

**MINUTES
BOARD OF ALDERMEN
JULY 12, 2021
DES PERES GOVERNMENT CENTER**

The regular meeting of the Board of Aldermen of the City of Des Peres, Missouri met at the Des Peres Government Center, 12325 Manchester Road 63131, commencing at 7:00 P.M. on Monday, July 12, 2021.

ROLL CALL

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

Alderman Barrett attended the meeting via zoom.

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

At this time, those present rose for the Pledge of Allegiance.

AMENDMENT OF AGENDA – NONE

PUBLIC HEARING –

- 1. Bill 21-2915 Amending the Zoning Code Creating Variable Side Yard Setbacks in the F-Residential Zoning District at 10.0% of Lot Width but Not Less than Five (5) Feet**

PETITIONER: Planning & Zoning Commission

The City Clerk provided the following exhibits:

1. Notice of Public Hearing of July 12, 2021 advertised in the St. Louis Countian on June 21, 2021
2. Notice of Public Hearing posted at the following locations: (1) Des Peres City Hall, (2) Des Peres Website on June 21, 2021
3. Planning and Zoning Commission Meeting Agenda from June 9, 2021
4. June 9th Planning and Zoning Commission Meeting Summary
5. Bill 21-2915 An Ordinance of the City of Des Peres Amending Section 404.030 of the Zoning Code to Update the Side Yard Setback in Zone "F"
6. Municipal Code of the City of Des Peres

Mayor Becker asked if there were any comments or concerns.

Public Works Director Steve Meyer spoke briefly about the zoning code amendment.

The Public Hearing for Bill 21-2915 ended at 7pm.

- 2. Bill 21-2916 Amending Section 406.030 of the Zoning Code to Prohibit Lighting of Sports Courts in Residential Zoning Districts**

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5. Bill 21-2916 An Ordinance of the City of Des Peres Amending Section 406.030 of the Zoning Code to Prohibit Sport Court Lighting in Residential Districts
6. Municipal Code of the City of Des Peres

Mayor Becker asked if there were any comments or concerns.

Public Works Director Steve Meyer spoke briefly about the zoning code amendment.

The Public Hearing for Bill 21-2916 ended at 7:07pm

CITIZEN COMMENTS –

Mary Trottier – 1815 N. Ballas Road – Expressed her concern of the safety in the City of Des Peres. After the Mall shooting that occurred on July 6th 2021, Mary expressed her anxiousness to see how the City is going to make Des Peres a safer place for their residents and shoppers at West County Mall. Mary also made a comment how it was hard to find the Board of Aldermen Agenda on the City's Website and didn't know these meetings were open to the public.

Mayor Becker thanked Mary for her comments and expressed his concerns as well. He also stated the City will make a comprehensive plan to include the residents of the best course of action, trends, and a platform of hotspots of crimes.

City Administrator Doug Harms stated that the shoplifting at West County Mall is an issue, however West County Mall has four full time Police Officers, which others Malls do not have. The criminal from the mall shooting was arrested within 12 hours of the crime.

Alderman Fitzpatrick stated that the Public Safety Committee Meetings are open to the public, and they meet every 3rd Monday of the month at 6pm at the Public Safety building.

CONSENT AGENDA

The Mayor announced that there were five items currently on the consent agenda, however Mayor Becker requested line item number 4. R21-3488 be moved to Executive Session. Alderman Fitzpatrick made a motion, seconded by Alderman Concagh to move R21-3488 to Executive Session.

1. Minutes of the Board of Aldermen Meeting of June 14, 2021
2. Warrant List Dated July 8, 2021
3. R21-3487 Readopting and Restatement of Ordinances Regulating Requirements and Policies To Disclose Conflicts of Interest and Authorizing the City Clerk to File Such Resolution with the Missouri Ethics Commission
4. ~~R21-3488 Stating the Intention of the City of Des Peres to Reimburse Itself for Certain Capital Expenses From the Proceeds of Bonds or Other Obligations to be Issued by the City~~
5. R21-3489 Authorizing a Contract with CSG Forte Payment Inc for Merchant Processing Services for the Department of Parks & Recreation

City Administrator presented the Board of Aldermen with R21-3489.1 which updates the third "WHEREAS" on the resolution under the percentage of bank fee transactions, from two percent to 2/10ths percent. Alderman Concagh made a motion, seconded by Alderman Fitzpatrick to amend resolution R21-3489 to R21-3489.1. 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 made a motion, seconded by Alderman Barrett to approve the four Consent Agenda Items as amended. 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.

REPORT OF THE MAYOR

Mayor Becker presented Executive Order #8 which terminates the Moratorium on Door-to-Door Solicitation Effective Immediately and Suspending Enforcement of Section 14-388 of the Municipal Code Relating of Solicitations in the Right-of-Way until August 31, 2021.

REPORTS OF OFFICERS AND COMMITTEES

The Mayor acknowledged that written reports or minutes of the following Boards and Commission who have met since our last meeting have been submitted to the Board of Aldermen.

- Report of the Planning and Zoning Meeting Held June 9, 2021
- Report of the Public Safety Commission Meeting Held June 21, 2021

The Mayor asked if there were any questions or discussion relating to the report. Hearing none, he ordered them filed and received.

LEGISLATION

Unfinished Business –

1. **B21- 2915** An Ordinance of the City of Des Peres Amending Section 404.030 of the Zoning Code to Update the Side Yard Setback in Zone "F" (2nd Reading)

Alderman Osherow Read Bill 21-2915 for the second time.

Alderman Fitzpatrick made a motion, seconded by Aldermen Osherow to approve Bill 21-2915. 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.

2. **B21- 2916** An Ordinance of the City of Des Peres Amending Section 406.030 of the Zoning Code to Prohibit Sport Court Lighting in Residential Districts (2nd Reading)

Alderman Concagh Read Bill 21-2916 for the second time.

Alderman Concagh made a motion, seconded by Aldermen Kleinschmidt to approve B21-2916. 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.

- 3. B21- 2917** An Ordinance Amending Section 4-24 of the Alcoholic Beverages Ordinances of the City of Des Peres Relating to Prohibition of Sale of Alcoholic Beverages at Convenience Stores Operating in Conjunction with Gasoline Sales (2nd Reading)

Alderman Fitzpatrick Read Bill 21-2917 for the second time.

Alderman Fitzpatrick made a motion, seconded by Aldermen Barrett to approve B21-2917. 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.

New Business

- 1. B21-2918** An Ordinance Transferring and Reissuing the Conditional Use Permit for Operation of Restaurant at 1181 Colonnade Center to Casa De Tre Reyes (Introduction)

Alderman Pound Read Bill 21-2918 for the first time.

Derek Deaver, owner of Three Kings, spoke about his new restaurant - Casa De Tre Reyes and expressed the faster the process is done, the better. Casa De Tre Reyes is going to be a Mexican Restaurant opening in September/October.

Alderman Kleinschmidt made a motion, seconded by Aldermen Fitzpatrick to have the second reading of Bill 21-2918 for passage and approval take place at tonight's meeting. 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 Bill 21-2918 for the second time.

Alderman Pound made a motion, seconded by Aldermen Kleinschmidt to have approve B21-2918. 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.

- 2. B21-2919** An Ordinance Appointing Gilmore and Bell as Special Counsel to Serve as Bond Counsel for Potential Issuance of Bonds for Purchase of Real Estate and Other Projects (Introduction)

Alderman Kleinschmidt Read Bill 21-2919 for the first time.

Staff requested to waive the rules and ask that Bill 21-2919 be read for a second time, for passage and approval at tonight's meeting.

Alderman Concagh made a motion, seconded by Alderman Fitzpatrick to waive the rules and have Bill 21-2919 read for a second time, for passage and approval at tonight's meeting. 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 Bill 21-2919 for the second time.

Alderman Fitzpatrick made a motion, seconded by Alderman Concagh to approve Bill 21-2919. 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.

MISCELLANEOUS BUSINESS

1. Report of the City Clerk

- A. City Clerk reminded the Board of Aldermen and Department Heads that the July 26th Board of Aldermen meeting is canceled due to the 2021 Summer Meeting Schedule.

2. Report of the City Administrator

REQUEST FOR EXECUTIVE SESSION - ADJOURNMENT

There being no additional business to come before the regular session of the Board of Aldermen, Alderman Kleinschmidt made a motion to adjourn into Executive Session for the purposes of legal actions, causes of action, litigation or privileged communications between the City's representatives and its attorney, seconded by Alderman Concagh at 7:38pm.

A roll call vote was then taken with the following results: Alderman Barrett, AYE; Alderman Osherow, AYE; Alderman Pound, AYE; Alderman Kleinschmidt, AYE; Alderman Concagh, AYE; Alderman Fitzpatrick, AYE. Motion passed 6-0.

Minutes Prepared by:

Amanda Hurley
City Clerk

Minutes approved by the Board of Aldermen on the 9th day of August, 2021

Mark Becker, Mayor

ATTEST:

Amanda Hurley, City Clerk