

**MINUTES  
BOARD OF ALDERMEN  
JULY 11, 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 7:00 P.M. on Monday, July 11, 2022.

**ROLL CALL**

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

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

**PUBLIC HEARING**

**Petition for a Conditional Use Permit for Operation of a Medical Marijuana Dispensary**

**PETITIONER: GF Wellness of Fenton dba/ Root66**

**LOCATION: 12095 Manchester Road**

The City Clerk aloud the following exhibits relative to the Public Hearing on Root 66:

1. Notice of Public Hearing of July 11, 2022 advertised in the St. Louis Countian on June 22, 2022
2. Notice of Public Hearing of July 11, 2022 advertised in the Webster Kirkwood Times on June 27, 2022
3. Notice of Public Hearing posted at the following locations: (1) Des Peres City Hall, (2) Des Peres Website on June 22<sup>nd</sup> 2022
4. B22- 2961 Granting a Conditional Use Permit for Operation of a Medical Marijuana Dispensary at 12095 Manchester Road to GF Wellness Fenton LLC (Introduction)
5. Public Hearing Notice sent to businesses within a 200 sqft radius of 12095 Manchester Rd.
6. Municipal Code of the City of Des Peres
7. Missouri Constitutional Amendment 2 approved by Missouri voters on November 6, 2018 guaranteeing patient access to medical marijuana and providing for the limited production, distribution, testing, sale and purchase of marijuana for medicinal purposes statewide
8. Findings of Fact issued by the Des Peres Board of Adjustment regarding the appeal of Briann Realty and the decision of the Zoning Enforcement Officer that the property located at 12095 Manchester Road complied with the requirements of City Code Section 408.015.D.2
9. Zoning Enforcement Officer Staff Report relative to the Findings of Fact referenced herein

10. Staff memo dated August 2, 2019 regarding medical marijuana buffer zones
11. Staff memo dated May 20, 2019 on zoning considerations relative to medical marijuana
12. Staff memo dated February 20, 2019 regarding statewide passage of Amendment 2
13. Mayor wanted to add to the record, he received 30 signed petitions opposing the medical marijuana dispensary from Des Peres residents.

Representing Root 66, Dan Welsh and his team (Joe Delia, Mike Diekes and Rachel Shenk) gave a presentation describing Root 66. Dan gave detail description of how the outside and inside would look, how the entrances/exits flow and described how security would work. Mr. Welsh also spoke about potentially having a partnership with the City of Des Peres.

Mary Traiteur, resident of Des Peres, stated she works in the medical field and had several questions for Dan Welsh pertaining to the THC content in the marijuana.

Grandview resident, asked if “real doctors” with PhDs hand out the Medical Marijuana cards.

Tom Evola, 33-year resident of Des Peres, stated the proposed exterior design of Root 66 does not look high-end. Mr. Evola suggested changing the design to get an upscale appearance.

Alderman Concagh asked Dan Welsh if medical marijuana goes recreational, how would that affect his business. Mr. Welsh stated he will comply with what is passed in legislation. Root 66 would have to reapply with the City of Des Peres and start the process over.

City Administrator Doug Harms asked Mr. Welsh, if Root 66 would go to recreational, would parking be accommodated? Would Root 66 be able to handle the activity? Mr. Welsh stated that parking won't be a problem, that patients are typically in and out of the store within five to seven minutes. City Administrator also asked about the sales per day. Mr. Welsh stated between seven and nine thousand are produced a day in sales.

Alderman Fitzpatrick asked if there is a specific age when you can receive your medical marijuana card. Dan Welsh stated you have to be twenty-one years of age to receive your medical marijuana card.

Alderman John Pound stated Dan Welsh mentioned a partnership between Root 66 and The City of Des Peres, which was never discussed with the Board. Chris Graville clarified Mr. Welsh is wanting a potential partnership with the city. Alderman Pound expressed he is uncomfortable with a partnership with Root 66. Mayor Becker stated the legislation does not mention any type partnership.

Mayor Becker closed the Public Hearing at 7:52 PM.

**CITIZEN COMMENTS – NONE**

**CONSENT AGENDA**

Mayor Becker announced that there were four (4) items currently under the Consent Agenda. At the request of Mayor Becker, Alderman Pound read aloud those items individually:

1. Minutes of the Board of Aldermen Meeting of June 13, 2022
2. Warrant List Dated July 7, 2022
3. R22-3605 Authorizing an Agreement with Compass Minerals for Purchase and Delivery of Salt Through the APWA Salt Cooperative
4. R22-3606 Authorizing a Unit-Price Contract with Sweetens Concrete Services for Improvements to Georgian Trail and Sandalwood Ct at a cost of \$319,429.29; Accepting an OMCI Grant from MSD in the amount of \$39,349 Relating to the Project; and Amending the 2022 Capital Improvement Fund Budget with adopting of a Supplemental Appropriation in the amount of \$92,500 Relating Thereto

Alderman Pound made a motion, seconded by Alderman Osherow 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**

**a. Proclamation**

Mayor Becker recognized Steve Braddock, Parks Superintendent on his retirement after 44 years with the City of Des Peres. A proclamation and a piece of art work were presented to Steve at the concert in Des Peres Park on Friday July 8, 2022.

**b. Appointments**

Alderman Kleinschmidt made a motion, seconded by Alderman Fitzpatrick to approve Patrick Walsh to the Board of Adjustment for a five year term ending 2027, along with the other remaining vacancies or incumbents serving on expired terms or with terms to expire June 30, 2022. 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.

- Board of Adjustment - Patrick Walsh, 5 Year Term Ending May 31, 2027
- Other remaining vacancies or incumbents serving on expired terms or with terms to expire June 30, 2022. (SEE CHART BELOW)

Commission	Name	New Term Expires	Ward
Audit & Finance	Vacant (Ted McNulty)	6/30/2024	3
Parks & Recreation	Lawrence Reutter	6/30/2025	1
Parks & Recreation	Tim Callahan	6/30/2025	2
Parks & Recreation	Darlene Corley	6/30/2025	3
Planning & Zoning	Mary McGrath	6/30/2026	2

**Appointments by the Board of Aldermen**

**a. Public Safety Commission - Ward 1, Bob Ashcraft Term Ending June 30, 2023**

Alderman Osherow made a motion, seconded by Alderman Pound to approve Bob Ashcraft to the Public Safety Commission for a term ending June 30, 2023. 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.

**b. Public Safety Commission - Ward 2, Matt McGrath Term Ending June 30, 2024**

Alderman Fitzpatrick made a motion, seconded by Alderman Kleinschmidt to approve Matt McGrath to the Public Safety Commission for a term ending June 30, 2024. 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.

## LEGISLATION

Unfinished Business – NONE

New Business

**a. B22- 2961 Granting a Conditional Use Permit for Operation of a Medical Marijuana Dispensary at 12095 Manchester Road to GF Wellness Fenton LLC (Introduction)**

City Administrator stated there needs to be a change to the B22-2961. On Page 4. Section F. – the verbiage after "office space" needs to be removed.

Alderman Fitzpatrick made a motion, seconded by Alderman Osherow to remove the verbiage after "office space" on B22-2961, page 4, section F. 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.

Alderman Osherow read B22-2961 for the first time.

B22-2961 will be held over to the August 8<sup>th</sup> Board of Aldermen Meeting for further consideration.

## MISCELLANEOUS BUSINESS

**1. Report of the City Clerk**

- a. City Clerk reminded the Board that the second meeting in July (July 25<sup>th</sup>) is cancelled due to the summer schedule.

**2. Report of the City Administrator**

**a. ISO Building Code Effectiveness Rating - Class 4**

City Administrator Doug Harms informed the board that The Department of Public Works recently received notice from the ISO that the city's department Building Code Effectiveness Rating has been upgraded from a Class 10 and returned to our prior Class 4 rating. The department was downgraded in 2017

from Class 4 to Class 10 due to our failure to upgrade our building code in a timely manner.

b. **Request of Oasis Pools for Amendment to Swimming Pool and Spa Code to Allow Powered Safety Covers in Lieu of Fencing for Private Swimming Pools.**

City Administrator Doug Harms stated staff received a request from Oasis Pools on behalf of a homeowner on Highland desiring to install a pool. Under the city's Swimming Pool & Spa Code, pools must be enclosed by a minimum 4'feet with locking gates. The Director of Public Works is recommending against the change due to concerns that powered covers are not closed automatically and still have the element of human error or inattention that might leave an unattended pool open as an attractive nuisance and danger in neighborhoods.

Alderman Kleinschmidt stated he was against the amendment. It was decided by the board to keep things as is and not to change the pool code.

**REQUEST FOR EXECUTIVE SESSION**

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

**ADJOURNMENT**

Alderman Osherow made a motion, seconded by Aldermen Barrett to adjourn the Regular Meeting at 8:09 P.M.

Minutes Prepared by:

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Amanda Hurley  
City Clerk

Minutes approved by the Board of Aldermen on the 8<sup>th</sup> day of August, 2022.

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Mark Becker, Mayor

ATTEST:

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Amanda Hurley  
City Clerk