

**MINUTES**  
**DES PERES BOARD OF ALDERMEN**  
**August 26, 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 7:00 PM on Monday, August 26, 2019.

**ROLL CALL**

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

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

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

**PUBLIC HEARING**

On the Recommendation from the Planning & Zoning Commission to Amend Appendix A. Signs of the Municipal Code

The City Clerk presented the following exhibits:

1. Notice of Public Hearing advertised in the St Louis Countian on July 13, 2019
2. Notice of Public Hearing posted at the following locations: (1) Des Peres City Hall, (2) Des Peres Park, (3) The Lodge Des Peres, (4) Des Peres Public Safety Building and (5) Des Peres Website
3. Minutes of the July 10, 2019 P&Z Minutes recommending approval to amend the municipal sign code
4. Proposed Bill 19-2864, An Ordinance Amending the Municipal Sign of the City of Des Peres
5. Municipal Code of the City of Des Peres

Ed Sluys, attorney, stated that he had worked with the Planning & Zoning Commission over the past eighteen months on updating the sign code to ensure its constitutional compliance, focusing more on the quality, location, and size and less on the content of the sign.

Mr. Sluys added that the majority of the proposed changes are within the definitions, but also include a severability clause as well as variance procedures.

Not hearing any comments or concerns Mayor Becker closed the Public Hearing at 7:09PM.

## **AMENDMENT OF AGENDA - None**

## **CITIZEN COMMENTS**

### Presentation by MSD

Brian Hoelscher, Executive Director & CEO of Metropolitan Sewer District, addressed the Board regarding their Operations, Maintenance and Construction Improvement Districts, and the funding for storm-water projects following the failure of Prop S this past election.

Mr. Hoelscher stated that there are two districts within Des Peres, Deer Creek and Sugar Creek. The MSD Board has the authority to assess each district without approval, but they are seeking opinions from affected municipalities on if the City would support which of the following options, 1) allow MSD sole discretion of funding, or 2) allow the municipality to determine how half of the funding is spent.

Mr. Hoelscher added that only those that lived within the OMCI district would be assessed, with commercial properties being included. Mr. Hoelscher stated that they hope to meet with affected municipalities and compile the feedback by late September.

Mayor Becker requested that staff draft a resolution for their review by the end of September.

### Medical Marijuana (Ord 2846)

Tracy McCreery, State Representative for District 88, addressed the board to request that they reconsider Ordinance 2846 that was approved on August 12, 2019, to amend the buffer zone requirement for medicinal marijuana sites.

Sally Barnett, Cochran Engineering, stated that their client, The Healing Center, who has invested funding into 13231-13239 Manchester Road for the purposes of distribution of medicinal marijuana will not be able to occupy the space due to the approved buffer zones. Ms. Barnett stated that the site is 580' away, when measuring door to door, from Kiddie Academy, a childcare provider. Ms. Barnett requested the board reconsider Ordinance 2846, to amend the buffer zone to 500' and to measure using walkable feet, from property line to property line. City Attorney Graville added that regulations regarding the measurement of walkability have not been approved yet from the State.

Heather Henson, Owner of The Healing Center, overviewed the business including its security practices.

Mr. Graville stated that in accordance to Roberts Rules of Order, the Board may reconsider an approved Ordinance at the meeting directly following the meeting in which said ordinance was approved. Mr. Graville added that it must be done so by motion and by an Alderman that voted in favor of the ordinance.

Mayor Becker entertained a motion to reconsider Ordinance 2846. Not hearing a motion, Ordinance 2846 will remain as adopted at the August 12, 2019 meeting.

## **REPORTS OF OFFICERS AND COMMITTEES**

### Report of Boards & Commissions

- Report of the Planning & Zoning Commission Meeting Held August 14, 2019

## **CONSENT AGENDA**

Mayor Becker advised that the Consent Agenda has been amended and now consisted of five (5) 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 Board of Aldermen Meeting of August 12, 2019
2. Warrant List Dated August 22, 2019
3. R19-3331 Adopting Mid-Year Amendments to the 2019 Budget
4. R19-3332 Declaring Certain Firefighter Gear as Surplus and Authorizing Disposal of Same by Donation to the Eolia Community Fire Protection District
5. R19-3333 Authorizing Purchase of Thirty-Six Outer Vests Carrier for the Department of Public Safety; Authorizing a Change in Basic Police Uniforms; and a Supplemental Appropriation Relating Thereto

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

## **LEGISLATION (UNFINISHED)**

1. **Bill 19-2864** An Ordinance Repealing Appendix A. Signs of the Municipal Code and Adopting a New Appendix A. Signs In Lieu Thereof (Discussion and Potential 2<sup>nd</sup> Reading)

Alderman Concagh moved to table Bill 19-2864 until the September 9, 2019 meeting, second by Alderman Sansone. A roll call vote was then taken with the following results: Barrett, AYE; Sansone, AYE; Pound, AYE; Kleinschmidt, AYE; Concagh, AYE. Motion passed 5-0.

2. **Bill 19-2865** An Ordinance Repealing Section 6-51 of the Municipal Code and Adopting a New Section in Lieu Thereof to Adopt the National Electrical Code, 2014 Edition, Together with all Amendments Adopted by St Louis County as the Plumbing Code of the City of Des Peres Effective October 1, 2019 (Discussion – Table to Meeting of September 23, 2019)

Alderman Kleinschmidt moved to table Bill 19-2865 until the September 23, 2019 meeting, second by Alderman Concagh. A roll call vote was then taken with the following results: Concagh, AYE; Kleinschmidt, AYE; Pound, AYE; Sansone, AYE; Barrett, AYE. Motion passed 5-0.

3. **Bill 19-2866** An Ordinance Repealing Section 6-96 of the Municipal Code and Adopting a New Section in Lieu Thereof to Adopt the Uniform Plumbing Code, 2015 Edition, Together with All Amendments Adopted by St Louis County as the Plumbing Code of the City of Des Peres Effective October 1, 2019. (Discussion- Table to Meeting of September 23, 2019)

Alderman Concagh moved to table Bill 19-2866 until the September 23, 2019 meeting, second by Alderman Kleinschmidt. A roll call vote was then taken with the following results: Concagh, AYE; Kleinschmidt, AYE; Pound, AYE; Sansone, AYE; Barrett, AYE. Motion passed 5-0.

## **LEGISLATION (NEW)**

1. **Bill 19-2867** An Ordinance Amending Appendix C Section 410.015 of the Municipal Code Relating to Off-Street Parking Requirements for Barber and Beauty Shops, Nail Salons and Similar Businesses (Introduction, Hold for Public Hearing on September 9, 2019)

Alderman Sansone read Bill 19-2867 for the first time.

2. **Bill 19-2868** An Ordinance Amending Section 406.010(E) of the Municipal Code Relating to Fencing To Allow Chain Link Fencing in Residential Zoning Districts Only Relating to Non-Perimeter Fencing for Sport Courts, Public Parks and Schools (Introduction, Hold for Public Hearing on September 9, 2019)

Alderman Concagh read Bill 19-2868 for the first time.

3. **Bill 19-2869** An Ordinance Approving a Master Development Plan for Colonnade Center and Repealing All Ordinances in Conflict Therewith (Introduction, Hold for Public Hearing on September 9, 2019)

Alderman Sansone read Bill 19-2869 for the first time.

4. **Bill 19-2870** An Ordinance Granting a Conditional Use Permit to Chase Bank for Operation of a Banking Facility at 1131 Colonnade Center (Introduction, Hold for Public Hearing on September 9, 2019)

Alderman Pound read Bill 19-2870 for the first time.

5. **Bill 19-2871** An Ordinance Establishing the Annual Rate of Tax Levy For All Funds at \$0.00 Per \$100 of Assessed Value on All Real Estate and Personal Property Located Within the City of Des Peres for the Year 2019 (Introduction – Hold for Public Hearing on September 9, 2019)

Alderman Barrett read Bill 19-2871 for the first time.

6. **Bill 19-2872** An Ordinance Authorizing a Professional Services Agreement with EFK- Moen LLC for Engineering and Design Services for Enhancements to Manchester Road (State Route 100) and Authorizing a Supplemental Appropriation Relating Thereto (Introduction, Request to Consider Waiving Rules for Passage)

Alderman Kleinschmidt read Bill 19-2872 for the first time.

Alderman Concagh made a motion to waive the rules and read Bill 19-2872 a second time, second by Alderman Barrett. A roll call vote was then taken with the following results: Barrett, AYE; Sansone, AYE; Pound, AYE; Kleinschmidt, AYE; Concagh, AYE. Motion passed 5-0.

Alderman Kleinschmidt read Bill 19-2872 for the second time.

Alderman Kleinschmidt made a motion to approve Bill 19-2872, second by Alderman Concagh. A roll call vote was then taken with the following results: Barrett, AYE; Sansone, AYE; Pound, AYE; Kleinschmidt, AYE; Concagh, AYE. Motion passed 5-0.

## **REPORTS OF STAFF**

### Report of City Administrator

Report of City Clerk

City Clerk provided a memo to the Board designating the Records Clerk, Court Administrator, and Prosecuting Attorney's Assistant as deputy custodians of records for their respective departments.

**ADJOURNMENT**

There being no additional business to come before the regular session of the Board of Aldermen, Alderman Concagh moved to adjourn into executive session pursuant to Section 610.021(1) legal actions, second by Alderman Kleinschmidt at 8:13 PM. A roll call vote was then taken with the following results: Barrett, AYE; Sansone, AYE; Pound, AYE; Kleinschmidt, AYE; Concagh, 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