill #415, with the following results: Ayes - Hathaway, Flachsbart, Schroeder, Bute, Hurt, Hrabko and Fawcett. Nays - None. (Councilmember Hartman was not present for the vote) Whereupon Acting-Mayor Fawcett declared the Bill #415 approved, passed it and it became ORDINANCE #417.

BILL #416AN ORDINANCE AMENDING ORDINANCE NUMBER #35, SCHEDULE VI OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING AND DELETING PROVISIONS THEREFROM

A motion was made by Councilmember Flachsbart, seconded by Councilmember Hurt, for the first reading of Bill #416. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #416 was read for the first time.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Hathaway, for a second reading of Bill #416. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A roll call vote was taken for passage and approval of Bill #416, with the following results: Ayes - Hathaway, Flachsbart, Schroeder, Bute, Hurt, Hrabko and Fawcett. Nays - None. (Councilmember Hartman was not present for the vote) Whereupon Acting-Mayor Fawcett declared the Bill #416 approved, passed it and it became ORDINANCE #418.

BILL #417 AMENDS ORDINANCE #35, SCHEDULE III OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY DELETING AND ADDING PROVISIONS

THEREFROM

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A motion was made by Councilmember Flachsbart, seconded by Councilmember Hurt, for the first reading of Bill #417. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #417 was read for the first time.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Hurt, for a second reading of Bill #417. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A roll call vote was taken for passage and approval of Bill #417, with the following results: Ayes - Hathaway, Flachsbart, Schroeder, Bute, Hurt, Hrabko and Fawcett. Nays - None. (Councilmember Hartman was not present for the vote) Whereupon Acting-Mayor Fawcett declared the Bill #417 approved, passed it and it became ORDINANCE #419.

BILL #425AN ORDINANCE AMENDING ORDINANCE NUMBER #35, SCHEDULE V OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THEREFROM

A motion was made by Councilmember Flachsbart, seconded by Councilmember Hurt, for the first reading of Bill #425. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #425 was read for the first time.

A motion was made by Councilmember Flachsbart, seconded by Councilmember Bute, for a second reading of Bill #425. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A roll call vote was taken for passage and approval of Bill #, with the following results: Ayes - Hathaway, Flachsbart, Schroeder, Bute, Hurt, Hrabko and Fawcett. Nays - None. (Councilmember Hartman was not present for the vote) Whereupon Acting-Mayor Fawcett declared the Bill #425 approved, passed it and it became ORDINANCE #420.

LEGISLATION - PLANNING COMMISSION

BILL #418 AMENDS ORDINANCE #'S 358 AND 359 OF THE CITY OF CHESTERFIELD BY AMENDING THE CONDITIONS SET OUT THEREIN WITH REGARD TO LEA OAK PLAZA AND AMENDED "C-8" DISTRICT FOR PROPERTY ON THE NORTH SIDE OF CLARKSON (P.Z. 26-89, MIDLAND CAPITOL PROPERTIES II)

A motion was made by Councilmember Hrabko, seconded by Councilmember Bute, for the first reading of Bill #418. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #418 was read for the first time.

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A motion was made by Councilmember Hrabko, seconded by Councilmember Hathaway, for a second reading of Bill #418. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A roll call vote was taken for passage and approval of Bill #418, with the following results: Ayes - Hathaway, Flachsbart, Schroeder, Bute, Hurt, Hrabko (Councilmember Hrabko abstained on portion dealing with the forty (40) foot setback) and Fawcett. Nays - None. (Councilmember Hartman was not present for the vote) Whereupon Acting-Mayor Fawcett declared the Bill #418 approved, passed it and it became ORDINANCE #421.

**BILL #419 REPEALS ORDINANCE #124 AND APPROVES AND ADOPTS A COMPREHENSIVE
PLAN/GENERAL LAND USE PLAN FOR THE CITY OF CHESTERFIELD
AND PROVIDES FOR ITS EFFECT**

A motion was made by Councilmember Hrabko, seconded by Councilmember Bute, for the first reading of Bill #419. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #419 was read for the first time.

A motion was made by Councilmember Hrabko, seconded by Councilmember Hurt, for a second reading of Bill #419. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Flachsbart expressed his concern regarding the parcel of land located on Timberlake Parkway and its being possibly zoned for an office building. Councilmember Flachsbart urged a careful study of this zoning. Councilmember Bute expressed the same concern regarding the possibility of zoning the parcel of land for office facilities on Timberlake Parkway. Councilmember Bute urged for careful rezoning of this land. A roll call vote was taken for passage and approval of Bill #419, with the following results: Ayes - Hathaway, Flachsbart, Schroeder, Bute, Hurt, Hrabko (Councilmember Hrabko abstained on the portion of the Comprehensive Plan that deals with Wild Horse Creek Road Office Campus) and Fawcett. Nays - None. (Councilmember Hartman was not present for the vote) Whereupon Acting-Mayor Fawcett declared the Bill #419 approved, passed it and it became ORDINANCE #422.

**BILL #420 REPEALS ORDINANCE #125 AND ESTABLISHES THE ZONING ORDINANCE OF THE
CITY OF CHESTERFIELD**

A motion was made by Councilmember Hrabko, seconded by Councilmember Bute, for the first reading of Bill #420. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #420 was read for the first time.

A motion was made by Councilmember Hrabko, seconded by Councilmember Bute, for a second reading of Bill #420. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A roll call vote was taken for passage and approval of Bill #420, with the following results: Ayes - Hathaway, Flachsbarth, Schroeder, Bute, Hurt, Hrabko and Fawcett. Nays - None. (Councilmember Hartman was not present for the vote) Whereupon Acting-Mayor Fawcett declared the Bill #420 approved, passed it and it became ORDINANCE #423.

BILL #421 REPEALS ORDINANCE #126 AND ESTABLISHES THE SUBDIVISION ORDINANCE OF THE CITY OF CHESTERFIELD

A motion was made by Councilmember Hrabko, seconded by Councilmember Bute, for the first reading of Bill #421. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #421 was read for the first time.

A motion was made by Councilmember Hrabko, seconded by Councilmember Hathaway, for a second reading of Bill #421. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A roll call vote was taken for passage and approval of Bill #421, with the following results: Ayes - Hathaway, Flachsbarth, Schroeder, Bute, Hurt, Hrabko and Fawcett. Nays - None. (Councilmember Hartman was not present for the vote) Whereupon Acting-Mayor Fawcett declared the Bill #421 approved, passed it and it became ORDINANCE #424.

BILL #422 APPROVES THE BOUNDARY ADJUSTMENT PLAT FOR LONG ROAD REALTY VENTURE COMBINING TWO PARCELS INTO ONE "C-8" DISTRICT

A motion was made by Councilmember Hrabko, seconded by Councilmember Bute, for the first reading of Bill #422. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #422 was read for the first time.

A motion was made by Councilmember Hrabko, seconded by Councilmember Hurt, for a second reading of Bill #422. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A roll call vote was taken for passage and approval of Bill #422, with the following results: Ayes - Hathaway, Flachsbarth, Schroeder, Bute, Hurt, Hrabko and Fawcett. Nays - None. (Councilmember Hartman was not present for the vote) Whereupon Acting-Mayor Fawcett declared the Bill #422 approved, passed it and it became ORDINANCE #425.

**BILL #423 APPROVES A LARGE LOT SUBDIVISION RECORD PLAT FOR THE WEST SIDE OF
TUMA LANE, NORTH OF WILD HORSE CREEK ROAD**

A motion was made by Councilmember Hrabko, seconded by Councilmember Bute, for the first reading of Bill #423. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #423 was read for the first time.

A motion was made by Councilmember Hrabko, seconded by Councilmember Bute, for a second reading of Bill #423. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A roll call vote was taken for passage and approval of Bill #423, with the following results: Ayes - Hathaway, Flachsbar, Schroeder, Bute, Hurt, Hrabko and Fawcett. Nays - None. (Councilmember Hartman was not present for the vote) Whereupon Acting-Mayor Fawcett declared the Bill #423 approved, passed it and it became ORDINANCE #426.

**BILL #424 PROVIDES FOR THE APPROVAL OF EASEMENT AND RECORD PLAT FOR VALLEY
CENTER PLAT III**

A motion was made by Councilmember Hrabko, seconded by Councilmember Bute, for the first reading of Bill #424. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #424 was read for the first time.

A motion was made by Councilmember Hrabko, seconded by Councilmember Bute, for a second reading of Bill #424. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A roll call vote was taken for passage and approval of Bill #424, with the following results: Ayes - Hathaway, Flachsbar, Schroeder, Bute, Hurt, Hrabko and Fawcett. Nays - None. (Councilmember Hartman was not present for the vote) Whereupon Acting-Mayor Fawcett declared the Bill #424 approved, passed it and it became ORDINANCE #427.

ADJOURNMENT

A motion was made by Councilmember Hathaway, seconded by Councilmember Hurt, 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.

Acting-Mayor Charles W. Fawcett, Jr.

ATTEST:

Martha L. DeMay, City Clerk