

RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD AT 16052 SWINGLEY RIDGE ROAD

MAY 7, 2001

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 Dan Hurt
Councilmember Mike Casey
Councilmember Mary K. Brown
Councilmember Charles Scheidt

ABSENT

None

The Pledge of Allegiance was led by Boy Scout Troop #677 from Ellisville United Methodist Church: Eric Witthaus, Jon McCutchen, Brandon Linn, Matt Peterson and Tad Aderman. Also in attendance were Troop Leaders Ed Aderman and Gregg Peterson.

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

APPROVAL OF MINUTES

The minutes of the April 16, 2001, City Council meeting were submitted for approval. Councilmember Streeter made a motion to approve the City Council minutes. Councilmember Durrell seconded the motion. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

INTRODUCTORY REMARKS

Mayor John Nations announced that the dedication of the Roger Brown Memorial Pavilion would take place on May 25 at the Chesterfield Valley Athletic Complex. This

pavilion has been made possible through the generosity of Councilmember Mary Brown in memory of her husband, Roger.

Mayor Nations wished Councilmember Scheidt a “Happy Birthday.”

COMMUNICATIONS AND PETITIONS

Dan Harty, 3800 Mueller Road, St. Charles, MO, represented the Coca Cola Company and requested clarification on the proposed contract with Pepsi.

Wes Alman, 3800 Mueller Road, St. Charles, MO, represented the Coca Cola Company and requested clarification on the proposed contract with Pepsi.

Karyn Griffin, who resides at 16657 Chesterfield Manor Drive, supported the installation of a traffic signal at Baxter Road and Ascension Drive.

Beth Cantalin, who resides at 223 Cheval Square Drive, supported the installation of a traffic signal at Baxter Road and Ascension Drive.

Carmen Gassert, who resides at 271 Cheval Square Road, supported the installation of a traffic signal at Baxter Road and Ascension Drive.

Connie Fults, who resides at 129 Brighthurst, supported the installation of a traffic signal at Baxter Road and Ascension Drive.

Robert Paul, who resides at 16776 Chesterfield Bluffs Circle, supported the installation of a traffic signal, but requested that an engineering study be done since the area has changed due to the development of the Valley. He also questioned the placement of signal and the esthetic affect it would have on the entrance of his subdivision. Councilmember Brown stated that St. Louis County determined the placement of the traffic signal at Baxter Road and Ascension Drive.

Dr. Vincent Perna, who resides at 16787 Chesterfield Bluffs Circle, supported the installation of a traffic signal, but requested that an engineering study be done since the area has changed due to the development of the Valley. He also questioned the placement of signal and the esthetic affect it would have on the entrance of his subdivision.

Allan Sheppard, who resides at 826 Judson Manor, quoted Section 85.561 of the Missouri State Statutes and supported the Chief of Police reporting to the Mayor instead of the City Administrator.

John Hammond, who resides at 1203 Walnut Hill Farm, clarified the request from Chesterfield Arts for additional funding this year.

APPOINTMENTS

Mayor Nations nominated Mr. Timothy Engelmeyer as Prosecuting Attorney. Councilmember Streeter made a motion, seconded by Councilmember Brown, to appoint Mr. Tim Engelmeyer as Prosecuting Attorney for the City of Chesterfield for a four-year term. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mr. Engelmeyer's four-year term will expire May 7, 2005.

COUNCIL COMMITTEE REPORTS

Finance and Administration Committee

Councilmember Jane Durrell, Chairperson of the Finance and Administration Committee, reported that the Committee discussed the possibility of whether to keep the \$2,000 current contribution limit or to evaluate each request individually. The Committee voted to change the current policy to allow organizations to receive more than \$2,000 per year, should funds remain after the initial requests in any given year. New requests would be given priority. After much discussion regarding this policy, it was determined to refer the issue back to the Committee for further discussion/review.

Councilmember Durrell next reported that the Committee voted to recommend approval of the proposed Internet Links Policy (see attached). After some discussion, Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, to amend the policy to permit City Council to review and approve any addition to the existing list of links from the City's internet home page. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Durrell made a motion, seconded by Councilmember Streeter, to adopt the City Internet Links Policy, as amended. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Durrell next reported that City Council needs to re-appropriate funds to cover open purchase orders from FY 2000, as is standard procedure according to generally accepted accounting principles. Councilmember Durrell made a motion, seconded by Councilmember Streeter, to re-appropriate funds to cover all open purchase orders from FY2000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Durrell next reported that a budget adjustment would be required in order to pay for the cost of the special election in August 2001 for the Ward II City Council seat. Councilmember Durrell made a motion, seconded by Councilmember Streeter, to transfer \$20,000 from Contingency for the special election to be held in August 2001. 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 Bill No. 1952 approves the contract with MoDOT for construction of a new

culvert under Highway 40 at Long Road. This item will be voted on under the “Legislation” portion of the agenda.

Councilmember Streeter announced that the next meeting of this Committee has been scheduled for May 23 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. 1950 (3-way stop at Chesterfield Estates Drive and Riverdale Circle) and Bill No. 1951 (restricts parking on North Outer Forty at Chesterfield Valley Athletic Complex) will be read for the first time under the “Legislation” portion of the agenda.

Planning and Zoning Committee

Councilmember Charles Scheidt, Chairperson of the Planning and Zoning Committee, reported that Bill No. 1947 (P.Z. 02-2001, Insituform Technologies) and Bill No. 1958 (boundary adjustment plat - Lots 12 and 13 in Spirit Trade Center) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Scheidt next reported that Bill No. 1954 (P.Z. 43-2000, Burgundy Arrow), Bill No. 1956 (P.Z. 27-2000, Lou Fusz) and Bill No. 1957 (P.Z. 13-2001, City of Chesterfield) will be read for the first time under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Scheidt next reported that Resolution No. 272 amends the City of Chesterfield Comprehensive Plan’s performance standards for retail uses. Councilmember Scheidt made a motion, seconded by Councilmember Brown, to adopt Resolution No. 272. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Scheidt next reported that an amendment to the City of Chesterfield Conditional Use Permit (CUP) No. 23 for the Westchester House Nursing Home and Independent Living Facility had been received. The Planning Department recommends that this petition be received and filed. Councilmember Scheidt made a motion, seconded by Councilmember Brown, to receive and file Westchester House CUP amendment. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Scheidt next reported that Resolution No. 273 encourages utility companies to notify property owners, in advance, of all work conducted in utility easements on private property. Councilmember Scheidt made a motion, seconded by Councilmember Hurt, to adopt Resolution No. 273. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Scheidt announced that the next meeting of this Committee has been scheduled for Thursday, May 10 at 5:30 p.m.

REPORT OF THE CITY ADMINISTRATOR

City Administrator Mike Herring reported that Director of Public Works/City Engineer Mike Geisel recommends award of a contract to Kelpo Contracting, in an amount not to exceed \$802,800 for street reconstruction work contained within Project Area "D." This work is funded entirely by the passage of Propositions "R" & "S," as approved by the voters of the City of Chesterfield. Based upon the information provided by Mr. Geisel, Mr. Herring joined with him in recommending approval by City Council of a contract with Kelpo Contracting, in an amount not to exceed \$802,800. Councilmember Scheidt made a motion, seconded by Councilmember Streeter, to award a contract to with Kelpo Contracting, in an amount not to exceed \$802,800, for street reconstruction in Project Area "D." A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that following procedures established by City Council, he officially approved and provided copies to the Mayor and City Council, of a project within Ladue Royale Subdivision, as recommended by Director of Public Works/City Engineer Mike Geisel. This request by Mr. Geisel was also reviewed and approved, in advance, by Director of Finance and Administration Jan Hawn. The policy further requires that City Council subsequently take formal action to approve action taken by City Staff in an "emergency mode." Mr. Geisel addressed this project and the need to take extraordinary action to resolve the situation within the Ladue Royale Subdivision. Councilmember Flachsbart made a motion, seconded by Councilmember Durrell, to approve emergency purchases for Ladue Royale Subdivision and to transfer \$20,550 from Contingency for these purchases. 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 various change orders with regard to the Government Center project. He noted that these costs DO NOT represent cost overruns or additional expenses. Additionally, these costs are fully funded within the overall budget established for this project. Mr. Herring joined with Mr. Geisel in recommending approval of various change orders, totaling \$87,402, with the three construction firms of Lakeside, Von Alst and Fred Luth. Councilmember Casey made a motion, seconded by Councilmember Streeter, to approve the change orders associated with the construction of the new Government Center to the three construction firms of Lakeside, Von Alst and Fred Luth, in an amount not to exceed \$87,402. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Resolution No. 271 extends the contract with Chesterfield Community Development Corporation (CCDC) for the professional services of Col. Lee McKinney, retired head of the U.S. Army Corps of Engineers, St. Louis office. The

renewal will be for a six-month period of time. Current compensation provided for Col. McKinney's services is \$3,500 per month and is fully funded by TIF funds generated within the Chesterfield Valley. Councilmember Brown made a motion, seconded by Councilmember Casey, to adopt Resolution No. 271. 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 recommends award of a contract not to exceed \$513,000 to Broadway Office Interiors, for refurbishing the existing furniture, breaking down and moving the existing furniture, installation of the existing and new furniture and purchase of the remaining furniture for the new Government Center. Mr. Herring noted that all serviceable and usable existing furniture would be used and transferred to the new Government Center. The proposed contract award is well within the budget established for this particular aspect of the project, which totals \$546,000. Having reviewed this information, Mr. Herring joined with Mr. Geisel in recommending award of a contract to Broadway Office Interiors, in an amount not to exceed \$513,000. Councilmember Casey made a motion, seconded by Councilmember Streeter, to award a contract to Broadway Office Interiors, in an amount not to exceed \$513,000, for refurbishing the existing furniture, breaking down and moving the existing furniture, installation of the existing and new furniture and purchase of the remaining furniture for the new Government Center. 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 is recommending award of an exclusive contract to Pepsi for the sale of Pepsi products at both the Chesterfield Valley Athletic Complex and at the Central City Park pool. The action to award this exclusive contract will result in a direct annual cash payment to the City of at least \$7,000. The contract with the operator of the City's concession areas, requires that he purchase soda and soda products from the exclusive provider designated by the City. While it is normal business practice, in concession operations, to select one vendor to provide soda products, the City, by taking this action directly, will also generate an additional amount of revenue. Having reviewed all this information, Mr. Herring joined with Mr. Geisel in recommending approval of an exclusive contract with Pepsi for the provision of Pepsi products at each of the City's concession areas. Councilmember Streeter made a motion, seconded by Councilmember Durrell, to award a contract to Pepsi for the sale of Pepsi products at both the Chesterfield Valley Athletic Complex and the Central City Park pool. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Chesterfield Billiards, located at 1676 Clarkson Road, has requested a liquor license, due to a change in ownership. They are requesting to sell all kinds of liquor by the drink and Sunday sales. Councilmember Streeter made a motion, seconded by Councilmember Casey, to approve issuance of a liquor license to Chesterfield Billiards. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

NEW BUSINESS

There was no new business.

LEGISLATION

BILL NO. 1950 AMENDS ORDINANCE NO. 35, SCHEDULE VI OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING A PROVISION FOR A 3-WAY STOP SIGN AT THE INTERSECTION OF CHESTERFIELD ESTATES DRIVE AND RIVERDALE CIRCLE THERETO (**FIRST READING** – PUBLIC HEALTH AND SAFETY COMMITTEE)

Councilmember Casey made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 1950. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1950 was read for the first time.

BILL NO. 1951 AMENDS ORDINANCE NO. 35, SCHEDULE IX OF THE ORDINANCES OF THE CITY OF CHESTERFIELD BY ADDING PROVISIONS THERETO TO RESTRICT PARKING ON NORTH OUTER FORTY, ADJACENT TO THE CHESTERFIELD VALLEY ATHLETIC COMPLEX (**FIRST READING** – PUBLIC HEALTH AND SAFETY COMMITTEE)

Councilmember Casey made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 1951. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1951 was read for the first time.

BILL NO. 1952 AUTHORIZES THE CITY OF CHESTERFIELD TO ENTER INTO AND EXECUTE A CONTRACT WITH THE MISSOURI DEPARTMENT OF TRANSPORTATION, FOR CONSTRUCTION OF A NEW CULVERT UNDER HIGHWAY 40 AT LONG ROAD, AND AUTHORIZES AND DIRECTS THE CITY ADMINISTRATOR OF THE CITY OF CHESTERFIELD TO ENTER INTO, ON BEHALF OF SAID CITY, A CONTRACT WITH THE MISSOURI DEPARTMENT OF TRANSPORTATION FOR SAID CONSTRUCTION (**FIRST AND SECOND READINGS** – PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)

Councilmember Streeter made a motion, seconded by Councilmember Scheidt, for the first reading of Bill No. 1952. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1952 was read for the first time.

Councilmember Streeter made a motion, seconded by Councilmember Casey, to suspend the rules of Council for the second reading of Bill No. 1952. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Streeter made a motion, seconded by Councilmember Casey to amend Section 1 by adding the following sentence for clarification, “A copy of the contract is attached hereto as Exhibit A.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A motion was then made by Councilmember Streeter, seconded by Councilmember Casey, to read Bill No. 1952, as amended, for the second time. 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 No. 1952, with the following results: Ayes – Streeter, Casey, Brown, Flachsbart, Scheidt, Durrell and Hurt. Nays - None. Whereupon Mayor Nations declared Bill No. 1952 approved, passed it and it became **ORDINANCE NO. 1740.**

LEGISLATION – PLANNING COMMISSION

BILL NO. 1947 AMENDS ORDINANCE NO. 1455, A “PC” PLANNED COMMERCIAL DISTRICT, FOR A 5.59 ACRE TRACT OF LAND LOCATED SOUTH OF CHESTERFIELD AIRPORT ROAD AND WEST OF CEPI ROAD (P.Z. 02-2001, INSITUFORM TECHNOLOGIES) (**SECOND READING – PLANNING COMMISSION AND PLANNING AND ZONING COMMITTEE RECOMMEND APPROVAL**)

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 1947. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1947 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1947, with the following results: Ayes – Hurt, Casey, Flachsbart, Brown, Durrell, Streeter and Scheidt. Nays - None. Whereupon Mayor Nations declared Bill No. 1947 approved, passed it and it became **ORDINANCE NO. 1741.**

BILL NO. 1954 CHANGES IN ZONING FROM “M-3” PLANNED INDUSTRIAL DISTRICT TO “PI” PLANNED INDUSTRIAL DISTRICT FOR A 7 ACRE TRACT OF LAND LOCATED SOUTH OF CHESTERFIELD AIRPORT ROAD AND WEST OF PUBLIC WORKS DRIVE (P.Z. 43-2000, BURGUNDY ARROW) (**FIRST READING – PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for the first reading of Bill No. 1954. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1954 was read for the first time.

BILL NO. 1956 AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “C-8” PLANNED COMMERCIAL DISTRICT, “NU” NON-URBAN DISTRICT, AND AN “M-3” PLANNED INDUSTRIAL DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 6.497 ACRE TRACT OF LAND LOCATED ON CHESTERFIELD AIRPORT ROAD, SOUTH OF HIGHWAY 40 AND EAST OF LONG ROAD (P.Z. 27-2000, LOU FUSZ PROPERTIES, L.L.C. **(FIRST READING – PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL)**)

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for the first reading of Bill No. 1956. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1956 was read for the first time.

BILL NO. 1957 AMENDS SECTION 1003.140, SUBSECTION 4, ITEM 6 OF THE CHESTERFIELD ZONING ORDINANCE BY PROVIDING ADDITIONAL CRITERIA FOR THE PERFORMANCE STANDARDS OF RETAIL DEVELOPMENT (P.Z. 13-2001, CITY OF CHESTERFIELD **(FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL)**)

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for the first reading of Bill No. 1957. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1957 was read for the first time.

BILL NO. 1958 PROVIDES FOR THE APPROVAL OF THE 4.03 ACRE BOUNDARY ADJUSTMENT PLAT, TRUST INDENTURES, WARRANTY DEED AND ESCROW AGREEMENT FOR SPIRIT TRADE CENTER, PLAT TWO, LOTS 12 AND 13, A PLANNED INDUSTRIAL DEVELOPMENT LOCATED SOUTH OF CHESTERFIELD AIRPORT ROAD ON THE WEST SIDE OF TRADE CENTER BOULEVARD **(FIRST AND SECOND READINGS – PLANNING COMMISSION RECOMMENDS APPROVAL)**

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for the first reading of Bill No. 1958. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1958 was read for the first time.

Councilmember Scheidt made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 1958. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 1958 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 1958, with the following results: Ayes – Scheidt, Streeter, Casey, Hurt, Durrell, Flachsbart and Brown. Nays -

None. Whereupon Mayor Nations declared Bill No. 1958 approved, passed it and it became **ORDINANCE NO. 1742.**

ADJOURNMENT

Mayor Nations entertained a motion to temporarily adjourn the meeting to go into Executive Session (closed meeting) to discuss RSMo Section 610.021 (1) litigation. Councilmember Streeter made a motion to adjourn the meeting. Councilmember Brown seconded the motion. A voice roll call vote was taken with the following results: Ayes – Durrell, Hurt, Streeter, Brown, Flachsbart, Scheidt and Casey. Nays – None. The motion was declared passed. The meeting was temporarily adjourned at 8:40 p.m.

After the Executive Session ended at 9:10 p.m., Councilmember Flachsbart made a motion, seconded by Councilmember Streeter to adjourn the regular meeting of City Council. A voice vote was taken with a unanimous affirmative result and the motion to adjourn the meeting was declared passed.

Mayor John Nations

ATTEST:

Martha L. DeMay, City Clerk