

MINUTES
DES PERES BOARD OF ALDERMEN
June 10, 2019
DES PERES GOVERNMENT CENTER

The regular meeting of the Board of Aldermen of the City of Des Peres, Missouri was held at the Des Peres Government Center, 12325 Manchester Road commencing at 7:02 PM on Monday, June 10, 2019.

ROLL CALL

The City Clerk took roll with the following board members present: Alderman Pound, Alderman Kleinschmidt, Alderman Fitzpatrick, Alderman Concagh and Alderman Barrett. Mayor Becker was also present. Alderman Sansone was absent.

Staff members present included the City Administrator, Assistant City Administrator, City Clerk, Director of Public Safety, Director of Finance, Director of Parks and Recreation, and Director of Public Works. City Attorney was absent with excuse.

At this time the Board of Aldermen, staff and citizens rose for the Pledge of Allegiance.

PUBLIC HEARING

1. Petition for an Amended Master Development Plan for 13200 Manchester Road
Allowing for Expansion of the Parking Lot

The City Clerk presented the following exhibits:

- Notice of Public Hearing posted May 23, 2019 on the City Website and at City Hall
- Publication of Notice of Public Hearing in the St. Louis Countian, a newspaper of general circulation, on May 23, 2019
- List of property owners within 200' of subject property who received a notification of the Public Hearing
- Staff Report dated December 5, 2018
- Minutes of the January 3, 2019 Architectural Review Committee Meeting
- Minutes of the May 8th, 2019 Planning & Zoning Commission Meeting
- Petition for Site Plan Approval submitted November 21, 2018
- Plans dated April 23rd, 2019 as provided by Doering Engineering
- Municipal Code of the City of Des Peres and all files related

Hearing no comments from citizens or the Board, Mayor Becker closed the public hearing at 7:06PM.

2. Proposal for a Text Amendment to Appendix C. Zoning District Regulations Relating to Medicinal Marijuana in Commercial Districts

The City Clerk presented the following exhibits:

- Notice of Public Hearing posted May 23, 2019 on the City Website and at City Hall
- Publication of Notice of Public Hearing in the St. Louis Countian, a newspaper of general circulation, on May 23, 2019
- Memo on Local Impact of Amendment 2: Medicinal Cannabis dated February 20, 2019
- Subcommittee Meeting Summary dated March 26, 2019
- Subcommittee Meeting Summary dated April 23, 2019
- Meeting Summary and Minutes from the May 8, 2019 Planning & Zoning Commission Meeting
- Municipal Code of the City of Des Peres and all files related

Assistant City Administrator, Scott Schaefer, provided a presentation to the Mayor & Board outlining the passage of Amendment 2 of the Missouri Constitution, which will provide for the limited legal production, distribution, sale and purchase of medical marijuana for a prescribed list of qualifying health conditions. Mr. Schaefer stated that staff along with the Planning & Zoning Commission drafted the language in proposed Bill 19-2858, which will amend the zoning code to legalize medical marijuana operations within commercial districts on a conditional basis.

Mr. Schaefer stated that a policy must be in place prior to August 3rd, 2019, when the Missouri Department of Health & Senior Services will begin accepting applications.

Alderman Barrett stated that the proposed bill limited the locations of the facilities or dispensaries to remain three hundred feet away from any school, church, daycare center or public park including the Lodge, and three hundred feet away from another medical marijuana operation. Alderman Barrett asked if this would be considered unduly burdensome. Mr. Schaefer stated that similar language has been passed by the City of Ellisville and City of Crestwood, and that creating location parameters would limit the number of facilities or dispensaries allowed but would not prohibit the use.

Hearing no additional comments from citizens or the Board, Mayor Becker closed the Public Hearing at 7:30PM.

3. Request for Special Event – M1 Bank, 11679 Manchester Road
Trees For Vets: Thursday November 27th – Monday December 9th, 2019

The City Clerk presented the following exhibits:

- Notice of Public Hearing posted May 23, 2019 on the City Website and at City Hall
- Application and summary, submitted by the Kaufman Fund, dated May 22, 2019
- Site Plan of 11679 Manchester Road, as provided by the applicant indicating location of event at M1 Bank
- Photos as provided by the applicant
- Municipal Code of the City of Des Peres and all files related

Irwin Loiterstein, Treasurer of the Kaufman Fund, addressed the Board requesting to hold a Christmas tree event at 11679 Manchester Road to benefit veterans.

Mr. Loiterstein stated that a few weeks prior to the event, scheduled for Sunday December 8th, 2019, approximately 325 trees would be delivered to the location and stored in an organized manner in the parking lot. Mr. Loiterstein stated that throughout those weeks scheduled pick-ups of 175 of the trees would occur from area charities, and 125 trees would be given away the day of the event, by appointment only.

Hearing no additional comments from citizens or the Board, Mayor Becker closed the Public Hearing at 7:37PM.

AMENDMENT OF AGENDA - None

CITIZEN COMMENTS

Mary Ann Wagner, Armat Ct, stated that she liked the blue color that was added to the fountain for the Stanley Cup Finals.

REPORTS OF OFFICERS AND COMMITTEES

Report of Boards and Commissions

The Mayor acknowledged the following written reports submitted to the Board of Aldermen:

- a) Report of the Audit & Finance Commission Meeting Held May 29, 2019
- b) Report of the Public Safety Commission Meeting Held June 3, 2019
- c) Report of the Parks & Recreation Commission Meeting Held June 6, 2019

Report of Mayor

The Mayor submitted the following reappointments for consideration by the Board of Aldermen:

- Reappointment of Robert O'Blennis to the Parks & Recreation Commission, term ending 6/30/2022
- Reappointment of Darlene Corley to the Parks & Recreation Commission, term ending 6/30/2022
- Reappointment of Robert Barringer to the Planning & Zoning Commission, term ending 6/30/2023
- Reappointment of John Oeltjen to the Planning & Zoning Commission, term ending 6/30/2023
- Reappointment of Anthony Pawloski to the Planning & Zoning Commission, term ending 6/30/2023

Alderman Concagh moved to approve all reappointments as presented, second by Alderman Barrett. A roll call vote was then taken with the following results: Concagh, AYE; Pound, AYE; Kleinschmidt, AYE; Barrett, AYE; Fitzpatrick, AYE. Motion passed 5-0.

Aldermen Kleinschmidt and Fitzpatrick submitted consideration by the Board of Aldermen for appointment of Matt McGrath to the Public Safety Commission, term expiring 6/30/2020.

Alderman Kleinschmidt moved to approve the appointment of Matt McGrath to the Public Safety Commission, with a term expiring on 6/30/2020, second by Alderman Fitzpatrick. A roll call vote was then taken with the following results: Barrett, AYE; Pound, AYE; Kleinschmidt, AYE; Concagh, AYE; Fitzpatrick, AYE. Motion passed 5-0.

CONSENT AGENDA

Mayor Becker advised that the Consent Agenda has been amended and now consisted of eleven (11) items. Under the Board Rules, all items on the consent agenda can be approved by a single motion and any item on the warrant list may be removed prior to the vote at the request of any individual member of the Board of Aldermen. Items on the consent agenda included:

1. Minutes of the Board of Alderman Meeting Held May 28, 2019
2. Warrant list Dated June 6, 2019
3. R19-3315 Acknowledging Receipt of The Annual Audit and Comprehensive Annual Financial Report (CAFR) for the 2018 Fiscal Year
4. R19-3316 Authorizing Continued Membership in the St Louis Area Insurance Trust

- (SLAIT); and Renewing Workers Compensation Insurance, General Liability and Police Professional Liability Coverage with SLAIT for the Year Beginning July 1, 2019
Fiscal Impact: \$715,122
5. R19-3317 Authorizing Renewal of Property Insurance Coverage with Chubb Insurance
Fiscal Impact: \$101,740
 6. R19-3318 Authorizing Purchase of Public Official Liability Insurance Coverage from XL Caitlin Company for the Year Commencing July 1, 2019 with a Policy Limit of \$2,000,000.00
Fiscal Impact: \$19,455
 7. R19-3319 Authorizing Placement of Cyber Liability Insurance Coverage with Lloyd's of London Effective July 1, 2019 and Adopting a Supplemental Appropriation in the Park Fund Relating Thereto
Fiscal Impact: \$5,975
 8. R19-3320 Authorizing a Contract with TRANE for Purchase of Replacement HVAC Unit and Installation of an Interface to Extend the Building Automated System (BAS) at Public Safety for the Server Room at the Public Safety Building and Authorizing a Supplemental Appropriation Relating Thereto
Fiscal Impact: \$19,453.00
 9. R19-3321 Authorizing a Contract with Banner Equipment for Purchase of Structural Fire Fighting Boots for the Department of Public Safety
Fiscal Impact: \$13,838.00
 10. R19-3322 Granting a Temporary Special Event Permit to the Kaufman Fund and M1 Bank to Host a Charitable Christmas Tree Lot on December 8th, 2019 at 11769 Manchester Road
Fiscal Impact: None
 11. R19-3323 Authorizing a Professional Services Contract with HR Green, Inc For Evaluation of Storm Water Issues on the North Side of Fairoyal Drive and Conceptual Design of Potential Drainage Improvements Relating to Street Water Issues on Fairoyal Drive
Fiscal Impact: \$8,065.00

Alderman Concagh moved to approve the Consent Agenda as amended, second by Alderman Barrett. A roll call vote was then taken with the following results: Fitzpatrick, AYE; Concagh, AYE; Kleinschmidt, AYE; Pound, AYE; Barrett, AYE. Motion passed 5-0.

LEGISLATION (UNFINISHED)

1. Bill 19-2857 An Ordinance Approving a Partial Amended Master Development Plan for A 0.78 Acre Tract of Land Addressed as 13200 Manchester Rd (2nd Reading, Discussion and Consideration for Final Approval)
Fiscal Impact: Diminimus

Alderman Kleinschmidt read Bill 19-2857 for a second time.

Alderman Kleinschmidt moved to approve Bill 19-2857, second by Alderman Fitzpatrick. A roll call vote was then taken with the following results: Fitzpatrick, AYE; Concagh, AYE; Kleinschmidt, AYE; Pound, AYE; Barrett, AYE. Motion passed 5-0.

2. Bill 19-2858 An Ordinance Amending Appendix C. Zoning District Regulations of the Municipal Code of the City of Des Peres, Missouri to Allow for Medical Marijuana Related Uses in Commercial Districts
(2nd Reading, Discussion and Consideration for Final Approval)
Fiscal Impact: Unknown

In the absence of Alderman Sansone, Alderman Barrett read Bill 19-2858 for a second time.

Alderman Concagh made a motion to table Bill 19-2858 until the next meeting, second by Alderman Pound. A roll call vote was then taken with the following results: Fitzpatrick, AYE; Concagh, AYE; Kleinschmidt, AYE; Pound, AYE; Barrett, AYE. Motion passed 5-0.

3. Bill 19-2859 An Ordinance Authorizing a Contract with Patterhn-Ives for Phase II Architectural Services (Design Development) to Evaluate Modifications to the Des Peres Government Center (2nd Reading)
Fiscal Impact: \$51,100.00

Alderman Barrett read Bill 19-2859 for a second time, and moved to approve, second by Alderman Fitzpatrick. A roll call vote was then taken with the following results: Pound, AYE; Barrett, AYE; Kleinschmidt, AYE; Concagh, AYE; Fitzpatrick, AYE. Motion passed 5-0.

4. Bill 19-2861 An Ordinance Authorizing an Agreement with the Missouri Highways and Transportation Commission to Accept Westmark Drive for Public Use and Maintenance Previously Constructed by MODOT (2nd Reading)
Fiscal Impact: None Short Term

Alderman Pound read Bill 19-2861 for a second time, and moved to approve, second by Alderman Barrett. A roll call vote was then taken with the following results: Barrett, AYE; Pound, AYE; Kleinschmidt, AYE; Concagh, AYE; Fitzpatrick, AYE. Motion passed 5-0.

5. R19-3310.1 Authorizing a Contract in the Amount of \$1,052,910.00 with Vee Jay Cement Contracting Company for General Contracting Services for Certain Improvements to Des Peres Park and Adopting a Supplemental Appropriation for the Capital Improvement Fund in the Amount of \$80,000.00 Relating Thereto;
Fiscal Impact: \$1,052,910.00

Alderman Fitzpatrick read Resolution 19-3310.1, and moved to approve, second by Alderman Kleinschmidt. A roll call vote was then taken with the following results: Barrett, AYE; Pound, AYE; Kleinschmidt, AYE; Concagh, AYE; Fitzpatrick, AYE. Motion passed 5-0.

6. R19-3311.1 Authorizing a Contract with McConnell & Associated of St Louis, Inc Utilizing a Cooperative Procurement Contract from the Interlocal Purchasing System (TIPS) for the Installation of Post Tension Concrete Tennis, Pickleball and Shuffleboard Courts in Des Park Park at a Total Cost of \$642,250.00
Fiscal Impact: \$642,250.00

Alderman Pound read Resolution 19-3311.1, and moved to approve, second by Alderman Kleinschmidt. A roll call vote was then taken with the following results: Fitzpatrick, AYE; Concagh, AYE; Kleinschmidt, AYE; Pound, AYE; Barrett, AYE. Motion passed 5-0.

7. R19-3312 Authorizing a Contract with Musco Lighting Utilizing a Cooperative Procurement Contract with the Interlocal Purchasing Systems (TIPS) Cooperative Procurement Program for Purchasing of Sports Lighting for the Des Peres Tennis Court Improvement Project at a cost of \$172,000.00
Fiscal impact: \$ 172,000.00

Alderman Kleinschmidt read Resolution 19-3312, and moved to approve, second by Alderman Fitzpatrick. A roll call vote was then taken with the following results: Fitzpatrick, AYE; Concagh, AYE; Kleinschmidt, AYE; Pound, AYE; Barrett, AYE. Motion passed 5-0.

LEGISLATION (NEW)

1. Bill 19-2857 An Ordinance Authorizing the Mayor to Execute an Agreement for Legal Services with Anthony Pezzani, (Englemeyer & Pezzani LLC) for Services as Prosecuting Attorney (Introduction, Consideration of Waiving the Rules for 2nd Reading and Final Passage and Approval)
Fiscal Impact: \$ 14,200 Retainer

Alderman Fitzpatrick introduced Bill 19-2857, and read it for the first time.

Alderman Fitzpatrick moved to waive the rules and read Bill 19-2857 for a second time, second by Alderman Kleinschmidt. A roll call vote was then taken with the following results: Fitzpatrick, AYE; Concagh, AYE; Kleinschmidt, AYE; Pound, AYE; Barrett, AYE. Motion passed 5-0.

Alderman Fitzpatrick read Bill 19-2857 for a second time, and moved to approve, second by Alderman Kleinschmidt. A roll call vote was then taken with the following results: Fitzpatrick, AYE; Concagh, AYE; Kleinschmidt, AYE; Pound, AYE; Barrett, AYE. Motion passed 5-0.

REPORTS OF STAFF

Report of City Administrator

City Administrator Harms stated that the Chairman of the Planning & Zoning Commission has rescheduled their June 12th, 2019 meeting to June 19th, 2019 due to a potential conflict with gathering a quorum due to Game Seven of the Stanley Cup Finals.

City Administrator Harms reminded the Board that the June 24th, 2019 meeting has been cancelled subject to the call of the Mayor in the event of emergency business that cannot be delayed until the July 8th meeting date.

Report of the City Clerk

City Clerk requested to shred certain documents that are outside of the state mandated retention schedule.

ADJOURNMENT

There being no additional business to come before the regular session of the Board of Aldermen, Alderman Concagh moved to adjourn, second by Alderman Fitzpatrick at 8:03 PM. A roll call vote was then taken with the following results: Fitzpatrick, AYE; Concagh, AYE; Kleinschmidt, AYE; Pound, AYE; Barrett, AYE. Motion passed 5-0.

Minutes prepared by:

Stacey Mann, City Clerk

These minutes have not yet been approved by the Board of Aldermen.

Mark Becker, Mayor

ATTEST:

Stacey Mann, City Clerk