

**MINUTES
BOARD OF ALDERMEN
SEPTEMBER 18, 2023
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 63131, commencing at 7:01 P.M. on Monday, September 18, 2023.

WORK SESSION

Prior to the Regular Board of Aldermen, a Work Session Meeting took place commencing at 6:01pm at the Des Peres Government Center, 12325 Manchester Road 63131, Finance Director, Tracy Hansen presented the proposed 2024 Capital Improvement Fund Budget.

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, Director of Public Works, Director of Finance, Director of Public Safety, Director of Parks and Recreation, City Clerk, HR Coordinator and City Attorney.

All present rose for the Pledge of Allegiance.

AMENDMENT TO AGENDA – NONE

PUBLIC HEARING

Proposed Rezoning of Barrett Park Subdivision from C-1 with CUP as a “Planned Business Center” and 13589 Manchester to Planned Development Commercial (PD-C) and Re-Adoption of the Master Development Plan for Barrett Park Subdivision and Re-Adoption of Master Plans for Lots #1 (Sam’s Wholesale), Lot #2 (Title Partners), Lot #3 (Family Christian Church, Lot #5 (Habitat ReStore) and 13589 Manchester (Ameren Substation)

PETITIONER: City of Des Peres

The City Clerk read aloud the following thirteen Public Hearing Exhibits:

1. Notice of Public Hearing of September 18, 2023 advertised in the St. Louis Countian and Webster Kirkwood Times on August 25, 2023;
2. Notice of Public Hearing posted at the following locations: (1) Des Peres City Hall, (2) Des Peres Website on August 25, 2023
3. Public Hearing Notice Sent to Residents/ Business Owners within 185 feet
4. Memo from Mayor Mark Becker to rezone certain existing Developments from “C-1” to “PD-C” with readoption of approved master development plans
5. Map of Proposed rezoning location
6. Planning and Zoning Minutes from Wednesday August 9th, 2023

7. B23-3002 an ordinance rezoning certain properties located in Barrett Park subdivision from c-1 commercial to planned development commercial and readopting master plans previously approved for developments within Barrett Park subdivision as the master development plans under section 412 of the Des Peres municipal code and repealing all ordinances in conflict therewith
8. B23-3003 an ordinance re-adopting the master development plan for lot #1 of Barrett Park subdivision
9. B23-3004 an ordinance readopting the master development plan for lot #2 of Barrett Park Subdivision
10. B23-3005 an ordinance readopting the master development plan for lot #3 of Barrett Park Subdivision
11. B23-3006 an ordinance readopting the master development plan for lot #5 of Barrett Park Subdivision
12. B23-3007 an ordinance readopting the master development plan for the AmerenUE Substation at 13589 Manchester Rd
13. Municipal Code of the City of Des Peres

The thirteen Public Hearing Exhibits were received and made a part of the record.

City Planner, Kate Crimmins presented on the rezoning of the proposed properties located in Barrett Park Subdivision. Ms. Crimmins gave a brief summary of the new recommendations for each location.

Mayor Becker asked if there were any questions or concerns from the board or audience. Hearing none, the Public Hearing for the Proposed Rezoning of Barrett Park Subdivision closed at 7:14pm

**Proposed Preliminary Development Plan for Lot #4 of Barrett Park Subdivision
Allowing for Development of a Warehouse for “Storage, Beer & Spirits”
PETITIONER: 1879 Distilling Company LLC**

The City Clerk read aloud the following nine Public Hearing Exhibits:

1. Notice of Public Hearing of September 18, 2023 advertised in the St. Louis Countian and Webster Kirkwood Times on August 25, 2023;
2. Notice of Public Hearing posted at the following locations: (1) Des Peres City Hall, (2) Des Peres Website on August 25, 2023
3. Public Hearing Notice Sent to Residents/ Business Owners within 185 feet of 2141 Sam’s Drive
4. Petition for Master Development Plan located at 2141 Sam’s Drive – Lot 4 Des Peres, MO 63131
5. Proposed Site Plan located at 2141 Sam’s Drive – Lot 4 Des Peres, MO 63131
6. 1879 Distilling Elevations
7. Planning and zoning mins from August 9, 2023
8. B23-3008 An ordinance approving a preliminary development plan for lot #4 of Barrett Park subdivision for development of a storage facility for beer and spirits by 1870 distilling company
9. Municipal Code of the City of Des Peres

The nine Public Hearing Exhibits were received and made a part of the record.

City Planner, Kate Crimmins gave a brief synopsis on the proposal for 1879 Distilling located at 2141 Sam's Drive.

Mayor Becker asked if there were any questions or concerns from the board or audience. Hearing none, the Public Hearing for allowing development of a warehouse for "storage beer and spirits" closed at 7:21pm.

Conditional Use Permit for Operation of a Comprehensive Marijuana Dispensary Facility at 12095 Manchester Road

PETITIONER: GF Wellness LLC (dba/ Root66)

The City Clerk read aloud the following twelve Public Hearing Exhibits:

1. Notice of Public Hearing of September 18, 2023 advertised in the St. Louis Countian and Webster Kirkwood Times on August 25, 2023;
2. Notice of Public Hearing posted at the following locations: (1) Des Peres City Hall, (2) Des Peres Website on August 25, 2023
3. Public Hearing Notice Sent to Residents/ Business Owners within 185 feet of 12095 Manchester Rd
4. Ord 2984 an ordinance of the city of Des Peres Amending Sections 402.005, 404.055 and 408.015 related to comprehensive marijuana facilities
5. Application For CUP at 12095 Manchester Rd
6. Planning and Zoning Staff report from City Planner Kate Crimmins dated August 2nd, 2023
7. Interior Floor Plans for Root66
8. Updated Site plan with 20 parking spaces
9. Planning and zoning mins August 9, 2023
10. Traffic Circulation Letter from Julie Nolfo – Project Liaison with the Lochmueller Group
11. B23-3010 An ordinance granting a CUP for operation of a comprehensive marijuana dispensary facility at 12095 Manchester Rd to GF Wellness Fenton LLC DBA Root 66
12. Municipal Code of the City of Des Peres

The twelve Public Hearing Exhibits were received and made a part of the record.

City Planner, Kate Crimmins presented on Root 66's floor and site plan.

Dan Welch, representative of Root 66, informed the board the project status is complete. Mr. Welch also reminded the board and audience Root 66 has received letters of support from Senator Andrew Koeing and Senator Tracy McReery. Mr. Welch requested the board read B23-3010 for a second time at tonight's meeting.

Mayor Becker asked if there were any questions or concerns from the board or audience. Alderman Concagh questioned the parking off of Bansbach Road. City Administrator Doug Harms stated there is an ordinance on the agenda tonight to prohibit parking on both sides of Bansbach Road. Des Peres resident Nancy Staley asked about the education bar located in the dispensary. Dan Welch informed Ms. Staley that is where employees help customers with any questions they may have and give information on different products.

Hearing no further questions or concerns, the Public Hearing for a CUP for operation of a Comprehensive Marijuana Dispensary Facility at 12095 Manchester Road closed at 7:44pm

CITIZEN COMMENTS – NONE

CONSENT AGENDA

Mayor Becker announced that there were five (5) action items currently under the Consent Agenda. At the request of Mayor Becker, Alderman Fitzpatrick read aloud those five (5) items individually:

1. Minutes of the Board of Aldermen Meeting of August 28, 2023
2. Warrant List Dated September 14, 2023
3. R23-3712 Authorizing an Agreement with Thornburgh Abatement Inc for Selective Demolition and Abatement Services Relating to Renovations of the Lower Level of the Des Peres Government Center
4. R23-3713 Authorizing Purchase of a 2023 Ford F150 Pick Up from Lou Fusz Ford for the Department of Public Safety; Authorizing Trade-In of a 2015 Police Interceptor; and Adopting a Supplemental Appropriation Relating Thereto
5. R23-3714 Authorizing a Contract with Defender Product Solutions Under Missouri State Cooperative Procurement Contract for Purchase of Emergency Equipment for a 2023 Ford F150 Pick Up for use by The Department of Public Safety

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 Kleinschmidt to approve the five (5) items on the Consent Agenda as proposed. A roll call vote was taken with the following results: Alderman Concagh, "AYE", Alderman Fitzpatrick, "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 5-0. With Alderman Barrett attending remotely via zoom, Mayor Becker overlooked Alderman Barrett for the roll call of the Consent Agenda.

REPORTS OF OFFICERS AND COMMITTEES

- **Reports of Boards and Commissions**
 - Report of the Public Safety Commission Meeting held September 12, 2023
 - Report of the Planning & Zoning Commission Meeting held September 13, 2023

LEGISLATION

UNFINISHED BUSINESS –

- a. **B23-3002** An Ordinance Rezoning Certain Properties Located in Barrett Park Subdivision from C-1 Commercial to Planned Development Commercial PD-C and Readopting Maser Plans Previously Approved for Developments Within Barrett Park Subdivision as Master Development Plans under Section 412 of the Des Peres Municipal Code and Repealing All Ordinances in Conflict Therewith (Second Reading)

Alderman Concagh read B23-3002 for the second time.

Alderman Concagh made a motion, seconded by Alderman Kleinschmidt to approve B23-3002. 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.

- a. **B23-3003** An Ordinance Re-Adopting the Master Development Plan for Lot #1 of Barrett Park Subdivision (13455 Manchester Road - Sam's Wholesale)(Second Reading)

Alderman Barrett read B23-3003 for the second time.

City Administrator Doug Harms expressed that staff requests tabling B23-3003 due to another amendment, adding more gasoline pumps (six to eleven).

Alderman Fitzpatrick made a motion, seconded by Alderman Kleinschmidt to table B23-3003. 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. **B23-3004** An Ordinance Re-Adopting the Master Development Plan for Lot #2 of Barrett Park Subdivision (13560 North Barrett Parkway - Title Partners) (Second Reading)

Alderman Kleinschmidt read B23-3004 for the second time.

Alderman Kleinschmidt made a motion, seconded by Alderman Fitzpatrick to approve B23-3004. 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. **B23-3005** An Ordinance Re-Adopting the Master Development Plan for Lot #3 of Barrett Park Subdivision (2153 Sam's Drive - Vacant Christian Worship Center) (Second Reading)

Alderman Osherow read B23-3005 for the second time.

Alderman Pound made a motion, seconded by Alderman Osherow to approve B23-3005. 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.

- d. **B23-3006** An Ordinance Re-Adopting the Master Development Plan for Lot #5 of Barrett Park Subdivision (2117 Sam's Drive - Habitat Re-Store) (Second Reading)

Alderman Pound read B23-3006 for the second time.

Alderman Pound made a motion, seconded by Alderman Osherow to approve B23-3006. 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.

- e. **B23-3007** An Ordinance Re-Adopting the Master Development Plan for the AmerenUE Substation Located at 13589 Manchester Road) (Second Reading)

Alderman Kleinschmidt read B23-3007 for the second time.

Alderman Kleinschmidt made a motion, seconded by Alderman Osherow to approve B23-3007. 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. **B23-3008** An Ordinance Approving a Preliminary Development Plan For Lot #4 of Barrett Park Subdivision (2141 Sam's Drive) for Development of a Storage Facility for Beer and Spirits by 1879 Distilling Company (Second Reading)

Alderman Barrett read B23-3008 for the second time.

Alderman Barrett made a motion, seconded by Alderman Concagh to approve B23-3008. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick. "AYE", Alderman Kleinschmidt, "NAY", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 5-1.

- g. **B23-3009** An Ordinance Establishing the Annual Rate of Tax Levy for All Funds On All Real and Personal Property within the City of Des Peres for the Year 2023 (Hold Until Public Hearing on 9/25/2023)

City Administrator Doug Harms stated a substitute bill B23-3009.1 will be presented next meeting that updates the bill to reflect changes in the assessed value of real property to reflect decisions on appeals made to the County Board of Equalization.

Mayor Becker stated B23-3009.1 will be held until the September 25th Board of Aldermen Meeting for second reading and passage/approval at that time

NEW BUSINESS –

- a. **B23-3010** An Ordinance of the City of Des Peres Granting a Conditional Use Permit for Operation of a Comprehensive Marijuana Dispensary Facility at 12095 Manchester Road to GF Wellness Fenton LLC (dba/ Root66) (Introduction, Public Hearing)

Alderman Fitzpatrick read B23-3010 for the first time.

Per the request of Dan Welsh (representative for Root 66) Alderman Fitzpatrick made a motion to waive the rules and read for a second time, seconded by Alderman Barrett. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "NAY", Alderman Fitzpatrick. "AYE", Alderman Kleinschmidt, "NAY", Alderman Osherow, "AYE", and Alderman Pound, "NAY". Motion fails 3-3.

Mayor Becker stated B23-3010 will be held until the September 25th Board of Aldermen Meeting for second reading and passage/approval at that time

- b. B23-3011** An Ordinance Amending Section 14-481. Schedule VI. Parking Prohibited of the Municipal Code to Prohibit Parking on Both Sides of Bansbach Road from its Intersection with Manchester Road a Distance 275 Feet North Including the Terminus (Introduction)

Alderman Pound read B23-3011 for the first time

Mayor Becker stated B23-3011 will be held until the September 25th Board of Aldermen Meeting for second reading and passage/approval at that time.

MISCELLENOUS BUSINESS –

Report of the City Administrator

City Administrator reminded the board of the upcoming budget work session meetings.

Report of the Mayor

Mayor Mark Becker congratulated City Administrator Harms on recently receiving the “2023 Distinguished Member Award” during the 2023 Missouri Municipal League Conference. Mr. Harms is only the 3rd non-elected official to receive such recognition.

City Administrator Harms thanked the board and their predecessors for allowing staff to be apart of outside organizations.

ADJOURNMENT

Alderman Fitzpatrick made a motion, seconded by Aldermen Concagh, to adjourn the Regular Meeting at 8:04 P.M.

Amanda Hurley
City Clerk

Minutes approved by the Board of Aldermen on the 25th day of September, 2023.

Mark Becker, Mayor

ATTEST:

Amanda Hurley
City Clerk