

**MINUTES  
BOARD OF ALDERMEN  
FEBRUARY 27, 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, February 27, 2023.

**ROLL CALL**

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

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

All present rose for the Pledge of Allegiance.

**AMENDMENT TO AGENDA – NONE**

**CITIZEN COMMENTS –**

Yvonne Allen, 1160 Bopp Road, spoke in opposition of Marijuana Dispensaries.

**CONSENT AGENDA**

Mayor Becker announced that there were seven (7) action items currently under the Consent Agenda. At the request of Mayor Becker, Alderman Fitzpatrick read aloud those items individually:

1. **Minutes of the Board of Aldermen Meeting of February 13, 2023**
2. **Warrant List Dated February 23, 2023**
3. **R23-3665 Authorizing a Two Year Contract with RJP for Electric Maintenance Services for Public Buildings**
4. **R23-3666 Authorizing a Two-Year Agreement with Merlo Plumbing for Plumbing Maintenance and Repair Work**
5. **R23-3667 Authorizing a Unit Price Contract with Spencer for Replacement of Three (3) Cul-de-Sacs in Greenbriar Estates Subdivisions**
6. **R23-3668 Authorizing a Unit Price Contract with E. Meier for Concrete Slab Replacements in Bent Brook Subdivision**
7. **R23-3669 Authorizing a Unit Price Contract with Kingsland for Sidewalk Replacement for the Dougherty Ridge and Dougherty Woods Subdivision**

Mayor Becker asked if there were any questions or comments pertaining to the consent agenda. Hearing none, Alderman Osherow made a motion, seconded by Alderman Pound to approve the seven 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

- **Report of the Mayor**
  - Mayor Becker congratulated the City Clerk on obtaining her CMC (Certified Municipal Clerk) through the International Institute of Municipal Clerks.
  - Mayor Becker spoke in opposition of Senate Bill 161 – Repeal of Sales Tax on Food
- **Reports of Boards and Commissions**
  - Subcommittee Reports of the Planning & Zoning Commission held February 15, 2023 and February 21, 2023.
  - Report of Audit & Finance Committee Meeting held February 22, 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 – NONE**

**New Business –**

- a. **B23-2981 An Ordinance of the City of Des Peres, Missouri Amending Section 408.005 of Appendix C. Zoning Regulations of the Des Peres Municipal Code Related to the Issuance of Conditional Use Permits (Introduction, Hold for Public Hearing March 13, 2023)**

Alderman Concagh read B23-2981 for the first time.

Mayor Becker stated B23-2981 will be held until the March 13<sup>th</sup> Board of Aldermen Meeting for Public Hearing and second reading for passage/approval at that time.

- b. **B23-2982 An Ordinance of the City of Des Peres Amending Section 406.015 and Section 406.020 of Appendix C. Zoning Regulations and Section 13-29 of the Des Peres Municipal Code Pertaining to Home Occupations (Introduction, Hold for Public Hearing March 13, 2023)**

Alderman Osherow read B23-2982 for the first time.

Mayor Becker stated B23-2981 will be held until the March 13<sup>th</sup> Board of Aldermen Meeting for Public Hearing and second reading for passage/approval at that time.

- c. **R23-3670 Authorizing an Application to the Missouri Department of Conservation for Permission to Host a Managed Archery Deer Hunt at Phantom Forest and Bittersweet Woods During the 2023 Archery Season**

Alderman Kleinschmidt read R23-3670.

Alderman Kleinschmidt made a motion, seconded by Alderman Osherow to approve R23-3671. A roll call vote was taken with the following results: Alderman Barrett, "NAY", Alderman Concagh, "AYE", Alderman Fitzpatrick, "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 5-1.

**d. R23-3671 Authorizing a Professional Services Agreement with The Lochmueller Group to Conduct a Traffic and Parking Impact Study on Recreational Marijuana Dispensaries and Adopting a Supplemental Appropriation in the amount of \$20,000 Relating Thereto**

Alderman Pound read R23-3671.

Alderman Kleinschmidt thanked the Planning and Zoning Commission for all of their hard work and dedication towards the Marijuana Dispensaries. Alderman Pound expressed his concern about the large amount of money this traffic and parking impact study will be.

Alderman Kleinschmidt made a motion, seconded by Alderman Pound to approve R23-3671. 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.

**MISCELLANEOUS BUSINESS –**

**1. Report of the City Administrator -**

City Administrator, Doug Harms, introduced three items all related to marijuana use in the community. City Administrator wanted the board to discuss each item, then direct staff to finalize a more specific plan of action.

**• Amending Indoor Air Code - Vaping & Marijuana**

The City of Des Peres already has regulations that prohibit smoking of tobacco products in indoor public places which is universal county wide. The suggestion is to extend those prohibitions to include marijuana, marijuana-infused products and to clearly identify vaping as being prohibited the same as smoking.

The Board would like to move forward with the City Attorney and staff drafting legislation that would extend prohibitions to include marijuana, marijuana-infused products and to clearly identify vaping as being prohibited the same as smoking.

**• Prohibiting Smoking of Marijuana in Public Places**

Amendment #3 allows a city to regulate the "time and place where marijuana can be smoked in public places". Concerns have already been expressed at various committee meetings and phone conversations about allowing or prohibiting marijuana smoking in our parks; on public parking lots or sidewalks in the city. The City has heard comments at the Concerts in the Park that the city should prohibit tobacco smoking at such events as being intrusive and offensive to non-smokers. Is the City prepared to make our parks.

The Board would like to move forward with the City Attorney and staff drafting legislation that restricts smoking of marijuana in public places.

- **Miscellaneous Code Provisions Relating to Amendment #3**

The City will need to conform our general ordinances on possession and cultivation of marijuana to mirror Amendment #3; modify regulations that prohibit possession of drug paraphernalia.

Staff is currently doing a review of ordinances that may need modification.

## **2. Report of the Director of Public Safety**

- **2022 Annual Crime Statistics Report**  
Chief Hall gave a presentation on the crime stats for 2022.
- **Update on K9 Unit**  
K9 Officer Obe made an appearance with his handler, Public Safety Officer Elzinga. Officer Elzinga gave a brief summary on K9-Obe's overall progress. Obe is doing a wonderful job at West County Center and he even helps out other cities when needed.

## **ADJOURNMENT**

Alderman Fitzpatrick made a motion, seconded by Aldermen Concagh to adjourn the Regular Meeting at 8:06 P.M. Alderman Pound requested the board go into Executive Session.

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 March, 2023.

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Mark Becker, Mayor

ATTEST:

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Amanda Hurley  
City Clerk