

**MINUTES
BOARD OF ALDERMEN
MARCH 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 7:00 P.M. on Monday, March 13, 2023.

ROLL CALL

The Assistant City Administrator 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 was absent from the meeting with excuse.

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

All present rose for the Pledge of Allegiance.

WORK SESSION RECAP

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

- Update on Building Project Design & Budget by Navigate Building Systems
 - Street Garage Expansion & Repairs
 - City Hall Renovations
 - Public Safety Expansion and Renovation

AMENDMENT TO AGENDA – NONE

PUBLIC HEARING

**1. An Ordinance Amending Section 408.005 Related to Conditional Use Permits
Petitioner: Planning & Zoning Commission**

The Assistant City Administrator read aloud the following exhibits relative to the Public Hearing on the Ordinance Amending Section 408.005 Related to Conditional Use Permits.

1. Notice of Public Hearing of March 13, 2023 advertised in the St. Louis Countian and Webster Kirkwood Times on February 21, 2023;
2. Notice of Public Hearing posted at the following locations: (1) Des Peres City Hall, (2) Des Peres Website on February 21, 2023
3. Ord2957 An Ordinance of the City of Des Peres, Missouri Implementing a 90 Day Moratorium on the Issuance of Conditional Use Permits
4. Letter of Transmittal to the Planning and Zoning Commission dated January 23, 2023

5. B23-2981 An Ordinance of the City of Des Peres, Missouri Amending Section 408.005 of Appendix C. Zoning Regulations of the Des Peres Municipal Code Related to the Issuance of Conditional Use Permits
6. Municipal Code of the City of Des Peres

The City Attorney offered a brief synopsis of B23-2981 which affords greater discretion to the Board of Aldermen when granting or rejecting conditional use permits on the basis of newly established case law involving the City of Creve Coeur.

**1. An Ordinance Amending Section 406.015, Section 406.020 and Section 13.29 of the Code of Ordinances and Zoning Code Pertaining to Home Occupations
Petitioner: Planning & Zoning Commission**

The Assistant City Administrator read aloud the following exhibits relative to the Public Hearing on the Ordinance Amending Section 406.015, Section 406.020 and Section 13.29 of the Code of Ordinances and Zoning Code Pertaining to Home Occupations

1. Notice of Public Hearing of March 13, 2023 advertised in the St. Louis Countian and Webster Kirkwood Times on February 21, 2023;
2. Notice of Public Hearing posted at the following locations: (1) Des Peres City Hall, (2) Des Peres Website on February 21, 2023
3. B23-2982 An Ordinance Amending Section 406.015, Section 406.020 and Section 13.29 of the Code of Ordinances and Zoning Code Pertaining to Home Occupations
4. Slideshow presentation dated March 13, 2023 prepared and delivered by the City Administrator
5. Municipal Code of the City of Des Peres

City Administrator Harms provided a general summary of B23-2982 which attempts to bring the City into conformity with a new State law that effectively preempts Missouri cities from regulating and taxing home-based occupations. Mr. Harms recommended tabling this legislation as the General Assembly is actively considering revisions to the original law.

Hearing no further comments or questions, Mayor Becker closed the Public Hearing at 7:13PM.

CITIZEN COMMENTS –

Sandy Smith (no address provided) spoke in opposition of permitting adult-use marijuana operations in Des Peres, citing a variety of health-related concerns such as addiction, suicide, violence, and antisocial behavior amongst children.

Jeanne Fluri, 1820 Gray Drive, raised general concerns about the impact of marijuana on children with a specific focus on the students currently enrolled at Mathnasium.

Yvonne Allen, 1160 Bopp Road, cited a number of concerns about the implications of allowing marijuana facilities in Des Peres including the potential for drug trafficking along the Manchester Road corridor. Ms. Allen recommended imposing a series of educational and safety permits that would apply specifically to the marijuana industry.

CONSENT AGENDA

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

1. Minutes of the Board of Aldermen Meeting of February 27, 2023
2. Revised Warrant List Dated March 13, 2023
3. R23-3672 Authorizing a Unit Price Contract with BLCS LLC for Lawn and Mowing Services for a Two-Year Period Commencing March 1, 2023
4. R23-3673 Authorizing Purchase of Three Management Servers from SHI Government Solutions Utilizing Public Sector Contracts Available Under the Missouri Cooperative Procurement Program

Mayor Becker asked if there were any questions or comments pertaining to the consent agenda. Hearing none, Alderman Kleinschmidt made a motion, seconded by Alderman Fitzpatrick to approve the five action items on 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.

REPORTS OF OFFICERS AND COMMITTEES

- **Report of the Mayor**
- **Reports of Boards and Commissions**
 - Report of the Subcommittee of the Planning & Zoning Commission On Recreational Marijuana Regulations from Meeting held March 7, 2023
 - Report of the Planning & Zoning Commission Meeting held March 8, 2023

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

LEGISLATION

Unfinished Business –

- a. **B23-2981 An Ordinance of the City of Des Peres, Missouri Amending Section 408.005 of Appendix C. Zoning Regulations of the Des Peres Municipal Code Related to the Issuance of Conditional Use Permits (Second Reading)**

Alderman Concagh read B23-2981 for the second time.

Alderman Fitzpatrick made a motion, seconded by Alderman Kleinschmidt to approve B23-2981. 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.

- b. **B23-2982 An Ordinance of the City of Des Peres Amending Section 406.015 and Section 406.020 of Appendix C. Zoning Regulations and Section 13-29 of the Des Peres Municipal Code Pertaining to Home Occupations (Request to Table)**

Alderman Osherow read B23-2982 for the second time.

On the advice from the City Administrator, Alderman Kleinschmidt made a motion, seconded by Alderman Osherow to table B23-2982 until the General Assembly takes further action on HB1226. 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.

NEW BUSINESS –

- a. B23-2983 An Ordinance of The City of Des Peres Amending Sections 16-1, 16-85 and 16-86, and Enacting Sections 16-95, 16-96, 16-97, 16-98, 16-99, 16-100, 16-101, 16-102, 17-4 and 17-5 Related to the Regulation of Adult Use Marijuana (Introduction)**

Alderman Fitzpatrick read B23-2983 for the first time.

Mayor Becker stated B23-2983 will be held over until the March 27th Board of Aldermen Meeting for second reading and consideration for passage/approval at that time.

City Administrator Harms clarified that B23-2983 is entirely separate from discussions at the Planning & Zoning Commission level which focus narrowly on how recreational cannabis operations should be regulated in the context of land-use and zoning. Instead, this particular legislation focuses on civil penalties stemming from the distribution and possession of recreational cannabis as permitted under Constitutional Amendment 3.

- b. B23-2984 An Ordinance Amending Section 12-3 and 12-4 of Chapter 12. Health & Sanitation of the Des Peres Municipal Code to Prohibit Smoking or Vaping or Marijuana Infused Products in Indoor Public Spaces (Introduction)**

Alderman Osherow read B23-2984 for the first time.

Mayor Becker stated B23-2984 will be held over until the March 27th Board of Aldermen Meeting for second reading and consideration for passage/approval at that time.

Nancy Staley, 1819 Ballas Road, brought attention to a handful of zoning-related provisions within B23-2984 that appear to contradict recommendations currently under review by the Planning & Zoning Commission. The City Attorney advised that the pending legislation before the Board of Aldermen establishes a regulatory framework for future enforcement and does not impact land-use codes. The City Attorney clarified that future revisions may be necessary depending on what recommendations are ultimately issued by the Planning & Zoning Commission relative to adult-use recreational marijuana facilities.

MISCELLANEOUS BUSINESS –

1. Report of the City Administrator

- a. Sales Tax Interruption Insurance Renewal
City Administrator Harms opened discussions on a last-minute quote submitted by Lloyds of London pertaining to sales tax interruption insurance which, if approved, would establish a premium of \$43,700 for coverage not to exceed \$1,000,000 in qualifying revenue losses. Mr. Harms questioned the value of purchasing this coverage given the higher than usual premium and limited revenue protection which is likely a byproduct of market losses throughout the industry and pending litigation filed by the City involving a previously denied claim.

Following a motion by Alderman Kleinschmidt; seconded by Alderman Fitzpatrick; the Board of Aldermen unanimously (5-0) elected to forgo sales tax interruption insurance for the 2023-2024 coverage period. No decisions were made regarding future coverage cycles.

- b. Sugar Creek Park Bridge (Des Peres Road Lot)

City Administrator Harms reported a closure to the pedestrian bridge at Sugar Creek Park (accessible from the eastern entrance off Des Peres Road) due to structural deterioration of the footings. Staff is currently reviewing an engineer's estimate to repair or potentially replace the bridge which was originally constructed in 1975.

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 Osherow to adjourn the Regular Meeting at 8:21 P.M.

Scott Schaefer
Assistant City Administrator

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

Mark Becker, Mayor

ATTEST:

Amanda Hurley
City Clerk