



RECORD OF PROCEEDING

MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD AT
922 ROOSEVELT PARKWAY, OCTOBER 19, 1992

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

A roll call was taken with the following results:

PRESENTABSENT

Mayor Jack Leonard	None
Councilmember Betty Hathaway	
Councilmember Nancy Greenwood	
Councilmember Susan Clarke	
Councilmember Ed Levinson	
Councilmember Dan Hurt	
Councilmember Alan Politte	
Councilmember Dick Hrabko	
Councilmember Linda Tilley	

The Pledge of Allegiance was led by Brownie Troop #145 from Incarnate Word School: Emily Cobb, Kaitlin McKee, Andrea Aston, Margie Borges, Kirstin Nelson and Lauren Radetic. Also in attendance were Troop Leaders Cindy Radetic and Cheryl Nelson.

Mayor Jack Leonard led the City Council in prayer.

The minutes of the October 5, 1992, meeting was submitted for approval. A motion was made by Councilmember Greenwood, seconded by Councilmember Tilley, to approve the minutes. A voice

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

COMMUNICATIONS AND PETITIONS

Mr. Craig Biesterfeld, an attorney representing Cybertel Cellular Telephone, 720 Olive St., St. Louis, MO, expressed his desire to see the cellular tower located at the requested location and reiterated Cybertel's position in this matter.

Mr. Sterling Kennedy, civil engineer, P.O. Box 974, Bridgeton, MO 63044, and representing the Greater St. Louis Flight Instructors Association, expressed his desire to have the proposed Cybertel tower painted and warning lights added to the top of the tower for safety reasons. There was some discussion with regard to the life of the tower and the range it will transmit signals.

INTRODUCTORY REMARKS

Mayor Leonard stated that the Historical Committee was selling 1993 calendars for \$5.00. The proceeds from the sale of these calendars supports activities of the Historical Committee.

COUNCIL COMMITTEE REPORTS

Planning and Zoning

Councilmember Betty Hathaway, Chairperson of the Planning and Zoning Committee, introduced Resolution #120, regarding the installation of the Cybertel tower. The Committee voted 2 - 2; therefore, this resolution has been forwarded to City Council without a recommendation. Councilmember Hathaway stated that conditions had been set by the Committee to require a high visibility tower, to be painted orange and white with a light at the top of the tower. There was some discussion and clarification by City Attorney Doug Beach on the ruling requiring 2/3 votes (6) on an amendment to any condition established by the Planning Commission regarding a Conditional Use Permit. Councilmember Clarke stated that this proposal did not meet any of the criteria for a Conditional Use Permit for the following reasons: it is not consistent in a residential area; the area is zoned entirely residential on three sides and designated residential in the Comprehensive Plan; it would be a detriment to residential land value; it would not be visually compatible with the permitted uses in the surrounding area, by the nature of the tower; the use is not essentially desirable to preserve and promote the public health, safety and welfare of the residents; and, it is not a public utility in the sense it is not an electric company, water company, etc. A motion was made by Councilmember Hathaway, seconded by Councilmember Levinson, to approve Resolution #120, P.Z. 8-92, John A. and LaVerne Ruether, for the installation of a Cybertel tower on this site. A amendment was made by Councilmember Greenwood, seconded by Councilmember Hurt, that the tower be painted orange and white with lights placed on the top. After additional discussion, a roll call vote was taken with regard to the proposed amendment, with the following results: Ayes - Hathaway, Greenwood, Levinson, Clarke, Hurt, Politte, Hrabko, Tilley. Nays - None. The amendment was declared passed. A roll call vote was then taken on the main motion, as amended, to adopt Resolution #120 with the following results: Ayes - Hathaway, Greenwood, Levinson, Hurt. Nays - Clarke, Politte, Hrabko, Tilley. Mayor Leonard broke the tie by voting "Aye" and the

motion was declared passed.

Councilmember Hathaway next reported that Bill #'s 743 - 745 will be considered for adoption under the Legislation portion of the agenda.

Councilmember Hathaway announced that the next meeting of this Committee has been scheduled for Monday, October 26, 1992, at 5:30 P.M. In addition, a Public Hearing has been scheduled this same date at 7:00 P.M. with regard to the annual update of the Comprehensive Plan.

Public Health and Safety

Councilmember Susan Clarke, Chairperson of the Public Health and Safety Committee, reported that a letter has been sent to the Superintendent of the Parkway School District and all principals of schools within the City of Chesterfield, requesting that they notify the Chesterfield Police Department prior to school events to allow for the provision of better traffic control.

Councilmember Clarke next reported that a letter has been sent to the Missouri Highway Department requesting that additional guardrails be installed on both sides of Clarkson Road at the Chesterfield Parkway overpass. The Highway Department has indicated that it will comply with this request.

Councilmember Clarke next reported that Bill #'s 738 and 746, with regard to a stop sign at the intersection of Clarkson Woods Drive, and Woodlet Park Court, a barricade at Delmar Gardens, respectively, will be considered for adoption under the Legislation portion of the agenda.

Councilmember Clarke announced that the next meeting of this Committee has been scheduled for Thursday, November 5, 1992, at 12:00 Noon.

Finance and Administration

Councilmember Dan Hurt, Chairperson of the Finance and Administration Committee, reported that Bill #740, with regard to the 5% Laclede Gas utilities tax, will be considered for adoption under the Legislation portion of the agenda.

Councilmember Hurt next reported on funding alternative methods, as prepared by Finance Director Jan Hawn. It has been determined that existing funds were not presently available for funding both capital street projects and the government center proposal. The Finance and Administration Committee recommends that the City focus on how to fund the street improvements identified in the Havens and Emerson study. The choice comes down to a pay-as-you-go method versus a bond issue. The worst rated slabs citywide could be found in projects proposed for the first 6 years of the 11 years scheduled developed by Havens and Emerson. The cost for those first 6 years (1993-1998) totaled approximately \$7.183 million, in 1992 dollars. The Committee proposes seeking a bond issue for these first 6 years worth of projects. The debt service on such a bond issue would total approximately \$630,000 per year, for 20 years. The Havens and Emerson study proposed that a certain amount of work be performed annually by the Street Division crews/equipment. Given present staffing/equipment levels, the Street Division can accomplish the annual work load identified within this study, and still have time to address other projects. If project years 1993-1998 are being

constructed, in total, via a bond issue, over 3 years, then during 1993, the Street Division could also address the worst slabs identified for project year 1999. During 1994, after completing the Street Division required repairs, they could also address the worst slabs for project year 2000, and so on. Per the Federal tax laws, the City has to "reasonably expect to complete" the 6 years worth of projects in 3 years, if a general obligation bond issue is used. Additional construction inspectors would be needed, if these projects were to be completed in 3 years. The cost for contractual services, like hiring construction inspectors, would be bond eligible. Council voted in the Work Session to direct Staff to put together a specific proposal related to the street projects only. Included in the motion was authorization for Staff to prepare an RFP and seek bids from Financial Advisors, to assist the City in the bond issue endeavor.

Councilmember Hurt announced that the next meeting of the Finance and Administration Committee has been scheduled for Tuesday, November 10, 1992, at 7:30 A.M.

Public Works/Parks

Councilmember Dick Hrabko, Chairperson of the Public Works/Parks Committee, reported that the Committee voted unanimously to recommend approval of the Chesterfield Valley Study - Phase I. A motion was made by Councilmember Hrabko, seconded by Councilmember Hathaway, to accept this Study. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hrabko next reported that final payment on two change orders with regard to the Street Slab Replacement project is necessary. The cost overrun is due to unanticipated undergrading where the contractor found unsuitable soil material after the pavement had been removed. The Public Works/Parks Committee voted unanimously to recommend the transfer of \$12,000 from the Contingency Fund to cover the cost of the final payment for this project. A motion was made by Councilmember Hrabko, seconded by Councilmember Tilley, to transfer \$12,000 from Contingency Fund to authorize final payment to the contractor for the final payment for the Street Slab Replacement project. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Hrabko next reported that St. Louis County Highway is now offering testing services for municipalities to assist in construction inspection. They have a new lab in Maryland Heights and offer very cost effective, but limited, testing services to municipalities. A recommendation has been made from this Committee to contract with St. Louis County for these services. A motion was made by Councilmember Greenwood, seconded by Councilmember Politte, to contract with St. Louis County for the testing services. A voice vote was taken with an affirmative result (Councilmember Hrabko "Abstained") and the motion was declared passed.

Councilmember Hrabko next reported that Babler State Park has used picnic tables for sale by bid. Council voted unanimously in the Work Session to allocate the expenditure of no more than \$100 for these tables. Councilmember Politte and Staff will examine the picnic tables prior to submitting a bid.

Councilmember Hrabko next reported that the Public Works/Parks Committee had recommended that a survey be mailed to Trustees with regard to the potential use of common ground for recreational purposes. This matter has been sent back to Committee for further review.

Councilmember Hrabko announced that the next meeting of this Committee has been scheduled for Thursday, November 5, 1992, at 7:30 A.M.

LEGISLATION

BILL #738 AMENDS ORDINANCE #35, SCHEDULE VI OF THE ORDINANCES OF THE CITY OF CHESTERFIELD AS IT RELATES TO INTERSECTION STOPS BY ADDING A PROVISION THERETO (PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL)

A motion was made by Councilmember Clarke, seconded by Councilmember Hathaway, for the first reading of Bill #738. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #738 was read for the first time.

A motion was made by Councilmember Clarke, seconded by Councilmember Levinson, to suspend the rules of Council to have both the first and second readings of this proposed ordinance at this Council meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

A motion was made by Councilmember Clarke, seconded by Councilmember Levinson, for a second reading of Bill #738. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #738 was read for the second time. A roll call vote was taken for passage and approval of Bill #738, with the following results: Ayes - Hathaway, Greenwood, Clarke, Levinson, Hurt, Politte, Hrabko and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #738 approved, passed it and it became ORDINANCE #729.

BILL #739 REPEALS ORDINANCE #726 IN TOTAL AND ADOPTS A NEW ORDINANCE TO AUTHORIZE THE PLACEMENT OF A STOP SIGN AT THE INTERSECTION OF CHATEAUGAY DRIVE AND HEATHER CREST DRIVE (PUBLIC HEALTH AND SAFETY COMMITTEE RECOMMENDS APPROVAL)

A motion was made by Councilmember Clarke, seconded by Councilmember Hathaway, for the first reading of Bill #739. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #739 was read for the first time.

A motion was made by Councilmember Clarke, seconded by Councilmember Levinson, to suspend the rules of Council to have both the first and second readings of this proposed ordinance at this Council meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

A motion was made by Councilmember Clarke, seconded by Councilmember Levinson, for a second reading of Bill #739. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #739 was read for the second time. A roll call vote was taken for passage and approval of Bill #739, with the following results: Ayes - Hathaway, Greenwood, Clarke, Levinson, Hurt, Politte, Hrabko and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #739 approved, passed it and it became ORDINANCE #730.

BILL #740 MAINTAINS THE TAX RATE ON GROSS RECEIPTS ON SUPPLYING NATURAL GAS WITHIN THE CITY OF CHESTERFIELD AT 5% OF GROSS RECEIPTS PURSUANT TO SECTION 393.275 (2) RSMO (FINANCE AND ADMINISTRATION COMMITTEE RECOMMENDS APPROVAL)

A motion was made by Councilmember Hurt, seconded by Councilmember Greenwood, for the first reading of Bill #740. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #740 was read for the first time.

A motion was made by Councilmember Hurt, seconded by Councilmember Greenwood, to suspend the rules of Council to have both the first and second readings of this proposed ordinance at this Council meeting. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

A motion was made by Councilmember Hurt, seconded by Councilmember Clarke, for a second reading of Bill #740. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #740 was read for the second time. A roll call vote was taken for passage and approval of Bill #740, with the following results: Ayes - Hathaway, Greenwood, Clarke, Levinson, Hurt, Politte, Hrabko and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #740 approved, passed it and it became ORDINANCE #731.

BILL #741 APPROVES THE INSTALLATION OF FIRE HYDRANTS WITHIN THE CITY OF CHESTERFIELD (**FIRST READING** - PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)

A motion was made by Councilmember Hrabko, seconded by Councilmember Greenwood, for the first reading of Bill #741. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #741 was read for the first time.

BILL #742 APPROVES THE INSTALLATION OF FIRE HYDRANTS WITHIN THE CITY OF CHESTERFIELD (**FIRST READING** - PUBLIC WORKS/PARKS COMMITTEE RECOMMENDS APPROVAL)

A motion was made by Councilmember Hrabko, seconded by Councilmember Greenwood, for the first reading of Bill #742. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #742 was read for the first time.

BILL #746 TO BLOCK ACCESS TO THE EMERGENCY EXIT OF DELMAR GARDENS ENTERPRISES, INC. TO CONWAY ROAD

A motion was made by Councilmember Clarke, seconded by Councilmember Greenwood, for the first reading of Bill #746. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #746 was read for the first time.

LEGISLATION - PLANNING COMMISSION

BILL #743AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF THE "NU" NON-URBAN AND "FPNU" FLOOD PLAIN NON-URBAN DISTRICTS TO "R-1" 1 ACRE RESIDENCE AND "FPR-1" FLOOD PLAIN 1 ACRE RESIDENCE DISTRICTS WITH PLANNED ENVIRONMENT UNIT PROCEDURE FOR A 69.54 ACRE TRACT LOCATED ON THE WEST SIDE OF KEHRS MILL ROAD SOUTH OF WILD HORSE CREEK ROAD (P.Z. 10 & 11-92, R. J. AND J. PARTNERSHIP) (PLANNING COMMISSION RECOMMENDS APPROVAL)

A motion was made by Councilmember Hathaway, seconded by Councilmember Greenwood, for the first reading of Bill #743. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #743 was read for the first time.

A motion was made by Councilmember Hrabko to amend Bill #743 Condition 4 (a) to read as follows: Structure setbacks shall be as follows: Thirty (30) foot front yard; Fifteen (15) foot side yard for lots along the eastern and southern edges of the development; Twelve (12) foot side yard for all other lots; Fifteen (15) foot rear yard. The amendment was seconded by Councilmember Hathaway. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. A motion was made by Councilmember Hathaway, seconded by Councilmember Hrabko, for a second reading of Bill #743, as amended. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #743 was read for the second time. A roll call vote was taken for passage and approval of Bill #743, with the following results: Ayes - Hathaway, Greenwood, Clarke, Levinson, Hurt, Politte, Hrabko and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #743 approved, passed it and it became ORDINANCE #732.

BILL #744AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "NU" NON-URBAN DISTRICT TO AN "R-2" 15,000 SQ. FT. RESIDENCE DISTRICT WITH A PLANNED ENVIRONMENT UNIT PROCEDURE FOR A 7.6 ACRE TRACT OF LAND LOCATED ON THE EAST SIDE OF WILSON ROAD, APPROXIMATELY 200 FT. NORTHWEST OF THE EXISTING INTERSECTION OF WILSON AND CLARKSON ROADS (P.Z. 17 & 18-92, FISCHER & FRICHTEL, INC.) (PLANNING COMMISSION RECOMMENDS APPROVAL)

A motion was made by Councilmember Hathaway, seconded by Councilmember Greenwood, for the first reading of Bill #744. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #744 was read for the first time.

A motion was made by Councilmember Hathaway, seconded by Councilmember Tilley, for a second reading of Bill #744. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #744 was read for the second time. A roll call vote was taken for passage and approval of Bill #744, with the following results: Ayes - Hathaway, Greenwood, Clarke, Levinson, Hurt, Politte, Hrabko and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #744 approved, passed it and it became ORDINANCE #733.

BILL #745APPROVES THE RECORD PLAT FOR CHESTERFIELD VALLEY CENTER

SUBDIVISION PLAT 4 (PLANNING COMMISSION RECOMMENDS
APPROVAL)

A motion was made by Councilmember Hathaway, seconded by Councilmember Tilley, for the first reading of Bill #745. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #745 was read for the first time.

A motion was made by Councilmember Hathaway, seconded by Councilmember Greenwood, for a second reading of Bill #745. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill #745 was read for the second time. A roll call vote was taken for passage and approval of Bill #745, with the following results: Ayes - Hathaway, Greenwood, Clarke, Levinson, Hurt, Politte, Hrabko and Tilley. Nays - None. Whereupon Mayor Leonard declared Bill #745 approved, passed it and it became ORDINANCE #734.

As Council was preparing to adjourn the meeting, City Attorney Doug Beach clarified that with the approval of Resolution #120, regarding the Cybertel tower, the conditions, as approved, would dictate that the tower be a monopole-type structure. If City Council preferred a lattice-type structure, an amendment would have to be made at this time. A motion was made by Councilmember Hurt, seconded by Councilmember Hathaway, to approve a lattice-type structure for the Cybertel tower. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Resolution #120 was amended.

ADJOURNMENT

A motion was made by Councilmember Greenwood, seconded by Councilmember Hrabko, 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 8:00 P.M.

Mayor Jack Leonard

ATTEST:

Martha L. DeMay, City Clerk