

**MINUTES  
BOARD OF ALDERMEN  
JUNE 13, 2022  
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 7:01 P.M. on Monday, June 13, 2022.

**ROLL CALL**

The Assistant City Administrator took roll with the following elected officials physically present: Alderman Concagh, Alderman Fitzpatrick, and Alderman Pound. Mayor Becker was also present.

Alderman Kleinschmidt, Osherow and Barrett attended the meeting remotely via Zoom.

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

The City Attorney advised that the Board of Aldermen would be conducting business tonight without a physical quorum present on the basis of a health emergency which prevented certain members of the Board of Aldermen from attending in person.

**WORK SESSION RECAP**

Mayor Becker announced that a Work Session of the Board of Aldermen was held prior to the Regular Meeting for the purpose of discussing the following items.

- Des Peres Roundabout Update
- Lodge Staffing – Aquatic Supervisor
- Public Safety K-9 Unit Update

**AMENDMENT TO AGENDA**

Mayor Becker advised that the following legislative items have been added to the agenda under New Business at the request of staff.

1. **B22-2961**      **An Ordinance Approving the First Amendment to the Cost Apportionment Agreement with the Missouri Department of Transportation Relating to Project [STP-555(614)] for Improvements to Manchester Road and Adopting a Supplemental Appropriation in the Amount of \$90,000 Relating Thereto**
  
2. **B22-2962**      **An Ordinance Amending Ordinance 2918 Issuing a Conditional Use Permit to Shake Shack for Operation of a Restaurant with Drive-Thru Service to Correct an Error Relating to the Maximum Permitted Gross Square Feet of the Restaurant**

## **PUBLIC HEARING**

### **1. Petition for a Conditional Use Permit for Operation of a Restaurant**

**PETITIONER: Koibito Poke Fresh Eatery**

**LOCATION: 13275 Manchester Road in Des Peres Pointe**

The Assistant City Administrator read aloud the following exhibits relative to the Public Hearing on Koibito Poke Fresh Eatery:

1. Notice of Public Hearing of June 13, 2022 advertised in the St. Louis Countian on May, 16 2022;
2. Notice of Public Hearing posted at the following locations: (1) Des Peres City Hall, (2) Des Peres Website on May 16<sup>th</sup> 2022
3. Bill 22-2956 An Ordinance Granting A Conditional Use Permit for Operation of a Restaurant to Koibito Poke at 13275 Manchester Rd
4. Public Hearing Notice sent to residents and businesses within a 300 sqft radius of 13275 Manchester Rd.
5. Municipal Code of the City of Des Peres

Following a brief presentation by Shane Yearian on behalf of Koibito Poke, Mayor Becker closed the Public Hearing at 7:05PM.

### **2. Technical Amendments to Correct Scrivener's Error to Section 408.015(D)(8) of the Zoning Code Relating to Medical Marijuana Dispensaries**

**PETITIONER: City of Des Peres, Missouri**

The Assistant City Administrator read aloud the following exhibits relative to the Public Hearing on the proposed technical amendments to Ordinance 2846 which governs medical marijuana uses.

1. Notice of Public Hearing of June 13, 2022 advertised in the St. Louis Countian on May, 16 2022;
2. Notice of Public Hearing posted at the following locations: (1) Des Peres City Hall, (2) Des Peres Website on May 16<sup>th</sup> 2022
3. Bill 22-2959 An Ordinance Amending Section 408.015(D)(8) of the Zoning Code to the Correct a Typographical Error Regarding Medical Marijuana Regulations
4. Email correspondence from Mary Ann Wagner addressed to City Staff dated May 23, 2022 emphasizing discovery of a typographical error under Ordinance 2846
5. Municipal Code of the City of Des Peres

City Administrator Harms advised that the purpose of the legislation was to correct a typographical error that was mistakenly adopted in conjunction with our medical marijuana zoning regulations in August 2019.

Hearing no further comments or questions, Mayor Becker closed the Public Hearing at 7:07PM.

**CITIZEN COMMENTS – None**

## CONSENT AGENDA

Mayor Becker announced that there were ten (10) 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 May 23, 2022
2. Warrant List Dated June 9, 2022
3. R22-3596 Acknowledging Receipt of the Annual Comprehensive Financial Report and Audit for the 2021 Fiscal Year
4. R22-3597 Approving a Parade Permit for St Clement of Rome Relating to a "Walk for the Poor" to be held on September 24, 2022
5. R22-3598 Authorizing Continued Membership in the St Louis Area Insurance Trust (SLAIT); Renewing Workers Compensation, General Liability and Police Professional Liability Coverage for the Year Beginning July 1, 2022 and Adopting a Supplemental Appropriation Relating Thereto
6. R22-3599 Authorizing Purchase of Public Official Liability Insurance Coverage from XL Catlin Company for the Year Commencing July 1, 2022 with a Policy Limit of \$2,000,000 and Adopting a Supplemental Appropriation Relating Thereto
7. R22-3600 Authorizing a Contract for Renewal of Property Insurance Coverage with Selective Insurance Company for the 12 Month Period Commencing July 1, 2022 and Adopting a Supplemental Appropriation Relating Thereto
8. R22-3601 Authorizing Placement of Cyber Liability Insurance Coverage with Lloyd's of London Effective July 1, 2022 and Adopting a Supplemental Appropriation Relating Thereto
9. R22-3602 Authorizing a Unit Price Contract with Traffic Control Co for Pavement Marking and Adopting a Supplemental Appropriation Relating Thereto
10. R22-3603 Adopting a Supplemental Appropriation to the Capital Improvement Fund in the Amount of \$15,500 for Public Safety Equipment and Authorizing Agreements for Purchase and Installation of Police Equipment in New Patrol Vehicles

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

## REPORT OF THE MAYOR – Appointments

Mayor Becker entertained a motion from the Board of Aldermen to approve the following reappointments:

### 1. Public Safety Commission

- Lawrence Beerman as Mayors Representative Term Ending June 30, 2024

### 2. Audit & Finance Committee

- Katrina Pon, Ward One, Term to Expire June 30, 2024
- Brent Dolezalek, Ward Two, Term to Expire June 30, 2024

Following a motion by Alderman Kleinschmidt; seconded by Alderman Concagh, the Board of Aldermen unanimously approved (6-0) the appointments as recommended by Mayor Becker.

## REPORTS OF OFFICERS AND COMMITTEES

Mayor Becker acknowledged the following advisory reports submitted by the various Boards and Commissions:

- Report of the Audit & Finance Commission Meeting of May 25, 2022
- Report of the Board of Adjustment Meeting of May 31, 2022
- Report of the Parks & Recreation Commission Meeting of June 2, 2022
- Report of the Planning & Zoning Commission Meeting of June 8, 2022

## LEGISLATION

### Unfinished Business

**a. B22-2956 An Ordinance Granting a Conditional Use Permit for Operation of a Restaurant to Koibito Poke at 13307 Manchester Road**

Alderman Concagh read B22-2956 for the second time.

Alderman Concagh made a motion, seconded by Alderman Kleinschmidt to approve B22-2956. 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", Alderman Pound, "AYE". Motion passed 6-0.

**b. B22-2957 An Ordinance Approving a Boundary Adjustment Plat Between Lots 187 and 143 in Dougherty Lake Plat 5 Subdivision**

Alderman Fitzpatrick read B22-2957 for the second time.

Alderman Fitzpatrick made a motion, seconded by Alderman Kleinschmidt to approve B22-2957. 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", Alderman Pound, "AYE". Motion passed 6-0.

**c. B22-2958 An Ordinance Amending Section 9.3 Vacation of the Personnel Rules & Regulations of the City of Des Peres**

Alderman Pound read B22-2958 for the second time.

Alderman Pound made a motion, seconded by Alderman Fitzpatrick to approve B22-2958. 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", Alderman Pound, "AYE". Motion passed 6-0.

**d. B22-2959 An Ordinance Amending Section 408.015(D)(8) of the Zoning Code to the Correct a Typographical Error Regarding Medical Marijuana Regulations**

Alderman Barrett read B22-2959 for the second time.

Alderman Barrett made a motion, seconded by Alderman Kleinschmidt to approve B22-2959. 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", Alderman Pound, "AYE". Motion passed 6-0.

**e. R22-3579.1 Declaring FM K-9 a Specialized Provider under the Purchasing Code; Authorizing a Negotiated Contract for Purchase of a Public Safety Canine and Related Initial Training; and Authorizing a Supplemental Appropriation in the Public Safety (Prop P) Fund**

The Director of Public Safety provided a brief explanation of his revised recommendation on the K-9 program which now includes FM-K9 as the preferred vendor in lieu of Vapor Wake. This change is expected to save approximately \$20,000 in upfront costs which includes purchase of the dog, travel expenses, training and lodging. The revised proposal also recommends purchase of a German Shepherd breed over the Shorthaired Pointer based on its superior gun detection abilities and passive composure when interacting with the public.

Alderman Pound questioned whether this particular canine breed would be prone to hip dysplasia as it ages. Director Hall advised that hip complications are highly common with larger dog breeds including German Shepherds. However, the proposed agreement with FM-K9 includes a 2-year limited warranty to protect against certain medical conditions.

Alderman Fitzpatrick made a motion, seconded by Alderman Concagh to approve R22-3579.1 as proposed. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Fitzpatrick, "AYE", Alderman Concagh, "AYE", Alderman Kleinschmidt, "AYE" Alderman Osherow, "AYE", Alderman Pound, and "AYE". Motion passed unanimously on a 6-0 vote.

Aldermen Kleinschmidt voiced is appreciation for those in the community who made financial contributions to support this effort, referencing specifically the \$25,650 in donations already received.

Mayor Becker and Aldermen Concagh formally acknowledged the Director of Public Safety for his hard work and commitment to bringing this project to fruition after months of exhaustive review.

## **New Business**

**a. B22-2960 An Ordinance Vacating a Portion of the Right-of-Way of Old Dougherty Ferry Road from the End of the Cul-de-Sac West a Distance of 110.12 Feet**

Alderman Kleinschmidt read B22-2960 for the first time.

Alderman Kleinschmidt made a motion to waive the rules and have B22-2960 read for a second time, seconded by Alderman Fitzpatrick. 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", Alderman Pound, "AYE". Motion passed 6-0.

Alderman Kleinschmidt read B22-2960 for the second time.

Alderman Kleinschmidt made a motion, seconded by Alderman Fitzpatrick to approve B22-2960. 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", Alderman Pound, "AYE". Motion passed 6-0.

Alderman Kleinschmidt recognized the City Administrator for his creativity in solving this longstanding problem which originated as a contractor storage yard.

**b. B22-2961 An Ordinance Approving the First Amendment to the Cost Apportionment Agreement with the Missouri Department of Transportation Relating to Project [STP-555(614)] for Improvements to Manchester Road and Adopting a Supplemental Appropriation in the Amount of \$90,000 Relating Thereto**

Alderman Pound read B22-2961 for the first time.

Alderman Fitzpatrick made a motion to waive the rules and have B22-2961 read for a second time, seconded by Alderman Concagh. 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", Alderman Pound, "AYE". Motion passed 6-0.

Alderman Pound read B22-2961 for the second time.

Alderman Pound made a motion, seconded by Alderman Kleinschmidt to approve B22-2961. 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", Alderman Pound, "AYE". Motion passed 6-0.

**c. B22-2962 An Ordinance Amending Ordinance 2918 Issuing a Conditional Use Permit to Shake Shack for Operation of a Restaurant with Drive-Thru Service to Correct an Error Relating to the Maximum Permitted Gross Square Feet of the Restaurant**

City Administrator Harms brought attention to a discrepancy between the approved master site plan and the enabling conditional use permit issued to Shake Shack which inadvertently understates the amount of gross floor

area permitted as part of the development. The City Administrator advised that an amendment to the underlying ordinance would suffice to correct the error allowing the developer to remain on schedule.

Alderman Concagh read B22-2962 for the first time.

Alderman Concagh made a motion to waive the rules and have B22-2962 read for a second time, seconded by Alderman Kleinschmidt. 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", Alderman Pound, "AYE". Motion passed 6-0.

Alderman Concagh read B22-2962 for the second time.

Alderman Concagh made a motion, seconded by Alderman Kleinschmidt to approve B22-2962. 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", Alderman Pound, "AYE". Motion passed 6-0.

**d. R22-3604 Resolution Rejecting All Bids Received May 27, 2022 for Construction of a Roundabout on Des Peres Road and Declaring the City's Intention to Rebid the Project in October 2022 for Construction in 2023**

Alderman Pound voiced his objections for committing additional funds to the roundabout project on the basis of extraordinary costs but also the limited community benefit, suggesting that Des Peres residents are not comfortable spending this amount of money for a traffic feature that services a relatively small amount of vehicles. Alderman Pound later asserted his belief that construction pricing is unlikely to subside over the next several months making it very difficult to rebid this fall. Alderman Pound concluded that the city should pursue alternative traffic control methods, such as a signalized intersection, to keep pricing down and minimize further losses on this project.

Director of Public Works advised that a signalized intersection would substantially worsen traffic congestion at that intersection and therefore does not recommend doing so. Alderman Kleinschmidt echoed those comments using Geyer Road in Kirkwood as the example.

Alderman Kleinschmidt made a motion, seconded by Alderman Fitzpatrick to approve R22-3604 as proposed. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Fitzpatrick, "AYE", Alderman Concagh, "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", Alderman Pound, and "AYE". Motion passed unanimously on a 6-0 vote.

## MISCELLANEOUS BUSINESS

### 1. Report of the Public Works Director

- a. Director of Public Works, Steve Meyer, provided a status update on the following street projects tentatively slated for this summer. A slideshow of that summary can be [found here](#) in its entirety.

- [Manchester Road](#) by MoDOT
- Ballas Road by County Highways & Transportation
- Highland Avenue & Shari Drive Reconstruction
- Spring Valley Woods Slab Replacements

### 2. Report of the City Administrator

- a. City Administrator Harms advised that the June 27<sup>th</sup> Regular Board of Aldermen Meeting has been cancelled which is customary to accommodate vacation schedules for both staff and the elected body. The second meeting in July (25<sup>th</sup>) will also be cancelled unless determined otherwise by the Mayor and Board.
- b. The City Administrator opened discussions on the tentative public hearing timeline for Root 66 which is seeking a conditional use permit for operation of a medical marijuana dispensary. That public hearing, unless otherwise directed by the Board of Aldermen, will take place on Monday, July 11<sup>th</sup> during its regular meeting. Hearing no further comments or objections, the City Administrator agreed to move forward with this schedule.

## REQUEST FOR EXECUTIVE SESSION

Staff has not been notified by the Mayor or City Attorney of a request for Executive Session.

## ADJOURNMENT

Alderman Fitzpatrick made a motion, seconded by Aldermen Concagh to adjourn the Regular Meeting at 7:49P.M.

Minutes Prepared by:

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Scott Schaefer  
Assistant City Administrator

Minutes approved by the Board of Aldermen on the 11<sup>th</sup> day of July, 2022.

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Mark Becker, Mayor

ATTEST:

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Scott Schaefer  
Assistant City Administrator