



**MINUTES OF THE PUBLIC HEARING OF
MONDAY, JANUARY 6, 2020
AT 200 HIGHLANDS BOULEVARD DRIVE
REGARDING A PROPOSED TEXT AMENDMENT TO CODE
PERTAINING TO LEARNING CENTERS AND TUTORING FACILITIES**

Mayor Mike Clement called the Public Hearing of the Board of Aldermen to order at 7:00 p.m.

Roll call showed those present were Alderman Huether, Alderman Nolte, Alderman Hamill, Alderman Ottenad, Alderman Baumann, Alderman Toben, and Mayor Clement. A quorum was present.

The following notice of the public hearing delayed from December 16, 2019, the meeting which was cancelled, was then read:

“The City of Manchester Board of Aldermen shall hold a public hearing on Monday, December 16, 2019 at 7:00 p.m. at the Manchester Justice Center, 200 Highlands Boulevard Drive, to consider the following:

CASE #19-TXT-011 – City Staff proposes a Zoning Text Amendment to sections of Article V to permit Learning Centers and Tutoring Facilities as a Permitted Use in the “C-1” and “C-2” Zoning Regulations.

Mayor Clement advised that first the proponents would speak, then the opponents, and comments from the public, followed by questions from the members of the Board of Aldermen or the City staff.

Director of Planning, Zoning and Economic Development Melanie Rippetoe stated that this text amendment would allow learning centers and tutoring facilities as a permitted use in the C1 and C2 zoning districts.

There were no opponents, no comments from the public, and no questions from the Board of Aldermen.

Alderman Hamill stated the Planning and Zoning Commission gave a favorable recommendation to the Board of Aldermen.

Mayor Clement closed the public hearing at 7:03 p.m.

Respectfully submitted,

Ruth E. Baker, MMC/MPCC
City Clerk

Note: *This is a journal of the Public Hearing delayed from December 16, 2019, and held January 6, 2020 (summary); not a verbatim transcript regarding a proposed text amendment to Code pertaining to learning centers and tutoring facilities. If a recording of the public hearing is desired, please contact City Hall.*

DRAFT



**MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING
OF MONDAY, JANUARY 6, 2020
AT 200 HIGHLANDS BOULEVARD DRIVE**

1. CALL TO ORDER

Mayor Mike Clement called the Regular Board of Aldermen meeting to order at 7:04 p.m.

2. ROLL CALL AND STATEMENT OF QUORUM

Roll call showed those present were Alderman Huether, Alderman Nolte, Alderman Hamill, Alderman Ottenad, Alderman Baumann, Alderman Toben, and Mayor Clement. A quorum was present.

3. APPROVAL OF THE MINUTES

a. Minutes of the Monday, December 2, 2019 Regular Board of Aldermen meeting

Alderman Huether stated that she had a correction. She said that at the electronic recycling event, there were 17 tons of electronics collected.

Alderman Hamill made the motion to approve the Minutes of the Monday, December 2, 2019 Regular Board of Aldermen meeting as amended. The motion was seconded by Alderman Toben and carried unanimously, with no objections from any members of the Board of Aldermen.

4. ESTABLISHMENT OF ORDER OF ITEMS ON THE AGENDA

Alderman Ottenad made the motion to approve the Order of Items on the Agenda as submitted. The motion was seconded by Alderman Hamill and carried unanimously, with no objections from any members of the Board of Aldermen.

5. CONSIDERATION OF PETITIONS AND COMMENTS FROM THE PUBLIC

a. Presentation of Proclamation to the City Clerk

Mayor Mike Clement presented retiring City Clerk Ruth Baker with a Proclamation for her 20 years of service and dedication.

b. Update/Report regarding the convenience store at Manchester Road and Henry Avenue

Director Rippetoe stated she has spoken to Mr. Suntrup and Mr. Green and they said that their plans from Metropolitan Sewer District (MSD) should be approved by Wednesday morning of this week. They are waiting on that and the City is waiting on bonds for improvement and landscaping. She has spoken to their finance guy regarding that and hopefully it will be in soon. They stated they will have the trucks out this week to finish the demolition.

Alderman Hamill asked how long they have known about the bond amount.

Director Rippetoe answered they have known since the plans were approved. The amount is dependent on the cost of improvements. She hasn't received any estimates for anything.

Alderman Hamill asked when the extension is up for the Site Plan.

Director Rippetoe answered the one extension for the Site Plan was good for a year, but the Special Use Permit was only good for 90 days, and that will have to be brought to the Board for consideration of an extension. They plan to be in front of the board soon. It will have to be continued every 90 days.

Mayor Clement asked that Director Rippetoe stay on top of this and keep the City updated.

Mr. Bob Litzinger, 601 Sulphur Spring, said he doesn't know why the City can't step forward and force the issue.

Mayor Clement explained that the City has some restraints too. That has been an eyesore on that corner for over ten years, and something needs to happen.

c. Recognition of Officer Jason Gibbs as the 2019 Officer of the Year

Chief Will stated that back in December he had asked the supervisors to recommend someone for the officer of the year. He outlined the issues to be considered. Chief Will read one of the recommendations from Sergeant Yount, stating that Officer Gibbs has been a field training officer and has done an excellent job with those responsibilities.

Chief Will stated that he had also heard from Commander Beasley from the American Legion Post 208 about how Officer Jason Gibbs goes beyond his duties as a police officer, he is working with the Veterans Commission.

d. Comments from the Public

Mr. Robert Lopez, 1302 Mautenne, stated he is hoping the City can do something about the sign with the wagon in front of the old cleaners at Manchester and Old Meramec Station.

Mr. Bruce Burkhardt, 1083 Big Bend Station Drive, stated he is concerned with the pedestrian safety at the intersection of Dougherty Ferry and Big Bend where there is close proximity to vehicle traffic. At times pedestrians have been only three feet or less from fast moving automobiles. There are sporadic guard rails along Dougherty Ferry and Big Bend but that is to keep vehicles from leaving the road on curves or where there is a large drop off.

Ms. Jennifer Zayed, 1205 Auber Drive, a trustee for Saxony Estates, informed the Board of Aldermen and the public that she is representing the residents of the subdivision. She said there is a concern with the development project that McBride has proposed and was approved in December. The main concern is access to the new development is through two of their dead-end streets. She stated that the traffic flow is a big concern as well as property values. The new development for the proposed 250-unit development estimates 500 cars coming through the neighborhood. She stated that this is already a narrow residential neighborhood, so that traffic flow is definitely a big consideration for the residents.

Ms. Zayed said she is asking the Board about plans to appeal and what is the plan for the safety measures being addressed, and whether traffic flow issues have been completed. She is wondering what the plans will be if the appeal is denied.

Mayor Clement commented that this is a legal matter, and he referred the questions to City Attorney Paul Rost.

Attorney Paul Rost stated that the plan for appeal is being analyzed by the City Attorneys. He would assume that there will be an Appeal of that decision due to the issues that she brought up. The Court seems to have decided to be the Zoning Czar for the City of Manchester. Because of that we are not sure what type of say the City and residents will have besides in the Courts. He said the appeal would be 30 days from the date the judgement was final, plus an extra 10 days. The appeal process would possibly be 12-18 months.

Ms. Zayed said they will be hearing from residents of the Saxony Estates Subdivision; it is a real concern with traffic flow.

Attorney Rost stated that the City agrees 100 percent and the reason we are in this situation, we wanted information about traffic, and have received none. The City is going to try to get this where it belongs which is in front of the City to deal with those types of issues.

6. REPORTS FROM THE MAYOR

- a. Recommendation of appointment of Diane Iezzi as an alternate member of the Board of Adjustment

Alderman Toben made the motion to approve the appointment of Diane Iezzi as an alternate member of the Board of Adjustment. The motion was seconded by Alderman Hamill and carried unanimously, with no objections from any members of the Board of Aldermen.

- b. Recommendation for reappointment of Ben Toben and Peter Bitzer to the Audit and Finance Committee

Alderman Ottenad made the motion to approve the reappointment of Ben Toben and Peter Bitzer to the Audit and Finance Committee. The motion was seconded by Alderman Hamill and carried unanimously, with no objections from any members of the Board of Aldermen.

- c. Recommendation for approval of successor directors for the Lafayette Center CID (Community Improvement District)

- i. John Powderly (April 1, 2020 – April 1, 2023)
- ii. Patrick Cunningham (April 1, 2020 – April 1, 2023)

City Administrator Larry Perney stated that there are five directors for the Lafayette Center CID, and he and Director Rippetoe serve on the Board along with three gentleman that work for the Management company. The terms for two of them have expired, and they are asking for reappointment.

Alderman Baumann made the motion to approve the successor directors for the Lafayette Center CID. The motion was seconded by Alderman Hamill and carried unanimously, with no objections from any members of the Board of Aldermen.

- d. MAYORAL REPORT

Mayor Clement wanted to acknowledge that Manchester has been in the news over the weekend. The story was about Dr. John's.

The City went to Court to bring them into compliance with the Special Use Permit and the business license. They have been ordered to pay \$157,500 for being out of compliance. There is a sign on the front door that says "for rent", but not sure that he feels that yet. He is not aware, yet, that Dr. John's has actually closed. This was an important win for the City, because it is important to have compliance with the businesses in Manchester.

Mayor Clement acknowledged the upcoming Small Business meeting Thursday at the Parks Building.

Christmas tree pickup starts Monday, January 13; trees need to be at the curb before Monday morning. All ornaments and lights will need to be removed. We are also asking the trees not be in plastic bags.

Mayor Clement invited residents to the next "Conversation with the Mayor", a very informal meeting, a week from Wednesday, January 15 at 7:30 a.m. at the Justice Center.

The next recycling event will be January 18 at Schroeder Park from 8:00 to 11:00 am.

Over the last three or four years, the City has become vocal about St. Louis County managing the deer population throughout the parks. Manchester is pleased to announce that St. Louis County did pass an Ordinance to allow for managed hunts in some St. Louis County Parts. Managed hunts will be through the Department of Conservation. St. Louis County acknowledges now that they need to do more. He stated that bow hunting ends January 15. He encouraged residents to report deer carcasses found.

Alderman Toben wanted to let everyone know that the Small Business Association is having a trivia night where a portion of the proceeds will go to the "Play Scholarship" in Manchester. The scholarship is for underprivileged children who can not afford swim lessons and extra-curricular activities that the Parks Department provides. If you would like to put together a table please contact Alderman Ben Toben.

7. REPORTS FROM THE CITY ADMINISTRATOR

- a. List of Paid Bills (Warrant dates of December 1, 2019 – January 4, 2020)

There were no questions.

8. REPORTS FROM COMMITTEES

- a. Planning and Zoning Commission

Alderman Hamill stated there were no meetings in December, and it is unsure if there will be a meeting in January.

- b. Homecoming Committee

Alderman Ottenad stated the Homecoming Committee had their annual Holiday Party on December 8. There were 63 people that attended, and they had delicious food at Tucker's Place West Restaurant.

9. ACTION ON OLD BILLS

- a. AN ORDINANCE TO AMEND THE 2019 BUDGET

Alderman Toben read for the second time Bill # 19-2395, entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 18-2241 THAT ADOPTED AND APPROVED THE BUDGET FOR THE CITY OF MANCHESTER FOR THE YEAR JANUARY 1, 2019 THROUGH DECEMBER 31, 2019, BY INCREASING REVENUES BY \$24,451,000 AND EXPENSES BY \$31,722,310", by title only.

Alderman Toben made the motion that Bill # 19-2395 become Ordinance # 19-2281. The motion was seconded by Alderman Hamill.

A poll of the Board showed:

Alderman Baumann – aye

Alderman Ottenad – aye
Alderman Huether – aye
Alderman Nolte – aye
Alderman Hamill – aye
Alderman Toben – aye

Mayor Clement announced that the motion passed 6 – 0, with no objections from any members of the Board of Aldermen.

10. INTRODUCTION OF NEW BILLS

- a. RESOLUTION AMENDING RESOLUTION # 19-0657 FOR PROPOSITION S 2019 CONCRETE STREET IMPROVEMENTS

Alderman Hamill read Proposed Resolution # 19-0715, entitled: “A RESOLUTION AMENDING RESOLUTION # 19-0657 BY INCREASING THE CHANGE ORDER PERCENTAGE ESTABLISHED THEREIN FROM THREE PERCENT (3%) TO SEVEN PERCENT (7%) DUE TO ADDITIONAL UNFORESEEN CONDITIONS AND AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO EXPEND AN AMOUNT NOT TO EXCEED THREE MILLION ONE HUNDRED NINETY-TWO THOUSAND THREE HUNDRED FORTY-SIX DOLLARS AND SIXTY-NINE CENTS (\$3,192,346.69), WHICH INCLUDES A SEVEN PERCENT (7%) CHANGE ORDER IN THE AMOUNT OF TWO HUNDRED EIGHT THOUSAND EIGHT HUNDRED FORTY-FIVE DOLLARS AND ELEVEN CENTS (\$208,845.11),” by title only.

Alderman Hamill made the motion for approval of Resolution # 19-0715. The motion was seconded by Alderman Ottenad and carried unanimously, with no objections from any members of the Board of Aldermen.

- b. RESOLUTION ACCEPTING BID FOR THE BULK PURCHASE OF REGULAR UNLEADED GASOLINE AND ULTRA LOW SULPHUR DIESEL FUEL

Alderman Nolte read Proposed Resolution # 19-0716, entitled: “A RESOLUTION APPROVING THE BULK PURCHASE OF REGULAR UNLEADED GASOLINE AND ULTRA LOW SULFUR DIESEL FUEL PURSUANT TO ST. LOUIS COUNTY’S COOPERATIVE PROCUREMENT CONTRACT AND AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO ISSUE PURCHASE ORDERS THEREFOR,” by title only.

Alderman Nolte made the motion for approval of Resolution # 19-0716. The motion was seconded by Alderman Hamill and carried unanimously, without any objections from any members of the Board of Aldermen.

- c. RESOLUTION ACCEPTING AN AGREEMENT WITH THE I5 GROUP, LLC FOR ANNEXATION ANALYSIS

Alderman Huether read Proposed Resolution # 19-0717, entitled: “A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH THE I5 GROUP, LLC FOR THE CITY OF MANCHESTER

ANNEXATION ANALYSIS," by title only.

City Administrator Larry Perney stated that annexations in St. Louis County are a multi-step process. It is a six-year cycle divided by a map plan and a proposal phase. He stated that in the map plan phase the City did submit some annexation areas from the City limits on Manchester down to Barretts Station to Carman and some subdivisions on the southwest part of the City. The proposal phase is when you go in front of the Boundary Commission to get their approval to ask the voters whether they want to do it or not.

City Administrator Perney stated he does not know what it would mean to annex those areas so the City will hire this firm to analyze multiple factors associated with future annexation.

Alderman Huether made the motion for approval of Resolution # 19-0717. The motion was seconded by Alderman Ottenad and carried unanimously, without any objections from any members of the Board of Aldermen.

d. RESOLUTION FOR PURCHASE OF POLICE VEHICLES

Alderman Toben read the Proposed Resolution # 19-0718, entitled: "A RESOLUTION ACCEPTING THE BID OF MCLARTY CMFO, LLC, DOING BUSINESS AS JOE MACHENS FORD LINCOLN IN THE AMOUNT OF ONE HUNDRED FOUR THOUSAND EIGHT HUNDRED FIFTY-NINE DOLLARS (\$104,859.00) FOR THE PURCHASE OF THREE (3) 2020 FORD POLICE INTERCEPTOR UTILITY VEHICLES AND AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO ISSUE A PURCHASE ORDER THEREFOR," by title only.

Director of Public Works Bob Ruck stated that the insurance company has not completed their analysis of the estimate of the vehicle damage. We are not sure if the vehicle will be totaled or not. It is the staff's recommendation that they proceed with authorizing three vehicles. He spoke to the fleet manager and shared the information and they indicated a 150 – 180 day delivery, he said it is now down to 126 to 140 days for delivery.

Alderman Toben made the motion for approval of Resolution # 19-0718. The motion was seconded by Alderman Hamill and carried unanimously, without objection.

e. BILL APPROVING A ZONING TEXT AMENDMENT TO CODE PERTAINING TO LEARNING CENTERS AND TUTORING FACILITIES

Alderman Ottenad introduced Bill #20-2397, entitled: "AN ORDINANCE APPROVING TEXT AMENDMENTS TO THE ZONING CODE OF THE CITY OF MANCHESTER PERTAINING TO LEARNING CENTERS AND TUTORING FACILITIES IN COMMERCIAL ZONING DISTRICTS," by title only.

Nothing further at this time.

f. BILL PROVIDING FOR THE SUBMISSION OF A PROPOSITION TO VOTERS TO INCREASE THE SEWER LATERAL LINE REPAIR LEVY FROM \$28 ANNUALLY TO A MAXIMUM OF \$50 ANNUALLY

Alderman Baumann introduced Bill # 20-2398, entitled: "AN ORDINANCE OF THE CITY OF MANCHESTER, MISSOURI, CALLING FOR AN ELECTION TO BE HELD ON APRIL 7, 2020, AS TO WHETHER A FEE INCREASE FOR THE CITY'S SEWER LATERAL REPAIR PROGRAM SHOULD BE IMPOSED," by title only.

City Administrator Larry Perney explained that the lateral is the pipe that carries the home waste from the household to the sewer main. It is part of resident's homes and is private property. They do fail from time to time. The average cost is around \$3,000 but repairs can exceed \$10,000. This is something that is not covered by most homeowner's insurance policies. In 2000 the voters of Manchester voted to approve a sewer lateral program. This provides insurance coverage to assist homeowners for the cost of repairs up to \$6,000. Each homeowner is currently assessed a \$28 fee per year. In the last 19 years there has been 1,013 repairs since inception. Since 2012 the sewer lateral program has operated at a loss every year except 2018. The projected fund balance for 2020 will reach zero. The cost keeps going up and revenue remains the same.

Alderman Baumann stated that emergency legislation had been requested, so he made the motion for approval of emergency legislation. The motion was seconded by Alderman Nolte and carried unanimously, without objection.

Alderman Baumann read for the second time Bill # 20-2398, entitled: "AN ORDINANCE OF THE CITY OF MANCHESTER, MISSOURI, CALLING FOR AN ELECTION TO BE HELD ON APRIL 7, 2020, AS TO WHETHER A FEE INCREASE FOR THE CITY'S SEWER LATERAL REPAIR PROGRAM SHOULD BE IMPOSED," by title only.

Alderman Baumann made the motion that Bill # 20-2398 become Ordinance # 20-2282. The motion was seconded by Alderman Hamill.

A poll of the Board showed:

Alderman Ottenad – aye
Alderman Huether – aye
Alderman Nolte – aye
Alderman Hamill – aye
Alderman Toben – aye
Alderman Baumann – aye

Mayor Clement announced that the motion passed 6 – 0, with no objections from any members of the Board of Aldermen.

11. MISCELLANEOUS

a. Comments from the Public

There were none.

12. EXECUTIVE SESSION:

- a. Closed Session: Pursuant to Section 610.021 (1) of the Revised Statutes of the State of Missouri pertaining to legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communication between a public governmental body or its representatives and its attorneys.

Alderman Hamill made a motion to go into “Closed Session: Pursuant to Section 610.021 (1) of the Revised Statutes of the State of Missouri pertaining to legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communication between a public governmental body or its representatives and its attorneys.” The motion was seconded by Alderman Toben.

A poll of the Board showed:

Alderman Huether – aye
Alderman Nolte – aye
Alderman Hamill – aye
Alderman Toben - aye
Alderman Baumann – aye
Alderman Ottenad – aye

Mayor Clement stated that the motion passed by a vote of 6 – 0, with no objection from any member of the Board of Aldermen.

13. ADJOURNMENT

At 8:50 p.m., after the Executive Session, there being no further business, Alderman Hamill made the motion to adjourn. The motion was seconded by Alderman Nolte and carried unanimously, without objection from any members of the Board of Aldermen. The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Ruth E. Baker, MMC/MPCC, City Clerk

Note: *This is a journal of the Board of Aldermen meeting held Monday, January 6, 2020, (summary); not a verbatim transcript. If a recording of the meeting is desired, please contact City Hall.*