

**MINUTES  
BOARD OF ALDERMEN  
JANUARY 23, 2023  
DES PERES GOVERNMENT CENTER**

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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 63131, commencing at 7:00 P.M. on Monday, January 23, 2023.

**ROLL CALL**

The City Clerk took roll call with the following elected officials physically present: Alderman Barrett, Alderman Concagh, Alderman Fitzpatrick, Alderman Kleinschmidt, Alderman Osherow and Alderman Pound. Mayor Becker was also present.

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

All present rose for the Pledge of Allegiance.

**AMENDMENT TO AGENDA – NONE**

**PUBLIC HEARING - Multifamily Zoning Amendments**

The City Clerk read aloud the following exhibits relative to the Public Hearing on Multifamily Zoning Amendments:

1. Notice of Public Hearing of January 23, 2023 advertised in the St. Louis Countian and Webster Kirkwood Times on January 5, 2023;
2. Notice of Public Hearing posted at the following locations: (1) Des Peres City Hall, (2) Des Peres Website on January 5, 2023
3. Bill 23-2972 An Ordinance Amending Appendix C: Zoning District Regulations of the Municipal Code of the City of Des Peres, Missouri to Allow Multi-Family Uses in the Planned Development Mixed District (PD-MXD)
4. Transmittal From the Planning & Zoning Commission addressed to the Mayor and Board of Aldermen pertaining to the Zoning Text Amendments, Planned Development Mixed Multifamily Housing Considerations dated December 26, 2022
5. Powerpoint Presentation on Multifamily Zoning Analysis
6. 2015 Comprehensive Plan
7. Memo from PGAV Planners on the Proposed Magnolia Ridge Multifamily Development
8. PGAV Presentation on Multifamily Zoning
9. Transmittal from the Planning & Zoning Commission addressed to The Mayor and Board of Aldermen pertaining to Comprehensive Plan Amendment dated September 21, 2022.
10. Internal memo prepared by the office of the City Administrator dated July 11, 2022 pertaining to the Fiscal Impact of apartment uses
11. Presentation from PGAV Planners and Tim Lowe of the Staenberg Group on the "Future of Retail" dated September 8, 2021
12. Public Hearing presentation on Proposed Amendments on Multifamily uses
13. Municipal Code of the City of Des Peres

Mayor Becker announced the 13 exhibits are received and made into the record.

Assistant City Administrator, Scott Schaefer, presided over a brief presentation outlining the city's proposed Multifamily Zoning Amendments.

Mayor Becker asked if there were any questions or comments from the citizens or board members pertaining to the public hearing on Multifamily Zoning Amendments:

Kevin Lasater, 9 Double Tree Lane, spoke in favor of B23-2972; An Ordinance Amending Appendix C: Zoning District Regulations of the Municipal Code of the City of Des Peres, Missouri to Allow Multi-Family Uses in the Planned Development Mixed District

Matt Bauer, 12400 Kirk Place Drive, spoke in opposition of B23-2972; An Ordinance Amending Appendix C: Zoning District Regulations of the Municipal Code of the City of Des Peres, Missouri to Allow Multi-Family Uses in the Planned Development Mixed District

Kathleen Gmelich, 12318 Ballas Estates Drive, previous Ward I Alderwoman, spoke in opposition of B23-2972; An Ordinance Amending Appendix C: Zoning District Regulations of the Municipal Code of the City of Des Peres, Missouri to Allow Multi-Family Uses in the Planned Development Mixed District

Linda Komlos, 12867 Willow Pond Court, spoke in opposition of B23-2972; An Ordinance Amending Appendix C: Zoning District Regulations of the Municipal Code of the City of Des Peres, Missouri to Allow Multi-Family Uses in the Planned Development Mixed District

Dr. Clayton Scanlon, 12316 Ballas Pond Drive, spoke in favor B23-2972; An Ordinance Amending Appendix C: Zoning District Regulations of the Municipal Code of the City of Des Peres, Missouri to Allow Multi-Family Uses in the Planned Development Mixed District

Mr. Dan Thies – Principal at Barn Owl LLC – spoke in support of B23-2972; An Ordinance Amending Appendix C: Zoning District Regulations of the Municipal Code of the City of Des Peres, Missouri to Allow Multi-Family Uses in the Planned Development Mixed District

Mayor Becker asked if the Board had any questions or comments relating to the Public Hearing.

Alderman Concagh asked if the city is entitled to these specific standards stated in the Multifamily Zoning Amendments. City Attorney Chris Graville stated the purpose of the Multifamily Zoning Amendment is to rezone the districts, not to create a zoning entitlement. Discussion ensued. Alderman Kleinschmidt asked how long the City of Des Peres has been working on these amendments. Assistant City Administrator, Scott Schaefer responded saying six months for the comprehensive plan and six months for the amendments for a total of a full year.

The Public Hearing closed at 7:57 pm.

### **CITIZEN COMMENTS –**

Kevin Lasater, 9 Double Tree Lane, spoke in favor of the Marijuana 3.0% Sales Tax. B23-2976 An Ordinance Imposing a Sales Tax of 3.0% on Retail Sales of Adult Use Marijuana Pursuant to the Authority Granted By and Subject to the Provisions of the Missouri Constitution Article XIV Section 2; Providing That This Retail Sales Tax Shall be in Addition to Any and All Other Tangible Personal Property Retail Sales Allowed by Law; and Providing for Submission to the

Qualified Voters of the City for Their Approval at the General Municipal Election to be Held in the City on April 4, 2023.

Vicki Will, Sawmill BBQ Pub & Grill, announced her and her husband are purchasing Circa Pub located at 1090 Old Des Peres Road. Mrs. and Mr. Will made a request to waive the rules and have their CUP transfer read tonight for second reading. Vicki stated her and her husband are also available for any questions or concerns the board may have. Mayor Becker stated the questions will open when B23-2980 opens during the New Business portion of the agenda.

Dan Welch, Rep from Root 66, spoke in opposition of the B23-2975; An Ordinance Implementing a Moratorium For a Period of 90 Days Following Issuance of Final Rules by the Missouri Department of Health and Senior Services on Consideration of or Issuance of Permits Relating to Operation of Comprehensive Marijuana Dispensaries in the City of Des Peres.

### **CONSENT AGENDA**

Mayor Becker announced that there were nine (9) action items currently under the Consent Agenda. At the request of Mayor Becker, Alderman Concagh read aloud those items individually:

1. Minutes of the Board of Aldermen Meeting of January 9, 2023
2. Warrant List Dated January 19, 2023
3. R23-3651 Authorizing an On-Call Professional Services Agreement with Thouvenot, Wade and Moerchen (TWM) to Perform a Topographic and Boundary Survey of Des Peres Park and the Government Center
4. R23-3652 Authorizing an On-Call Professional Services Agreement with Geotechnology to Conduct Geotechnical and Seismic Surveys of the Public Safety Building and Government Center
5. R23-3653 Declaring NFL Fla/RXC Sports LLC as a Sole Source Vendor for Supplying Jerseys for the NFL Flag Football Youth Program and Authorizing Purchase of Football Jerseys and Flag Football Belts at a cost Not to Exceed \$15,500
6. R23-3654 Authorizing the Director of Public Works to Submit an Application for a Congestion Mitigation and Air Quality (CMAQ) Grant Relating to Construction of a Roundabout on Des Peres Road; Authorizing a Payment of a Refundable Application Fee of \$11,056.76; and Adopting a Supplemental Appropriation in the Capital Improvement Fund Thereto.
7. R23-3655 Authorizing the Director of Public Works to Submit an Application for a Surface Transportation Program (STP) Grant Relating to Improvements to Des Peres Road; Authorizing Payment of a Refundable Grant Application Fee of \$9,591.73; and Adopting a Supplemental Appropriation Relating Thereto.
8. R23-3656 Authorizing Renewal of Cyber Security Licensing from SHI Government Solutions Utilizing Public Sector Contracts Available under the Missouri Cooperative Procurement Program
9. R23-3657 Authorizing the Director of Finance to Write Off Uncollectible Debt for Emergency Ambulance Transportation Service in the Amount of \$16,373.15 for the Period Ending December 31, 2022

Mayor Becker asked if there were any questions or comments pertaining to the consent agenda. Hearing none, Alderman Concagh made a motion, seconded by Alderman Fitzpatrick to approve the nine action items on Consent Agenda as proposed. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick.

“AYE”, Alderman Kleinschmidt, “AYE”, Alderman Osherow, “AYE”, and Alderman Pound, “AYE”. Motion passed 6-0.

## REPORTS OF OFFICERS AND COMMITTEES

- **Reports of Boards and Commissions**
  - Report of the Public Safety Commission Meeting held January 17, 2023

Mayor Becker asked if there were any questions or comments relating to the report. Hearing none, he ordered them filed and received.

## LEGISLATION

### Unfinished Business –

- a. **B23-2972** An Ordinance Amending Appendix C: Zoning District Regulations of the Municipal Code of the City of Des Peres, Missouri to Allow Multi-Family Uses in the Planned Development Mixed District (PD-MXD) (2<sup>nd</sup> Reading)

Alderman Barrett read B23-2972 for the second time.

Alderman Concagh expressed he needs more time to think about this multifamily zoning amendment. Alderman Barrett questioned what Alderman Concagh is needing. Alderman Pound expressed he also has the same concern as Alderman Concagh. Mayor Becker announced he wants everyone to feel comfortable and asked if the Board would like to take this up at the February 13<sup>th</sup> Board of Aldermen.

Alderman Fitzpatrick made a motion, seconded by Alderman Kleinschmidt to table B23-2972 until the February 13, 2023 Board of Aldermen Meeting. A roll call vote was taken with the following results: Alderman Barrett, “AYE”, Alderman Concagh, “AYE”, Alderman Fitzpatrick. “AYE”, Alderman Kleinschmidt, “AYE”, Alderman Osherow, “AYE”, and Alderman Pound, “AYE”. Motion passed 6-0.

- b. **B23-2974** An Ordinance Approving a Boundary Adjustment Plat Between Lots 672 and 676 Westledge Court in the Brighton Heights Subdivision (2<sup>nd</sup> Reading)

Alderman Fitzpatrick read B23-2974 for the second time.

Alderman Fitzpatrick made a motion, seconded by Alderman Kleinschmidt to approve B23-2974. A roll call vote was taken with the following results: Alderman Barrett, “AYE”, Alderman Concagh, “AYE”, Alderman Fitzpatrick. “AYE”, Alderman Kleinschmidt, “AYE”, Alderman Osherow, “AYE”, and Alderman Pound, “AYE”. Motion passed 6-0.

### New Business –

- a. **B23-2975** An Ordinance Implementing a Moratorium For a Period of 90 Days Following Issuance of Final Rules by the Missouri Department of Health and Senior Services on Consideration of or Issuance of Permits Relating to Operation of Comprehensive Marijuana Dispensaries in the City of Des Peres (Introduction, Waiver of the Rules and Consideration of Adoption)

Alderman Osherow read B23-2975 for the first time.

Mayor Becker asked if anyone would like to make a motion to waive the rules and consider B23-2975 for second reading and passage/approval. Alderman Fitzpatrick made a motion, seconded by Alderman Barrett to waive the rules and read B23-2975 for a second time. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick, "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 6-0.

Alderman Barrett expressed his concerns and stated he doesn't want the City to get a reputation of being delay-oriented and encouraged the Board to do what is reasonable. City Attorney, Chris Graville stated the Planning and Zoning Department is very busy and this moratorium would keep them safe.

Alderman Osherow read B23-2975 for a second time.

Alderman Fitzpatrick made a motion, seconded by Alderman Barrett to approve B23-2975. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick, "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 6-0.

- b. **B23-2976** An Ordinance Imposing a Sales Tax of 3.0% on Retail Sales of Adult Use Marijuana Pursuant to the Authority Granted By and Subject to the Provisions of the Missouri Constitution Article XIV Section 2; Providing That This Retail Sales Tax Shall be in Addition to Any and All Other Tangible Personal Property Retail Sales Allowed by Law; and Providing for Submission to the Qualified Voters of the City for Their Approval at the General Municipal Election to be Held in the City on April 4, 2023 (Introduction, Waiver of the Rules and Consideration of Adoption)

Alderman Pound read B23-2976 for the first time.

Mayor Becker asked if anyone would like to make a motion to waive the rules and consider B23-2976 for second reading and passage/approval. Alderman Pound made a motion, seconded by Alderman Kleinschmidt to waive the rules and read B23-2976 for a second time. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick, "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 6-0.

Alderman Pound read B23-2976 for a second time.

Alderman Kleinschmidt made a motion, seconded by Alderman Fitzpatrick to approve B23-2976. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick, "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 6-0.

- c. **B23-2977** An Ordinance Authorizing an Amended Agreement For Legal Services with the Prosecuting Attorney (Introduction)

Alderman Kleinschmidt read B23-2977 for the first time.

Mayor Becker stated this bill will be held until the February 13<sup>th</sup> Board of Aldermen Meeting for second reading and passage/approval at that time.

- d. **B23-2978** An Ordinance Establishing the Salary of the Elected Municipal Judge Effective May 1, 2023 and Repealing All Ordinances in Conflict Therewith (Introduction)

Alderman Concagh read B23-2978 for the first time.

Mayor Becker stated this bill will be held until the February 13<sup>th</sup> Board of Aldermen Meeting for second reading and passage/approval at that time.

- e. **B23-2979** Authorizing a Professional Services Agreement with Planning Design Studio (PDS) for Design and Construction Management Services Relating to Playground Improvements at Des Peres Park for a Price Not to Exceed \$154,000 (Introduction, Waiver of the Rules and Consideration of Adoption)

Alderman Fitzpatrick read B23-2979 for the first time.

Mayor Becker asked if anyone would like to make a motion to waive the rules and consider B23-2978 for second reading and passage/approval. Alderman Osherow made a motion, seconded by Alderman Kleinschmidt to waive the rules and read B23-2979 for a second time. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick, "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 6-0.

Alderman Fitzpatrick read B23-2979 for a second time.

Alderman Osherow made a motion, seconded by Alderman Kleinschmidt to approve B23-2979. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick, "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 6-0.

- f. **B23-2980** An Ordinance Transferring and Reissuing the Conditional Use Permit for Operation of a Restaurant at 1090 Old Des Peres Road to Sawmill BBQ Pub & Grill (Introduction, Request for Waiver of Rules & and Consideration of Adoption)

Alderman Concagh read B23-2980 for the first time.

Mayor Becker asked if anyone would like to make a motion to waive the rules and consider B23-2978 for second reading and passage/approval. Alderman Concagh made a motion, seconded by Alderman Kleinschmidt to waive the rules and read B23-2980 for a second time. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick, "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 6-0.

Alderman Concagh read B23-2980 for a second time.

Alderman Concagh made a motion, seconded by Alderman Kleinschmidt to approve B23-2980. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick. "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 6-0.

- g. R23-3658** Authorizing Issuance of a Liquor License for Sawmill BBQ Pub & Grill for the Year Ending June 30, 2023.

Alderman Barrett read R23-3658.

Alderman Barrett made a motion, seconded by Alderman Concagh to approve R23-3658. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick. "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 6-0.

#### **MISCELLENOUS BUSINESS –**

#### **ADJOURNMENT**

Alderman Concagh made a motion, seconded by Aldermen Osherow to adjourn the Regular Meeting at 9:04 P.M.

Minutes Prepared by:

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Amanda Hurley  
City Clerk

Minutes approved by the Board of Aldermen on the 13<sup>th</sup> day of February, 2023.

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Mark Becker, Mayor

ATTEST:

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Amanda Hurley  
City Clerk