

RECORD OF PROCEEDING

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

FEBRUARY 20, 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

Mayor John Nations led everyone in attendance in the Pledge of Allegiance and followed with a moment of silent prayer.

APPROVAL OF MINUTES

The minutes of the February 4, 2002, City Council meeting were submitted for approval. Councilmember Casey made a motion to approve the City Council minutes. Councilmember Streeter seconded the motion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor Nations presented *Citizen of the Year* award plaques to Jade Gardner Bute and Betty Hathaway. Both women were recognized for their involvement and the tremendous contributions they have made to the City of Chesterfield. All members of City Council, Mr. Beach and Mr. Herring then took the opportunity to share some of their personal experiences and gratitude to both recipients.

Councilmember Flachsbart made a motion, seconded by Councilmember Durrell to amend the agenda to permit consideration of the proposed liquor license for India Kitchen. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. This item will be discussed under the “Report of the City Administrator”.

COMMUNICATIONS AND PETITIONS

Mike Doster, 16476 Chesterfield Airport Road, attorney for the petitioner, stated he would answer any questions with regard to Bill No. 2044, P.Z. 43-1999 – SSM Health Care (Central Region).

Marcia McDonald, who resides at 14986 Chateau Village Drive, represented the Baxter Road Trustees Committee and expressed concerns regarding the proposed center medians proposed by St. Louis County, for the reconstructed Baxter Road.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Jane Durrell, Chairperson of the Finance and Administration Committee, announced that the next meeting of this Committee has been scheduled for February 27 at 5:30 p.m.

Public Works/Parks Committee

Councilmember Barry Streeter, Chairperson of the Public Works/Parks Committee, reported that Bill No. 2042 and Bill No. 2043 (accepts public streets) and Bill No. 2045 (approved fire hydrants) will be considered for adoption under the “Legislation” portion of the agenda. He also noted that Bill No. 2048 (Establishes criteria and membership guidelines for the Public Works Citizens Advisory Group), Bill No. 2049 (Authorizes memorandum of the understanding with St. Louis County regarding the Baxter Road project and associated costs) and Bill No. 2050 (Awards a franchise to Missouri-American Water Company) will be read for the first time under the “Legislation” portion of the agenda.

Councilmember Streeter next reported on the proposed policy regarding ‘No Parking’ on residential streets. The Committee unanimously recommends that the term “immediately adjacent” should refer to both sides of the street. Councilmember Streeter made a motion, seconded by Councilmember Flachsbart to approve the proposed policy regarding the establishment of “No Parking” zones on residential streets. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A copy of the policy is attached to these minutes.

Councilmember Streeter next reported that Staff, as directed by the Public Works/Parks Committee, had solicited proposals and, subsequently, conducted interviews of

consultants to perform a public engagement process regarding the future of parks in Chesterfield. As a result of this process and following a meeting with the recommended consultant, the Committee now recommends that City Council enter into a contract with the firm of Leisure Vision, Inc., in an amount not to exceed \$30,000. This amount would be taken from the Contingency Fund. If selected, this firm will undertake and complete a public engagement process to determine the future of parks within Chesterfield. Councilmember Streeter made a motion, seconded by Councilmember Flachsbart, to authorize a contract with Leisure Vision, in an amount not to exceed \$30,000, for community engagement, as related to the future of parks within the City. As noted above, this amount will be taken from the Contingency Fund. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Discussion ensued regarding Bill No. 2049 regarding the realignment of Baxter Road project by St. Louis County. Councilmember Flachsbart stated that perhaps the discussion should be split into two parts, due to the fact that one issue is the general agreement with the alignment of Baxter Road and related concerns and the other issue relates to the recommended design of Baxter Road, which includes medians. Councilmember Flachsbart made a motion, seconded by Councilmember Scheidt, that Staff send a letter to St. Louis County which states the City is in general agreement with the proposed alignment of Baxter, but remains concerned with the possible impact that the alignment might have on the properties adjacent to the intersection of Country Ridge and Baxter Road. As a result, the letter should request that this area be reviewed by the County to try to minimize any negative impact to the greatest extent possible. Additionally, there should be no mention, in this letter, with regard to the proposed medians. Discussion continued. A voice vote was then taken on the motion with a unanimous affirmative result and the motion was declared passed. Councilmember Streeter noted that Bill No. 2049 would be considered, for first reading approval, under the “Legislation” portion of the meeting.

Councilmember Streeter announced that the next meeting of this Committee has been scheduled for March 27 at 5:30 p.m.

PLANNING AND ZONING COMMITTEE

Councilmember Charles Scheidt, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2044, P.Z. 43-1999 (SSM Women’s Health Care Central Region) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda. Additionally, Bill No. 2046, P.Z. 28-2001 (Alvin D. Vitt and Company – Conway on the Grove) and Bill No. 2047 (P.Z. 29-2001 (Alvin D. Vitt and Company – Conway on the Grove) will be read for the first time in the Council meeting.

Councilmember Scheidt announced that the next meeting of this Committee has been scheduled for February 21 at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Michael G. Herring reported that Chesterfield Ale House (formerly Coward's), located at 14839 Clayton Road, has applied to the City for a liquor license to sell all kinds of liquor by the drink for consumption on premises and Sunday sales. Councilmember Casey made a motion, seconded by Councilmember Durrell, to approve the liquor license. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Guckenheimer Enterprises, Inc., a catering company contracted by Pharmacia, located at 700 Chesterfield Parkway West, submitted a liquor license application to the City to sell all kinds of liquor by the drink for consumption on the premises, within the Pharmacia complex. Councilmember Durrell, made a motion, seconded by Councilmember Casey, to approve issuance of a liquor license for Guckenheimer Enterprises. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that India Kitchen (formerly Chesterfield Café), located at 45 Forum Shopping Center, submitted an application for a liquor license to sell all kinds of liquor by the drink for consumption on the premises and Sunday sales. Councilmember Durrell made a motion, seconded by Councilmember Scheidt, to approve issuance of a liquor license to India Kitchen. 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 recommended approval of a variety of changes to existing contracts related to the construction of the new City Hall. Each of these changes is summarized and explained within Mr. Geisel's attached memo to these minutes. Based upon Mr. Geisel's assertion, as confirmed by Assistant Director of Finance & Administration Tina Charumilind, that sufficient funds exist within the project budget to cover the total amount of these change orders, he joined with them in recommending approval of these change orders, as summarized within the above-referenced memo. Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, to approve change orders to various contracts re: City Hall, as detailed within Mr. Geisel's memo. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

Councilmember Streeter expressed concern that at the Mayor/Council Retreat held in October 2001, which he was required to leave early, a policy was adopted that will no longer allow the Planning and Zoning Committee to develop its own version of legislation, originally recommended by the Planning Commission. Several Councilmembers and Mayor Nations pointed out that this was done due to the confusion of having two different versions of legislation, for the same development proposal, on the same agenda. There was also concern expressed that, under the former policy, the Planning Commission version, which was developed following extensive interaction with residents, was not even introduced at City Council meetings. Discussion ensued. Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, to

amend the current policy, which would still preclude two bills from being submitted, but would now require that the only bill moving forward would be the Planning and Zoning Committee version. Much discussion ensued. Councilmember Flachsbart requested that his motion be withdrawn. Councilmember Flachsbart then made a motion, seconded by Councilmember Durrell, to indicate that legislation, when placed on the City Council agenda, would clearly be noted as being recommended by the Planning Commission and, should the Planning and Zoning Committee recommend amendments that they be attached to the proposed legislation and printed on colored paper. In this instance, the legislation would have a notation, next to the bill title, that the Planning and Zoning Committee recommends approval, but only with amendments. By the same token, if the Planning and Zoning Committee recommends approval, with no additional amendments, that will be so noted. A roll call vote was taken with the following results: Ayes – Brown, Casey, Flachsbart, Durrell, Geiger and Hurt. Nays – Scheidt and Streeter. Mayor Nations declared the motion passed.

LEGISLATION

BILL NO. 2042 PERTAINS TO THE ACCEPTANCE OF PUBLIC
STREETS WITHIN SPRING HILL BLUFFS
SUBDIVISION IN THE CITY OF CHESTERFIELD
(**SECOND READING – PUBLIC WORKS/PARKS
COMMITTEE**)

Councilmember Streeter made a motion, seconded by Councilmember Flachsbart, for a second reading of Bill No. 2042. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2042 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2042, with the following results: Ayes – Brown, Casey, Scheidt, Flachsbart, Durrell, Streeter, Geiger and Hurt. Nays - None. Whereupon Mayor Nations declared Bill No. 2042 approved, passed it and it became **ORDINANCE NO. 1820**.

BILL NO. 2043 PERTAINS TO THE ACCEPTANCE OF PUBLIC
STREETS WITHIN WILDHORSE SPRINGS
SUBDIVISION, PLAT 2, IN THE CITY OF
CHESTERFIELD (**SECOND READING – PUBLIC
WORKS/PARKS COMMITTEE**)

Councilmember Streeter made a motion, seconded by Councilmember Geiger, for a second reading of Bill No. 2043. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2043 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2043, with the following results: Ayes – Casey, Flachsbart, Streeter, Durrell, Brown, Geiger, Hurt and Scheidt. Nays - None. Whereupon Mayor Nations declared Bill No. 2043 approved, passed it and it became **ORDINANCE NO. 1821**.

BILL NO. 2045 APPROVES THE INSTALLATION OF A FIRE HYDRANT ON CLAYTON POINT COURT AND COVENTRY WOODS COURT, 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. 2045. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2045 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2045. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2045 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2045, with the following results: Ayes – Hurt, Casey, Scheidt, Durrell, Streeter, Brown, Flachsbart and Geiger. Nays - None. Whereupon Mayor Nations declared Bill No. 2045 approved, passed it and it became **ORDINANCE NO. 1822**.

BILL NO. 2048 ESTABLISHES MEMBERSHIP CRITERIA FOR THE PUBLIC WORKS CITIZENS ADVISORY GROUP (**FIRST READING – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2048. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2048 was read for the first time.

BILL NO. 2049 AUTHORIZES THE CITY ADMINISTRATOR TO EXECUTE AN ARTERIAL ROAD SYSTEM LANDSCAPE REHABILITATION PROGRAM MEMORANDUM OF UNDERSTANDING WITH THE ST. LOUIS COUNTY DEPARTMENT OF HIGHWAYS AND TRAFFIC REGARDING THE BAXTER ROAD PROJECT, PROJECT #AR-856 (**FIRST READING – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2049. A voice vote was taken with a an affirmative result (Councilmember Flachsbart voted “No”) and the motion was declared passed. Bill No. 2049 was read for the first time.

BILL NO. 2050 GRANTS A FRANCHISE FOR THE ST. LOUIS COUNTY WATER COMPANY D/B/A MISSOURI-AMERICAN WATER COMPANY, CONTAINING THE RIGHT TO USE, FOR A PERIOD OF TWENTY YEARS, THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF

CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, FOR THE PURPOSE OF INSTALLING, EXTENDING, MAINTAINING, AND OPERATING A WATER SYSTEM; REGULATING THE RIGHT TO USE AND EXCAVATE IN SAID STREETS AND OTHER PUBLIC PLACES, PROVIDING THAT THE COMPANY SHALL HOLD THE SAID CITY HARMLESS FROM ALL DAMAGES FROM NEGLIGENCE IN THE CONSTRUCTION AND MAINTENANCE OF SAID WATER SYSTEM AND PROVIDING FOR THE ACCEPTANCE OF THE FRANCHISE BY THE SAID COMPANY (**FIRST READING – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Streeter made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2050. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2050 was read for the first time.

LEGISLATION – PLANNING COMMISSION

BILL NO. 2044 REQUESTS A CHANGE IN ZONING FROM “C8” PLANNED COMMERCIAL DISTRICT TO “PC” PLANNED COMMERCIAL DISTRICT FOR A 23.973 ACRE TRACT OF LAND LOCATED ON SOUTH OUTER FORTY, WITH FRONTAGE ON CHESTERFIELD PARKWAY EAST, EAST OF CLARKSON ROAD/STATE HIGHWAY 340 (P.Z. 43-2001, SSM HEALTH CARE/CENTRAL REGION) (**SECOND READING – PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Scheidt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2044. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Scheidt made a motion, seconded by Councilmember Flachsbart to amend Bill No. 2044, Attachment A. Amendments are as follows: “Article X Chesterfield Village Road Trust Fund, Section A will read “If in the future this property is added to the current City of Chesterfield Outer 40 Trust Fund or any other Trust Fund established by the City, the developer shall contribute to the Chesterfield Village Road Trust Fund or such funds as directed by the City.” Section C was then amended as follows: “Traffic generation-assessment contributions shall be deposited with the City of Chesterfield or St. Louis County in the form of a cash escrow prior to the issuance of building permits.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Geiger then made a motion, seconded by Councilmember Flachsbart, to amend Section 7, Item 13, Power of Review to read: “Upon approval of the Site Development Plan by the Planning Commission, the plan shall be forwarded to the

Planning and Zoning Committee and the City Council for final review and approval." A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2044 was read for the second time, as amended. A roll call vote was taken for passage and approval of Bill No. 2044, with the following results: Ayes – Flachsbart, Brown, Hurt, Casey, Streeter, Geiger, Scheidt and Durrell. Nays - None. Whereupon Mayor Nations declared Bill No. 2044 approved, passed it and it became **ORDINANCE NO. 1823.**

BILL NO. 2046 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO AN “R-3” 10,000 SQUARE-FOOT RESIDENCE DISTRICT FOR A 4.4 ACRE TRACT OF LAND, LOCATED ON THE SOUTH SIDE OF CONWAY ROAD, EAST OF AUGUST HILL ON CONWAY (P.Z. 28-2001, ALVIN D. VITT AND COMPANY – CONWAY ON THE GROVE) (**FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Scheidt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2046. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2046 was read for the first time.

BILL NO. 2047 ESTABLISHES A PLANNED ENVIRONMENT UNIT “PEU” SPECIAL PROCEDURE IN AN “R-3” 10,000 SQUARE-FOOT RESIDENCE DISTRICT FOR A 4.4 ACRE TRACT OF LAND LOCATED ON THE SOUTH SIDE OF CONWAY ROAD, EAST OF AUGUST HILL ON CONWAY (P.Z. 29-2001, ALVIN D. VITT AND COMPANY – CONWAY ON THE GROVE) (**FIRST READING - PLANNING COMMISSION RECOMMENDS APPROVAL**)

Councilmember Scheidt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2047. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2047 was read for the first time. Councilmember Streeter made a motion, seconded by Councilmember Geiger, to restrict units that front Conway Road to 1-1/2 story homes or ranch-style models with a north side entry only. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Streeter made a motion, seconded by Councilmember Flachsbart to revise Attachment A, Page 4, Section 5, Site Specific Criteria, to read: “Gates will be installed at the entrance to this development.” Discussion ensued. A roll call vote was taken with the following results: Ayes – Hurt, Geiger, Flachsbart and Streeter. Nays – Scheidt, Brown, Durrell and Casey. Mayor Nations broke the tie by voting “Aye.”

ADJOURNMENT

Mayor Nations recognized City Attorney Doug Beach. Mr. Beach noted that the issue was raised in the Work Session with regard to adjourning the meeting without a motion to do so. Mr. Beach reported that it is appropriate for the Mayor to ask if there are any additional issues that need to be addressed. If not, then it is permissible to adjourn the meeting without a motion and the Mayor to give a rap of the gavel. Mayor Nations gave a rap of the gavel and the meeting was adjourned at 8:51 p.m.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk