



## RECORD OF PROCEEDING

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

**October 7, 2002**

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

The Pledge of Allegiance was led by Bear Cub Scout Troop #805 from Greentrails Elementary School: Blake Beldner, Christian Deines, Sam Miller, Matt Feigenbaum, Drew Larkins, Austin Cordell, Andrew Clark and Adam Rosenfeld. Also in attendance was Troop Leader Terri Beldner.

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

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 Connie Fults

ABSENT

None

APPROVAL OF MINUTES

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

### **INTRODUCTORY REMARKS**

Mayor Nations congratulated City Attorney Doug Beach, for having been elected Vice-President of the Missouri Municipal Attorneys Association.

### **COMMUNICATIONS AND PETITIONS**

Mayor Nations recognized Mike Doster, attorney for the petitioner on P.Z. 38-2001, Davis Land Company, LLC.

Mayor Nations next recognized Darcy Capstick and Ken Denson, Co-Chairpersons for the Citizens Committee for the Environment, who presented a “Green Team” member plaque to Walter C. Crawford, Jr., Executive Director and Simon Davies, Director of Development and Field Studies of the Wild Bird Sanctuary.

### **COUNCIL COMMITTEE REPORTS**

#### **Public Works/Parks Committee**

Councilmember Barry Flachsbart, Chairperson of the Public Works/Parks Committee, reported that St. Louis County Police and the County Department of Highways and Traffic prepared a proposal for a “School Zone, School Crossing and School Speed Limit Policy,” due to increased concern with issues relating to school safety within the public road right-of-way. In their present form, posted school speed limits, school speed zone lengths and the school speed limit times of restrictions vary dramatically from school to school with no logical established standard. The lack of uniformity tends to confuse motorists and exacerbates problems associated with the compliance and enforcement of school speed limits. A task force of County Police and Highway personnel addressed these issues and formed a standard policy for all school zones in the County. The Committee recommends approval of the proposed policy for school zones. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to approve the proposed school zone policy. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Flachsbart next reported that Bill #2104 (approves fire hydrant on Trade Center Boulevard) will be considered for adoption and Bill #2105 (authorizes an agreement with MoDOT regarding cost-sharing for the Highway

340 Enhancement Project) will both be read for the first time under the “Legislation” portion of the agenda.

Councilmember Flachsbart announced that the next meeting on this Committee will take place on November 20 at 5:30 p.m.

### **Finance and Administration Committee**

Councilmember Bruce Geiger, Chairperson of the Finance and Administration Committee, reported that the F&A Committee had recommended that City Council move forward to re-finance the outstanding debt for the Public Works Maintenance Facility. In order to do so, it is necessary to adopt Resolution No. 286, which authorizes refunding of Certificates of Participation for the Public Works Maintenance Facility and, in addition, authorizes the sale of new bonds. Councilmember Geiger made a motion, seconded by Councilmember Flachsbart, to adopt Resolution No. 286. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. With the adoption of the resolution, Councilmember Geiger made a motion, seconded by Councilmember Flachsbart, to schedule a special City Council meeting to approve the final sale of bonds to accomplish this refinancing on Tuesday, October 29 at 12:30 p.m. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger next reported that the City’s Investment Policy, originally adopted in 1992, had become outdated. The City did not have any special revenue, capital projects or debt service funds; therefore, there was no language included pertaining to these types of funds. In addition, the Government Finance Officers Association of the United States and Canada (GFOA) now has a sample investment policy, which organizes the documents better and includes more discussion of pertinent issues. The Committee recommends approval of two proposed substantive changes: a higher level of reporting, as recommended by GFOA and enable the Director of Finance and Administration, as well as the City Administrator to authorize a maximum maturity of 5 years on investments. Councilmember Geiger made a motion, seconded by Councilmember Streeter, to revise the City’s Investment Policy, as stated above. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger next reported that the Committee voted unanimously to recommend an amendment to modify the Fiscal Year 2002 Budget, based on the sale of the TIF bonds approved earlier this year. Councilmember Geiger made a motion, seconded by Councilmember Flachsbart, to approve the amendment to modify the FY 2002 Budget. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger next reported that Bill No. 2106 (extends the cable franchise for Charter Communications) will be read for the first time under the “Legislation” portion of the agenda.

Councilmember Geiger announced that the next meeting of this Committee has been scheduled for October 23 at 5:30 p.m.

### **Planning and Zoning Committee**

Councilmember Dan Hurt, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2094/Ordinance No. 1871 (River Crossings Commercial Development) and Bill No. 2107 (vacation of utility easement in August Hill on Conway) will be considered for adoption and Bill No. 2099 (P.Z. 38-2001, Davis Land Company) will be read for the first time under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Hurt next entertained a motion to approve the site development plan, landscape plan and architectural elevations for Monarch Trace, located on Lydia Hill Drive across from City Park, and to require that each be recorded. A motion was made by Councilmember Flachsbart, seconded by Councilmember Casey, to approve the site development plan, landscape plan and architectural elevations for Monarch Trace, and to require that each be recorded. A voice vote was taken with an affirmative result (Councilmember Streeter voted “No”) and the motion was declared passed.

Councilmember Hurt next discussed proposed modifications to the retail performance standards, with regard to the parking, site design and open space issues on P.Z. 38-2001, Davis Land Company L.L.C. Councilmember Hurt made a motion, seconded by Councilmember Casey, to approve the modifications for P. Z. 38-2001, Davis Land Company L.L.C. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

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

### **Public Health and Safety Committee**

Councilmember Mary Brown, Chairperson of the Public Health and Safety Committee, reported that Chief of Police Ray Johnson reported that one of the requirements of CALEA, for accreditation of our Police Department, is a written Equal Employment Plan. Although the City has been following all the precepts outlined in the plan, it was never written as a single policy/plan for the City.

Councilmember Brown made a motion, seconded by Councilmember Flachsbart, to approve the Equal Employment Plan as submitted. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Brown next reported that Bill No. 2108 (amends ordinances regarding power/duties of Police Reserves) and Bill No. 2109 (clarifies/updates the Code of Ordinances, regarding the Police Personnel Board) will be read for the first time under the “Legislation” portion of the agenda.

Councilmember Brown next reported recent safety concerns regarding solicitation by pedestrians at busy intersections. Councilmember Brown noted that the PH&S Committee recommends that all solicitation at intersections, except by/for those agencies which were grandfathered (Chesterfield Fire Protection District and Old Newsboys Day) be prohibited and to permit Chief of Police Ray Johnson to eliminate any intersection because of safety concerns. Councilmember Brown made a motion that Council adopt this new policy. The motion was seconded by Councilmember Casey and was approved by a unanimous voice vote and the motion was declared passed.

### **REPORT OF THE CITY ADMINISTRATOR**

City Administrator Mike Herring reported that California Pizza Kitchen, 284 Chesterfield Mall, has applied for a liquor license to sell all kinds of liquor by the drink, for consumption on the premises and Sunday sales. This application has been reviewed and approved by both the departments of Police and Planning. Councilmember Casey made a motion, seconded by Councilmember Brown, to approve issuance of a liquor license to California Pizza Kitchen. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported on the request to purchase new finance software. Based upon an extensive process of in-house testing and evaluation, it is Director of Finance and Administration Jan Hawn’s recommendation that the City purchase time-keeping software from Kronos, at a total purchase price of \$33,401, along with an “accruals” module, totaling \$5,300. Combined with additional upgrades as described/recommended, the total cost will be \$47,101. With these purchases it will be possible to postpone the need for a completely new finance package, thus saving approximately \$150,000 from this year’s budget. Councilmember Streeter made a motion, seconded by Councilmember Casey, to purchase the time-keeping software from Kronos, along with the “accruals” module, at a total cost of \$38,701. 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. 2104** APPROVES THE INSTALLATION OF A FIRE HYDRANT ON TRADE CENTER BOULEVARD, LOCATED WITHIN THE CITY OF CHESTERFIELD (**FIRST AND SECOND READINGS - PUBLIC WORKS/PARKS COMMITTEE**)

Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2104. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2104 was read for the first time.

Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, for a second reading of Bill No. 2104. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2104 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2104, with the following results: Ayes – Casey, Hurt, Durrell, Flachsbart, Geiger, Streeter, Fults and Brown. Nays - None. Whereupon Mayor Nations declared Bill No. 2104 approved, passed it and it became **ORDINANCE NO. 1879**.

**BILL NO. 2105** AUTHORIZES THE CITY ADMINISTRATOR TO EXECUTE A MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, STP-URBAN PROGRAM SUPPLEMENTAL AGREEMENT REGARDING THE DESIGN AND CONSTRUCTION OF THE “HIGHWAY 340 ENHANCEMENT PROJECT” (**FIRST READING – PUBLIC WORKS/PARKS COMMITTEE**)

Councilmember Flachsbart made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2105. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2105 was read for the first time.

**BILL NO. 2106** EXTENDS THE TERM OF A NON-EXCLUSIVE CABLE TELEVISION FRANCHISE TO CHARTER COMMUNICATIONS ENTERTAINMENT I, L.P. (**FIRST READING - FINANCE AND ADMINISTRATION COMMITTEE**)

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2106. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2106 was read for the first time.

**BILL NO. 2108** AMENDS ORDINANCE 136, SECTION 7 AND CODE SECTION 24-92 RELATING TO THE POWERS AND DUTIES OF THE POLICE RESERVE FORCE OF THE CITY OF CHESTERFIELD (**FIRST READING – PUBLIC HEATH AND SAFETY COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Brown made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2108. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2108 was read for the first time.

**BILL NO. 2109** INTENDS TO CLARIFY AND UPDATE VARIOUS SECTIONS OF THE CITY CODE RELATIVE TO THE BOARD OF POLICE COMMISSIONERS (**FIRST READING – PUBLIC HEATH AND SAFETY COMMITTEE RECOMMENDS APPROVAL**)

Councilmember Brown made a motion, seconded by Councilmember Streeter, for the first reading of Bill No. 2109. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2109 was read for the first time.

### **LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2094/** AMENDS CITY OF  
CHESTERFIELD ORDINANCE NO.  
**ORD. NO.1871** 1772 GOVERNING THE RIVER CROSSINGS  
(**RECONSIDERATION**) COMMERCIAL DEVELOPMENT, A 15.8 ACRE  
“PC”

PLANNED COMMERCIAL DISTRICT, LOCATED ON CHESTERFIELD AIRPORT ROAD, ACROSS FROM PUBLIC WORKS DRIVE (**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. 2094/Ordinance No. 1871. A voice vote was taken with a

unanimous affirmative result and the motion was declared passed. Bill No. 2094/Ordinance No. 1871 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2094/Ordinance No. 1871. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Hurt made a motion, seconded by Councilmember Casey, to amend Exhibit 2 regarding the monument sign to be located on Highway 40. This sign shall not exceed 50 sq. ft. in outline area and will be changed from 8 feet to 6 feet in height. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Bill No. 2094/Ordinance No. 1871 was read for the second time, as amended. A roll call vote was taken for passage and approval of Bill No. 2094/Ordinance No. 1871, with the following results: Ayes – Hurt, Streeter, Fults, Geiger, Brown, Casey, Flachsbart and Durrell. Nays - None. Whereupon Mayor Nations declared Bill No. 2094/Ordinance No. 1871 approved, as amended.

**BILL NO. 2099** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “C-8” PLANNED COMMERCIAL DISTRICT TO A “PC” PLANNED COMMERCIAL DISTRICT FOR A 1.983 ACRE TRACT OF LAND, LOCATED BETWEEN CLARKSON ROAD AND OLD BAXTER ROAD, SOUTH OF CHESTERFIELD PARKWAY EAST (P.Z. 38-2001) **(FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, BUT ONLY AMENDED AS RECOMMENDED)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2099. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2099 was read for the first time. Councilmember Hurt made a motion, seconded by Councilmember Casey, to amend Section VII, Specific Criteria, D. “Access” by eliminating the current language and replacing it with a new language prepared by City Attorney Doug Beach. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Hurt next made a motion, seconded by Councilmember Casey, to amend Section VII, Specific Criteria, G. “Landscape Plan”, by requiring that 37.5% minimum open space, shall be required for the total tract. A voice vote was taken with a unanimous affirmative result and the motion



was declared passed. Councilmember Hurt next made a motion, seconded by Councilmember Casey, to amend Bill No. 2099, Attachment A, by provisions contained in the green and pink sheets as attached to this proposed ordinance as amended above. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO. 2107** VACATES A FIVE-FOOT WIDE UTILITY EASEMENT IN LOTS 30, 31, 32 AND 33 OF AUGUST HILL OF CONWAY PLAT II, LOCATED IN TOWNSHIP 45 NORTH-RANGE 4 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI **(FIRST AND SECOND READINGS – DEPARTMENTS OF PLANNING AND PUBLIC WORKS RECOMMENDS APPROVAL)**

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2107. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2107 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2107. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2107 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2107, with the following results: Ayes – Durrell, Flachsbart, Hurt, Geiger, Brown, Fults, Casey and Streeter. Nays - None. Whereupon Mayor Nations declared Bill No. 2107 approved, passed it and it became **ORDINANCE NO. 1880**.

**ADJOURNMENT**

Mayor Nations adjourned the meeting at 7:45 p.m.

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Mayor John Nations

**ATTEST:**

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Martha L. DeMay, City Clerk