

**MINUTES
BOARD OF ALDERMEN
NOVEMBER 13, 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, November 13, 2023.

WORK SESSION

Prior to the Regular Board of Aldermen, a Work Session Meeting took place commencing at 6:00pm at the Des Peres Government Center, 12325 Manchester Road. The City of Des Peres Bond Counsel and Municipal Advisor made a brief presentation and responded to any questions relating to the COPS Bond transaction. The Board decided to update the PSB Bond to \$12,000,000 which is the maximum par recommended in the bond parameters from the original budgeted estimated cost of \$10,000,000.

During the Work Session, Navigate Building Solutions discussed the October 31, 2023 bid results from the Government Center Project. All bids came in roughly \$550,000 over the estimated budget. Navigate recommended the City award the Government Center contract to the lowest bidder which is Aspire Construction. It was also recommended to enter into negotiations to identify changes that can be made to bring the contract costs closer to the overall budget. If this does not work, it will be suggested to consider redesigning and rebidding for the achieved goal.

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

All present rose for the Pledge of Allegiance.

AMENDMENT TO AGENDA – NONE

PUBLIC HEARING –

- Recommendation to Rezone Des Peres Pointe Shopping Center from C-1 to PD-C and Re-Adopt Master Development Plan Under Section 412 of the Des Peres Zoning Code
PETITIONER: Planning & Zoning Commission

The City Clerk read aloud the ten exhibits related to the rezoning of the Des Peres Pointe Shopping Center from C-1 to PD-C and Re-Adopt a Master Development Plan.

1. Notice of Public Hearing of November 13, 2023 advertised in the St. Louis Countian and Webster Kirkwood Times on October 18, 2023;
2. Notice of Public Hearing posted at the following locations: (1) Des Peres City Hall, (2) Des Peres Website on October 18, 2023

3. Planning and Zoning Commission memo from City Planner Kate Crimmins requesting a petition to rezone Des Peres Pointe to PD-C
4. Map of proposed rezoned area from C-1 Commercial to Planned Development Commercial Area includes 13275 Manchester Road, Des Peres Pointe Phase I, 13303 Manchester Road, Des Peres Pointe Phase II, Lot 1 and 13307 Manchester Rd, Des Peres Pointe Phase II, lot 2
5. Amended Site Development Plan
6. Planning and Zoning Commission Meeting Minutes of Wednesday, October 11, 2023
7. Planning and Zoning Commission Recommendation dated October 11, 2023 regarding a proposal to re-zone the Des Peres Pointe development to PD-C and adopt a consolidated Master Development Plan.
8. Ord 2741 an ordinance approving a revised master development plan for Des Peres Pointe; a unified development located in the c-5 special business district and repealing all ordinances in conflict therewith.
9. B23-3019 An ordinance rezoning a 8.8 acres tract of land known as Des Peres Pointe Shopping Center to Planned Development Commercial and adopting a revised master development plan for the center under section 412 of the Des Peres municipal code and repealing all ordinances in conflict therewith.
10. Municipal Code of the City of Des Peres

Mayor Becker announced the ten public hearing exhibits are now received and made apart of the record.

City Planner Kate Crimmins presented a brief presentation of the history of Des Peres Pointe, and the proposed rezoning requests.

Joel Montgomery, representative and owner of Des Peres Pointe property, requested the board vote in favor of the rezoning change, as it would be helpful to all parties. City Administrator, Doug Harms thanked Mr. Montgomery for maintaining the maintenance of the wedge even though it is MODOTS responsibility.

The Public Hearing closed at 7:11pm

CITIZEN COMMENTS – NONE

CONSENT AGENDA

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

1. Minutes of the Board of Aldermen Meeting of October 23, 2023
2. Warrant List Dated November 9, 2023
3. R23-3726 Authorizing a Contract with OJ Laughlin Plumbing for Sanitary Sewer Repairs at the Government Center
4. R23-3727 Authorizing Purchase of a Pressure Washer for the Vehicle Maintenance Facility at the Street Garage From Sole Source Provider Hotsy Unlimited Inc
5. R23-3728 Authorizing a Five (5) Year Contract with TRANE for a Controls Service Agreement for Installation and Maintenance of Automated Building HVAC Systems Software for all City Buildings
6. R23-3729 Authorizing an Advertisement Agreement with the Webster-Kirkwood Times for Monthly Publication of “All Things Des Peres”

7. R23-3730 Authorizing a Liquor by the Drink License for Koibito Poke Fresh Eatery Located At 13275 Manchester Road in Des Peres Pointe Center

Alderman Barrett made a motion, seconded by Aldermen Osherow to approve the seven (7) items on the 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 submitted the following nominees for re-appointment and appointment to Boards and Commissions:

- a. Audit & Finance Committee
 - Re-Appointment of Randy Atkisson to new 2-year term
 - Re-appointment of Richard Carver to new 2-year term
 - Re-appointment of Lori Hartmann to new 2-year term
- b. Board of Adjustment
 - Re-appointment of Joe Mueller to new 5-year term
- c. Planning & Zoning Commission
 - Appointment of Nancy Staley to fill vacant Ward 3 representative (replacing Tony Pawloski who resigned) to a 4-year term ending 6/30/27

Alderman Kleinschmidt made a motion, seconded by Alderman Barrett to approve the mayors' nominees for re-appointment and appointment to said Commissions. 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 Boards and Commissions**

Report of the Planning & Zoning Commission Meeting held November 8, 2023

LEGISLATION

UNFINISHED BUSINESS –

- a. **B23-3017** An Ordinance Approving Accepting the Streets and Sidewalks in Blattner Farm Subdivision for Public Use and Maintenance and Authorizing Release of the Balance in the Escrow Agreement for Such Subdivision (Introduction)

Alderman Concagh read B23-3017 for the second time.

Alderman Concagh made a motion, seconded by Aldermen Kleinschmidt to approve B23-3017. 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. B23-3019** An Ordinance Rezoning A 8.8 Acre Tract of Land Known as Des Peres Pointe Shopping Center to Planned Development Commercial (PD-C) and Adopting a Revised Master Development Plan for the Center Under Section 412 of the Des Peres Municipal Code and Repealing All Ordinances in Conflict Therewith (Introduction)

Alderman Barrett read B23-3019 for the first time.

Mayor Becker stated B23-3019 will be held until the November 27th Board of Aldermen Meeting for second reading and potential passage and approval at that time.

- b. B23-3020** An Ordinance Authorizing the City of Des Peres, Missouri to Enter Into a Lease Purchase Transaction, the Proceeds of Which Shall be Used to Pay the Costs of Certain Capital Improvements and Authorizing Execution of Certain Documents and Actions in Connection Therewith (Introduction)

Alderman Osherow read B23-3020 for the first time.

Mayor Becker stated B23-3020 will be held until the November 27th Board of Aldermen Meeting for second reading and potential passage and approval at that time.

- c. R23-3731** Approving the Master Site Plan for the Des Peres Public Safety Building Expansion and Authorizing Solicitation of Bids for Expansion and Renovation of the Public Safety Building

Alderman Concagh read B23-3731.

Alderman Concagh made a motion, seconded by Aldermen Barrett to approve R23-3731. 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. R23-3732** Expressing the Intention of the City to Award a Contract to the Low bidder Aspire Construction Services LLC to Serve as General Contractor for Renovations to the Des Peres Government Center and Authorizing Negotiations for Change Order #1 to Modify the Scope of Work to Reduce Project Costs

Alderman Pound read B23-3732.

Alderman Pound made a motion, seconded by Aldermen Concagh to approve R23-3732. 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. **R23-3733** Authorizing a Contract with White Buffalo Inc to Conduct a Deer Distance Sampling Survey

Alderman Kleinschmidt read B23-3733.

Alderman Kleinschmidt questioned the Deer Distance Sampling Survey, asking if it's a prerequisite to R23-3734. City Administrator, Doug Harms stated it is not a prerequisite. Alderman Kleinschmidt expressed he would like to skip the Deer Distance Sampling Survey and save the city 10k.

Mayor Becker asked for a motion pertaining to R23-3733. Hearing none, R23-3733 failed.

- f. **R23-3734** Authorizing a Contract with White Buffalo Inc for Deer Management Services Utilizing Sharpshooting Services Targeting White Tailed Deer Populations in Des Peres

Alderman Fitzpatrick read B23-3734.

Alderman Kleinschmidt made a motion, seconded by Aldermen Fitzpatrick to approve R23-3732. 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.

- g. **R23-3735** Authorizing a Package Liquor License with Beer and Wine Tasting Permit for "Beer to Go" at 13014 Manchester Road

Alderman Osherow read R23-3735.

City Administrator, Doug Harms stated this Liquor License is unique to other Liquor requests in Des Peres, that's why R23-3735 is under new business instead of the consent agenda. Tyler Thompson and Luke Oldham, owners of Beer Outside, gave a brief synopsis on the logistics of their proposed liquor store. Mr. Thompson stated they specialized in beer products and have an events beer truck/trailer. In the winter seasons they would like to sell packaged liquor to go, Beer outside will be similar to a 'boutique bar' with wine and crawlers with draft beer.

Mr. Thompson stated they would like to have their event trailer parked outside the front of their store. City Administrator stated they would have to park the trailer in back of the store due to the City's code on advertisement/signage. Mr. Thompson then asked about a sandwich sign going in front of the store during business hours, which was also denied. City Attorney, Chris Graville expressed his concern to Mr. Thompson and Mr. Oldham about their signage ideas. Alderman Kleinschmidt also expressed his concern of signage. The board advised them to be careful and make sure they understand the city's code on signage.

Alderman Kleinschmidt made a motion, seconded by Alderman Fitzpatrick to approve R23-3735. 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, "NAY". Motion passed 5-1.

MISCELLANEOUS BUSINESS – NONE

ADJOURNMENT – INTO EXECUTIVE SESSION

Alderman Barrett made a motion, seconded by Alderman Concagh to adjourn the Regular Meeting and go into Executive Session at 7:38 P.M.

Amanda Hurley
City Clerk

Minutes approved by the Board of Aldermen on the 27th day of November, 2023.

Mark Becker, Mayor

ATTEST:

Amanda Hurley
City Clerk