



## RECORD OF PROCEEDING

---

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

**December 6, 2004**

---

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

Mayor Nations led everyone in the Pledge of Allegiance and followed with 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 Bruce Geiger  
Councilmember Dan Hurt  
Councilmember Mike Casey  
Councilmember Mary K. Brown  
Councilmember Connie Fults

**ABSENT**

Councilmember Barry Streeter

**APPROVAL OF MINUTES**

The minutes of the November 15, 2004, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Geiger, 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 recognized Councilmember Mary Brown, who announced that Chesterfield Arts was sponsoring ArtFeast on January 21 at the Doubletree Hotel and

Conference Center. She also urged everyone to attend the performance of the Nutcracker Suite and the Bach Society of St. Louis concert all sponsored by Chesterfield Arts. Councilmember Brown also reminded everyone that this organization sponsors many different types of art classes, designed specifically for children.

Mayor Nations announced that City hall would be closed on December 23 for ½ day and all day on both December 24 and December 31.

At this point in time, Mayor Nations recognized Boy Scout Drew Williams to the City Council meeting.

Mayor Nations announced that candidate filing would begin on December 14 at 8 a.m. in the Office of the City Clerk.

Finally, Mayor Nations announced that the next meeting of City Council has been scheduled for January 3 at 7 p.m.

### **COMMUNICATIONS AND PETITIONS**

Mary McCarthy, representing Valley Farmers Market, located at 128 Long Road, supported Bill No. 2320, P.Z. 20-2004, Farmers Valley Market.

Royce Engel, who resides at 135 Ridgecrest Drive, represented Chesterfield Citizens for Responsible Government and supported the proposed Conditional Use Permit, submitted to the City of Maryland Heights by the Creve Coeur Baseball Association, to relocate their baseball fields to the site of the former Arrowhead Airport, in Maryland Heights.

Alan Politte, who resides at 14972 Manor Ridge, spoke as a member of the Chesterfield Community Development Corporation (CCDC), and requested City Council to transfer \$100,000, within the proposed FY2005 Budget, to a “line item” for the CCDC/Economic Development. He further requested that Council authorize disbursement of this appropriation, on a quarterly basis, beginning January 1, 2005.

Mark Leidy, who resides at 17683 Bridgeway Circle, supported Bill No. 2322, the Boundary Adjustment Plat in Wildhorse Subdivision. He and his wife, Diane, are the owners of the property.

Paul Kopsky, 16020 Swingley Ridge Road, attorney for the petitioners, supported Bill No. 2322, the Boundary Adjustment Plat in Wildhorse Subdivision.

Phil Noeholson, Trustee for the Wildhorse Subdivision, supported Bill No. 2322, the Boundary Adjustment Plat in Wildhorse Subdivision.

Bert Gates, attorney for the landowners, supported Bill No. 2322, the Boundary Adjustment Plat in Wildhorse Subdivision.

Mike Doster, attorney for the petitioner, supported Bill No. 2319, P.Z. 10-2004, Barry Simon Development (Fox Hill Farms).

Barry Simon, developer for Fox Hill Farms, supported Bill No. 2319, P.Z. 10-2004, Barry Simon Development (Fox Hill Farms).

Mark Hale, who resides on Eagle Bluff Court, opposed Bill No. 2319, P.Z. 10-2004, Barry Simon Development (Fox Hill Farms).

Pam Handman, who resides on Eagle Bluff Court, opposed Bill No. 2319, P.Z. 10-2004, Barry Simon Development (Fox Hill Farms).

Belinda Boyer, who resides on Riverdale Drive, opposed Bill No. 2319, P.Z. 10-2004, Barry Simon Development (Fox Hill Farms).

Steve Kling opposed Bill No. 2319, P.Z. 10-2004, Barry Simon Development (Fox Hill Farms). In response to some questions/comments from Mr. Kling, City Attorney Doug Beach reaffirmed the position of the City of Chesterfield, regarding this proposed development.

Jim Whalen opposed Bill No. 2319, P.Z. 10-2004, Barry Simon Development (Fox Hill Farms).

John Hammond, who resides at 1203 Walnut Hill Farm, supported Bill No. 2319, P.Z. 10-2004, Barry Simon Development (Fox Hill Farms). Mr. Hammond also supported the relocation of baseball fields in Maryland Heights, as well as accelerating the Highway 141 relocation/expansion project.

Brian Calderwood, who resides at 2024 Meadowbrook Way Drive, requested that the rules and regulations regarding the April municipal election be posted on the City's website. In addition, he stated he was in opposition to the proposed changes in the structure of the Chesterfield Community Development Corporation and the cut in their budget. He suggested that the CCDC budget be put under a specific CCDC line item. Mr. Calderwood requested that the \$5000 budget allocation for Chesterfield Arts be increased. Mr. Calderwood stated he had no position on the proposed relocation of the Maryland Heights baseball fields, but expressed concern over the traffic problems in the Hog Hollow area.

## **COUNCIL COMMITTEE REPORTS**

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

Councilmember Barry Flachsbart, Chairperson of the Public Health and Safety Committee, announced that the next meeting of this Committee has been scheduled for December 20 at 5:30 p.m.

## **Planning and Zoning Committee**

Councilmember Bruce Geiger, Chairperson of the Planning and Zoning Committee, reported that Bill No. 2314 (Stoneridge Office Building – Tristar), Bill No. 2319 (P.Z. 10-2004 – Barry Simon Development – Fox Hill Farms) and Bill No. 2320 (P.Z. 20-2004 – McCarthy, L.L.C. (Farmers Valley Market) would be read for the first time and Bill No. 2322 (Boundary Adjustment Plat – Wildhorse Subdivision) would be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Geiger announced that the next meeting of this Committee scheduled for December 9 at 5:30 p.m. has been cancelled by the petitioner. As a result, the next meeting of this Committee has been rescheduled for January 6, 2005, at 5:30 p.m.

## **Public Works/Parks Committee**

Councilmember Dan Hurt, Chairperson of the Public Works/parks Committee, reported that Bill No. 2321 (Approves the installation of a fire hydrant on Chesterfield Airport Road) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for December 16 at 5:45 p.m.

## **Finance and Administration Committee**

Councilmember Mary Brown, Chairperson of the Finance and Administration Committee, introduced Resolution No. 312, which adopts the FY2005 Budget. Councilmember Brown expressed her gratitude to the residents of Chesterfield for passing Proposition “P”, which has alleviated some of the budget constraints that the City has experienced over the past 2-3 years. Councilmember Brown made a motion to adopt Resolution No. 312, which will adopt the 2005 FY Budget. The motion was seconded by Councilmember Casey. Mayor Nations stated that it would be his recommendation to appropriate \$500,000 of the projected surplus, for FY2005, to Capital Street Improvements. Councilmember Hurt stated that Fund Reserves are currently projected to equal 59%, of the City’s proposed operating budget, which is well above the City policy of 40%. As a result, he suggested adding another \$500,000, from Fund Reserves, to the \$500,000 proposed by the Mayor, as noted above. Discussion ensued. It was noted that the proposed FY2005 Budget, as funded by the ½ cent sales tax for Capital Improvements, already contains \$1.5 million for capital street improvement projects. The \$500,000, from projected surplus, as recommended by Mayor Nations, would increase that number to \$2 million.

Following additional discussion, Councilmember Hurt made a motion, seconded by Councilmember Casey, to amend the FY2005 Budget to transfer an additional \$500,000 from Fund Reserves, during 2005, in addition to the \$500,000 surplus suggested by Mayor Nations, to the \$1.5 million allocated for capital street improvements, bringing the total to \$2.5 million for street repairs in 2005. Councilmember Fults suggested that the

possible use of Fund Reserves, to supplement the capital street improvements budget, be placed on both the Public Works/Parks and Finance and Administration Committee agendas. Mayor Nations then called for a roll call vote, regarding Councilmember Hurt's motion, with the following results: Ayes – Casey, Flachsbart and Hurt. Nays – Fults, Geiger, Durrell, Brown. Mayor Nations declared the motion defeated. The proposal to transfer additional funds, from Fund Reserves to the FY2005 Budget, for capital street improvement projects, was referred to both the Finance and Administration and Public Works/Parks Committees, for further discussion.

Councilmember Hurt then made a motion to specifically allocate the \$500,000 from projected "surplus", with the proposed FY2005 Budget, for capital street improvement projects, during 2005. The motion was seconded by Councilmember Fults. A roll call vote was taken, with the following results: AYES – Flachsbart, Durrell, Hurt, Casey, Brown and Fults; NAYS – Geiger. The proposed FY2005 Budget was amended.

Councilmember Geiger noted that he was certainly willing to allocate additional funds, for capital street improvement projects, but felt that ANY transfer of funds, whether from Fund Reserves or from projected "surplus", should be studied further, as to potential impacts on the City's financial condition, by appropriate Committees of City Council.

Councilmember Brown next made an additional amendment to the proposed FY2005 Budget, regarding the City of Chesterfield taking over the operation of the concession stands at both Chesterfield Valley Athletic Complex and at the Family Aquatic Center, which is located within Central Park. Councilmember Brown stated that Staff had been unable to secure bids from any concessionaires. As a result, if this proposal is approved by City Council, and the proposed FY2005 Budget is amended, City employees will take over this operation. Councilmember Brown made a motion, seconded by Councilmember Casey, to amend the proposed "Parks Fund" of the FY2005 Budget, by approving the move of the concession sales, in house. This would add \$211,025 in revenue and \$263,513 to expenses. She stated that the actual shortfall would be only \$20,488 because the City acquires about \$32,000 from a rebate resulting from the exclusive sale of "Coca Cola" products. It was noted that, during FY2006, Staff had projected a slight profit, of approximately \$20,000, regarding concession sales. A roll call vote was taken with the following results: Ayes – Fults, Flachsbart, Geiger, Durrell, Brown and Casey. Nays – Hurt. Mayor Nations declared the motion passed.

Councilmember Brown made a motion, seconded by Councilmember Geiger, to amend the Budget to delete the \$45,000 revenue that had been previously paid to the City by the concessionaire, who provided services to both the CVAC and the City pool. City Administrator Herring noted that this was a "house-keeping" matter. A roll call vote was taken with the following results: Ayes – Flachsbart, Hurt, Geiger, Fults, Durrell, Brown, Casey. Mayor Nations declared the motion passed.

Councilmember Geiger then made a motion, seconded by Councilmember Durrell, to amend the proposed FY2005 Budget, by transferring \$100,000, from various "personnel" and "operational" categories, within the "City Administrator" budget, to a line item, to be

designated as “Economic Development”, within the Central Services budget of the Finance and Administration. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Geiger next made a motion, seconded by Councilmember Hurt, that no money for Economic Development will be expended from the \$100,000 line item for Economic Development, prior to March 15, unless authorized by the City Council. Prior to March 15, City Council will address and attempt to resolve the question of whether or not “economic development”, in the form of the two remaining CCDC employees, shall be brought “in house”, to City Hall and, if so, under whose supervision. If City Council does not resolve this issue, by March 15, Staff will be authorized to make the first quarterly payment to CCDC, on March 16. A roll call vote was taken with the following results: Ayes – Hurt, Geiger, Durrell and Flachsbart. Nays – Casey, Brown and Fults. Mayor Nation declared the motion passed.

Mayor Nations called for a vote to adopt Resolution No. 312, which will approve the proposed FY2005 Budget, as amended above. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Brown announced that the next meeting of this Committee has been scheduled for December 20 at 7 p.m.

### **REPORT OF THE CITY ADMINISTATOR**

City Administrator Mike Herring reported that as the last step in the process to ensure receipt of revenues from the passage of Proposition P, City Council needs to adopt Resolution No. 311 to implement the ½ cent sales tax for parks as of April 1, 2005. Revenues from this source will be received as of the middle of June, 2005. Councilmember Casey made a motion, seconded by Councilmember Durrell, to adopt Resolution No. 311. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for the “Pathway on the Parkway” project. The City had previously secured grant funding for sixty-percent (60%) of the total cost. Additionally, both Westfield Corporation and St. Louis County had committed a total of \$180,000 towards the “local match”. As a result, the City’s share for this project will only be \$470,000. Based upon all these factors, Mr. Herring joined with Assistant Director of Public Works/Parks Brian McGownd in recommending award of a contract to R.V. Wagner, Inc., in an amount not to exceed \$1,626,000.00. The entire amount of the City’s share of the “local match” is contained within the F.Y. 2004 Budget, as funded by the ½ cent sales tax for Capital Improvements. Councilmember Flachsbart made a motion, seconded by Councilmember Brown, to award a contract to R.V. Wagner, Inc., in an amount not to exceed \$1,626,000.00 for the “Pathway on the Parkway” project. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for the management/operation of the City's Family Aquatic Center, located in Central Park. Having reviewed the information contained therein, Mr. Herring joined with Director of Public Works/City Engineer Mike Geisel, in recommending an award of a one-year contract, to Lifeguards Unlimited, at a total projected annual cost of \$173,992. This recommendation also includes options for an extension of the said contract for up to two (2) additional years (2006 and 2007). Councilmember Casey made a motion, seconded by Councilmember Brown, to award of an initial one-year contract to Lifeguards Unlimited, at a total projected annual cost of \$173,992, for services at the Family Aquatic Center. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that the City has received a liquor license request from Applebee's, to be located at 17392 Chesterfield Airport Road, to serve all kinds of liquor by the drink and Sunday sales. The application for this request has been reviewed by both the Departments of Planning and Police. A motion was made by Councilmember Casey, seconded by Councilmember Durrell, to approve issuance of the liquor license to Applebee's. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that Joe's Crab Shack, to be located at #2 McBride and Sons Center Drive, has requested a liquor license to serve all kinds of liquor by the drink and Sunday sales. The application for this request has been reviewed by both the Departments of Planning and Police. Councilmember Casey made a motion, seconded by Councilmember Fults, to approve issuance of the liquor license. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

## **LEGISLATION**

### **BILL NO. 2321**

**APPROVES THE INSTALLATION OF A FIRE HYDRANT ON CHESTERFIELD AIRPORT ROAD LOCATED WITHIN THE CITY OF CHESTERFIELD (FIRST AND SECOND READINGS – PUBLIC WORKS/PARKS COMMITTEE)**

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, for the first reading of Bill No. 2321. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2321 was read for the first time.

Councilmember Hurt made a motion, seconded by Councilmember Flachsbart, for a second reading of Bill No. 2321. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2321 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2321, with the following results: Ayes – Flachsbart, Brown, Fults, Hurt, Geiger, Casey and Durrell. Nays - None. Whereupon, Mayor Nations declared Bill No. 2321 approved, passed it and it became **ORDINANCE NO. 2142.**

**LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2314**

REPEALS CITY OF CHESTERFIELD ORDINANCE 1943 AND REPLACES IT WITH A NEW ORDINANCE ALLOWING INCREASED SURFACE PARKING IN A “PC” PLANNED COMMERCIAL DISTRICT FOR 9.3 ACRES LOCATED ON THE SOUTH SIDE OF SOUTH OUTER 40 ROAD, NORTHEAST OF YARMOUTH POINT DRIVE AND CANDISH LANE. (STONERIDGE DEVELOPMENT) **(FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE ATTACHED “GREEN SHEETS”)**

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2314. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2314 was read for the first time. Councilmember Geiger made a motion, seconded by Councilmember Hurt, to approve the amendments on the “green sheet.” Councilmember Hurt made a motion, seconded by Councilmember Geiger, to amend Section 5 E, the first sentence of the second paragraph. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Mayor Nations next called for the approval of the amendments which appear on the “green sheet.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO. 2319**

AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO AN “E-1/2- ACRE ESTATE” RESIDENCE DISTRICT FOR A 40.1- ACRE PARCEL LOCATED ON GRIFFITH LANE, SOUTH OF THE TERMINUS OF EAGLE BLUFF COURT, APPROXIMATELY 1500 FEET FROM WILDHORSE CREEK ROAD. LOCATOR NUMBERS 18U32-0015, 19U64-0028, 19U64-0017. (P.Z. 10-2004, BARRY SIMON DEVELOPMENT, FOX HILL FARMS) **(FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE ATTACHED “GREEN SHEET”)**



Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2319. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2319 was read for the first time. Councilmember Geiger made a motion, seconded by Councilmember Casey, to approve amendments 1 and 3 on the “green sheet”. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO. 2320**

AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES AN “NU” NON-URBAN DISTRICT TO “PC” PLANNED COMMERCIAL DISTRICT FOR .45 ACRE TRACT OF LAND, LOCATED EAST OF LONG ROAD AND SOUTH OF CHESTERFIELD AIRPORT ROAD (LOCATOR NUMBER 17V140043) **(FIRST READING – PLANNING COMMISSION RECOMMENDS APPROVAL; PLANNING AND ZONING COMMITTEE RECOMMENDS APPROVAL, BUT ONLY IF AMENDED AS DETAILED IN THE ATTACHED “GREEN SHEET”)**

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2320. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2320 was read for the first time. Councilmember Geiger made a motion, seconded by Councilmember Casey, to approve the amendment on the “green sheet” regarding access. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Councilmember Geiger made a motion, seconded by Councilmember Fults, to amend Section 1, Page 2, A, “pp” for permitted signs, to delete C section 1003.168 Sign Regulations and Section 7 H 3 to delete #3 as written and replace it with “A sign package will be submitted to the Department of Planning in conjunction with the site development concept plan or site development plan as applicable, etc.” A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

**BILL NO. 2322**

APPROVES A BOUNDARY ADJUSTMENT PLAT FOR A TRACT OF LAND BEING PART OF THE “COMMON GROUND” OF WILDHORSE VILLAGE “B” AS RECORDED IN PLAT BOOK 283, PAGES 20-22 OF THE ST. LOUIS COUNTY RECORDS IN THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI **(FIRST AND SECOND READINGS – PLANNING DEPARTMENT RECOMMENDS APPROVAL)**

Councilmember Geiger made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2322. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2322 was read for the first time.

Councilmember Geiger made a motion, seconded by Councilmember Brown, for a second reading of Bill No. 2322. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2322 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2322, with the following results: Ayes – Durrell, Geiger, Brown, Fults, Casey, Flachsbart and Hurt. Nays - None. Whereupon, Mayor Nations declared Bill No. 2322 approved, passed it and it became **ORDINANCE NO. 2143**.

**ADJOURNMENT**

Mayor Nations adjourned the meeting at 9:08 p.m.

---

Mayor John Nations

ATTEST:

---

Martha L. DeMay, City Clerk