



**MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING
OF MONDAY, JANUARY 21, 2019
AT 200 HIGHLANDS BOULEVARD DRIVE**

1. CALL TO ORDER

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

2. ROLL CALL AND STATEMENT OF QUORUM

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

3. APPROVAL OF THE MINUTES

- a. Minutes of the January 7, 2019 Public Hearing regarding a Special Use Permit Request for a restaurant at 659 Big Bend Road

Alderman Hamill made the motion to approve the Minutes of the Public Hearing of Monday, January 7, 2019 regarding a Special Use Permit for a restaurant at 659 Big Bend Road. The motion was seconded by Alderman Toben and carried unanimously, without objection.

- b. Minutes of the January 7, 2019 Public Hearing regarding a proposed text amendment to the Code of Ordinances pertaining to architecture and site plan review requirements

Alderman Hamill made the motion to approve the Minutes of the Public Hearing of Monday, January 7, 2019 regarding a text amendment to the Code of Ordinances pertaining to architecture and site plan review requirements. The motion was seconded by Alderman Ottenad and carried unanimously, without objection.

- c. Minutes of the January 7, 2019 Public Hearing regarding a proposed text amendment to the Code of Ordinances pertaining to Report from the Planning and Zoning Commission and also pertaining to application procedures

Alderman Ottenad made the motion to approve the Minutes of the Public Hearing of Monday, January 7, 2019 regarding a text amendment to the Code of Ordinances pertaining to report from the planning and zoning commission and also pertaining to application procedures. The motion was seconded by Alderman Baumann and carried unanimously, without objection.

- d. Minutes of the January 7, 2019 Public Hearing regarding the proposed repeal of sections of the Code of Ordinances pertaining to the Historic Review Commission

Alderman Hamill made the motion to approve the Minutes of the Public Hearing of Monday, January 7, 2019 regarding repeal of sections of the Code of Ordinances pertaining to the Historic Review Commission. The motion was seconded by Alderman Ottenad and carried unanimously, without objection.

- e. Minutes of the January 7, 2019 Public Hearing regarding a proposed text amendment to the Code of Ordinances pertaining to procedures in the Planned Commercial Development District and the Planned Residential Development District

Alderman Hamill made the motion to approve the Minutes of the Public Hearing of Monday, January 7, 2019 regarding a proposed text amendment to the Code of Ordinances pertaining to procedures in the Planned Commercial Development District and the Planned Residential Development District. The motion was seconded by Alderman Ottenad and carried unanimously, without objection.

- f. Minutes of the January 7, 2019 Regular Board of Aldermen meeting

Alderman Hamill made the motion to approve the Minutes of the January 7, 2019 Regular Board of Aldermen meeting. The motion was seconded by Alderman Toben and carried unanimously, without objection.

4. ESTABLISHMENT OF ORDER OF ITEMS ON THE AGENDA

Alderman Ottenad made the motion to approve the order of items on the agenda, as presented. The motion was seconded by Alderman Hamill and carried unanimously, without objection.

5. CONSIDERATION OF PETITIONS AND COMMENTS FROM THE PUBLIC

- a. Oath of Office - Chief of Police

Mayor Clement read a short biography on Chief of Police Scott Will. After City Clerk Ruth Baker gave the new Chief of Police his Oath of Office, there were many congratulatory and welcoming handshakes.

- b. Comments from the Public

There were none.

6. REPORTS FROM THE MAYOR

a. Introduction of Girl Scouts from Troop 1795 from Barretts School

Mayor Clement introduced the following Girl Scouts from Troop 1795 which is sponsored by Barretts School: Gabby Bonge; Lilly Bonge; Eleanor Martin; Campbell McCool; Faith McGillivray; Chloe Millonas; Evie Myers; Gracie Singen; Isla Smith and Haylee Weir.

b. Recommendation of appointment of Linda Fluchel to the Planning and Zoning Commission

Alderman Ottenad made the motion for the appointment of Linda Fluchel to the Planning and Zoning Commission. The motion was seconded by Alderman Huether and carried unanimously, without objection.

c. Recommendation of appointment of Bill Ward to the Audit and Finance Committee

Alderman Hamill made the motion for the appointment of Bill Ward to the Audit and Finance Committee. The motion was seconded by Alderman Toben and carried unanimously, without objection.

d. Recommendation of appointment of Rich Baumann to the Audit and Finance Committee

Alderman Ottenad made the motion for the appointment of Rich Baumann to the Audit and Finance Committee. The motion was seconded by Alderman Hamill and carried unanimously, without objection.

e. Recommendation of appointment of Ben Toben to the Audit and Finance Committee

Alderman Ottenad made the motion for the appointment of Ben Toben to the Audit and Finance Committee. The motion was seconded by Alderman Hamill and carried unanimously, without objection.

f. Mayoral Report

Mayor Clement acknowledged the Public Works Department during the last couple weeks for dealing with the snow. He said they have done a really good job.

Mayor Clement stated that deer season has ended. It was the first deer season bow hunting was allowed in Manchester. He stated that the City tried to facilitate hunting in those areas where permission was granted. There were a total of eight deer harvested. He is excited that there are three more subdivisions that are looking to possibly open up their common ground for bow hunting next year. He said there is a huge herd population and there is a need for better management than in the past.

Mayor Clement stated he hosted a small business meeting at the Parks Department recently, and there is a meeting this week with a small group to discuss getting a small business association in Manchester.

Mayor Clement stated he had another "Conversation with the Mayor" last week, and Chief of Police Scott Will was there. He said there was a packed house for that meeting. Mayor Clement stated that there is a concern among the residents about "Better Together".

g. Commendations to Police Officers - Lieutenant Craig Smith

Lieutenant Craig Smith said he wanted to bring to everyone's attention that there was a residential fire that occurred the evening of Monday, September 17, 2018. At 2348 hours, Officer Cowan, Sergeant Waggener and Sergeant West were dispatched to 925 Carman Road for a house fire. While enroute, the officers were advised there were flames visible and one person was still inside. Upon arrival, the officers were met in the front yard by the homeowners and their two dogs. However, there weren't any flames visible. The homeowners told the officers they had been awakened by the smoke detector sounding and the house filling up with smoke. They also said there was still another person inside the home, but they couldn't get her out because she was passed out due to alcohol intoxication. Without any hesitation and regard for their own safety, the officers immediately went inside the home to try to locate the woman. As soon as they made entry they were met with heavy smoke and now visible flames. A short time later, they located a 59-year-old female victim in the back bedroom. She was slumped over the bed and unresponsive and had obvious burns to her legs. The officers then carried the victim outside to safety. Once outside, the victim was treated and then transported to the hospital by West County Emergency Medical Service personnel for second degree burns to her legs and other areas of her body.

The quick response and selfless actions taken by all three officers without a doubt prevented this incident from having a very tragic outcome. All three officers are being commended for their outstanding and extraordinary efforts in handling the above incident. Their actions also reflect well on the service of the Manchester Police Department and serve to endear the community's support toward organizational objectives. Lieutenant Smith asked that the officers please accept his sincere gratitude and appreciation for a job-well-done!

Lieutenant Smith stated that on December 21, 2018 at 2213 hours, Officer Restivo and Officer Roybal were dispatched to 1429 Mautenne in reference to a suicidal subject who was armed with a knife and wanted to die. Upon arrival, they met the victim's father at the front door. The father told them his 40-year-old son was inside and confirmed he had a knife and was acting suicidal. Both officers then went inside the home and were immediately met by the victim who was standing in a narrow hallway approximately 15 feet away and holding a knife in his left hand. Officer Restivo gave the victim numerous commands to drop the knife but the suicidal subject ignored him. The victim then asked, "What happens if I don't drop the knife?" At that point, he started walking towards the officers while still holding the knife. Again the victim was given numerous commands to drop the knife, but he still ignored them.

Officers Restivo and Roybal then started to walk backwards and retreat out the front door of the home in an attempt to gain more space between them and the victim. Once outside, Officer Restivo un-holstered his duty pistol and pointed it at the victim and again ordered him to drop the knife. The victim continued holding the knife and again ignored Officer Restivo's commands. At that time, Officer Roybal deployed his Taser and struck the victim in his abdomen area. The victim immediately fell to the ground and dropped the knife. He was then handcuffed and searched for additional weapons, but none were found. While still on the ground the victim told the officers he didn't want to hurt anyone but himself. He told them he was already dying from another illness and just wanted to die. It was later learned that the victim had been at Mercy Hospital two weeks prior for a psychological evaluation. A few moments later, West County Emergency Medical Service units arrived on the scene and transported the victim to the hospital for further treatment and another psychological evaluation.

In a follow-up to the incident, both officers stated they believed the victim definitely wanted to die. However, they believed he was actually wanting to commit "Suicide by Cop". The actions by the victim would have given the officers justification to use much more force, but by handling the situation with extraordinary restraint, professionalism and compassion, it allowed them to bring this incident to a favorable outcome and get the victim the help he needed. Lieutenant Smith stated that both officers are being commended for their outstanding efforts for their handling of this medical call.

7. REPORTS FROM THE CITY ADMINISTRATOR

a. Homecoming trailer

City Administrator Larry Perney stated that the Homecoming trailer had caught on fire on New Year's weekend, and the week prior to that there were a couple break-ins at the Park and things were stolen. He said that currently they are getting bids on camera equipment for better monitoring of the park. He stated that there was a lot of equipment for Homecoming in the trailer. The trailer and contents were covered by insurance.

b. Sidewalks

City Administrator Perney stated he wanted to give an update about the sidewalks on the north side of Manchester. He said there was discussion last year about those sidewalks being a priority. He stated that there are some Federal Grants coming up the first of this year, and Horner & Shifrin and Director Bob Ruck are looking into what needs to be done to try to attain a grant. He said the first phase would be from Baxter to Henry. There is a pedestrian bridge at Dierberg's over the creek, and that would be extra points for the City. The final application is due February 14, and the grant is to be awarded in May. There will potentially be a Phase II and III.

c. List of Paid Bills (Warrant dates of January 5 - January 18, 2019)

There were no questions.

8. REPORTS FROM COMMITTEES

a. Planning and Zoning Commission

Mayor Clement stated there were three site plans for homes in Manchester, all three were approved without question.

b. Homecoming Committee

Alderman Ottenad stated that the Homecoming Committee did not have a scheduled meeting, but on Sunday, there was a fire in the Homecoming trailer at the Park. Many of the things they used for Homecoming were lost, but luckily nobody was hurt.

9. ACTION ON OLD BILLS

a. AN ORDINANCE APPROVING A SPECIAL USE PERMIT REQUEST FOR A RESTAURANT AT 659 BIG BEND ROAD

Alderman Baumann read for the second time Bill # 19-2360, entitled: "AN ORDINANCE CREATING A SPECIAL USE PERMIT AND GRANTING THE SAME TO CAFÉ LAHORE, TO OPERATE A RESTAURANT AT 659 BIG BEND ROAD, AS PROVIDED FOR IN SECTION 405.250(C)(4)(f) OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER" by title only.

Alderman Baumann made the motion that Bill # 19-2360 become Ordinance # 19-2245. The motion was seconded by Alderman Ottenad.

A poll of the Board showed:

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

Mayor Clement announced the vote passed 6 - 0, with no objections from the Board.

b. AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE CODE OF ORDINANCES PERTAINING TO ARCHITECTURE AND SITE PLAN REVIEW REQUIREMENTS

Alderman Hamill read for the second time Bill # 19-2361, entitled "AN ORDINANCE APPROVING TEXT AMENDMENTS TO THE ZONING CODE OF THE CITY OF MANCHESTER PERTAINING TO ARCHITECTURE AND SITE PLAN REVIEW REQUIREMENTS", by title only.

Alderman Hamill made the motion that Bill # 19-2361 become Ordinance # 19-2246. The motion was seconded by Alderman Ottenad.

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 the vote passed 6 - 0, with no objections from the Board.

- c. AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE CODE OF ORDINANCES PERTAINING TO REPORT FROM THE PLANNING AND ZONING COMMISSION AND PERTAINING TO APPLICATION PROCEDURE

Alderman Hamill read for the second time Bill # 19-2362, entitled "AN ORDINANCE APPROVING TEXT AMENDMENTS TO THE ZONING CODE OF THE CITY OF MANCHESTER PERTAINING TO REPORT FROM PLANNING AND ZONING COMMISSION AND APPLICATION PROCEDURE", by title only.

Alderman Hamill made the motion that Bill # 19-2362 become Ordinance # 19-2247. The motion was seconded by Alderman Ottenad.

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 the vote passed 6 - 0, with no objections from the Board.

- d. AN ORDINANCE REPEALING SECTIONS OF THE CODE OF ORDINANCES PERTAINING TO THE HISTORIC REVIEW COMMISSION

Alderman Huether read for the second time Bill # 19-2363, entitled: "AN ORDINANCE APPROVING TEXT AMENDMENTS TO THE MUNICIPAL CODE OF THE CITY OF MANCHESTER PERTAINING TO THE HISTORIC REVIEW COMMISSION", by title only.

Alderman Huether made the motion that Bill # 19-2363 become Ordinance # 19-2248. The motion was seconded by Alderman Ottenad.

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 announced the vote passed 6 - 0, with no objections from the Board.

- e. AN ORDINANCE APPROVING A TEXT AMENDMENT TO THE CODE OF ORDINANCES PERTAINING TO PROCEDURES IN THE PLANNED COMMERCIAL DEVELOPMENT DISTRICT AND THE PLANNED RESIDENTIAL DEVELOPMENT DISTRICT

Alderman Nolte read for the second time Bill # 19-2364, entitled: "AN ORDINANCE APPROVING TEXT AMENDMENTS TO THE ZONING CODE OF THE CITY OF MANCHESTER PERTAINING TO PROCEDURES IN THE PCD PLANNED COMMERCIAL DISTRICT AND THE PRD PLANNED RESIDENTIAL DEVELOPMENT DISTRICT", by title only.

Alderman Nolte made the motion that Bill # 19-2364 become Ordinance # 19-2249. The motion was seconded by Alderman Ottenad.

A poll of the Board showed:

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

Mayor Clement announced the vote passed 6 - 0, with no objections from the Board.

10. INTRODUCTION OF NEW BILLS

- a. RESOLUTION ACCEPTING BID FOR AQUATIC CENTER MANAGEMENT SERVICES

Alderman Nolte read proposed Resolution # 19-0653, entitled: "A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO ENTER INTO A CONTRACT WITH LIFEGUARDS UNLIMITED, INC. IN AN AMOUNT NOT TO EXCEED ONE HUNDRED SIXTY-SEVEN THOUSAND THREE HUNDRED DOLLARS (\$167,300.00) FOR ALL LABOR, MATERIALS, TOOLS AND EXPENDABLE EQUIPMENT NECESSARY FOR THE MANAGEMENT AND OPERATION OF THE MANCHESTER AQUATIC CENTER IN 2019, WITH AN OPTION FOR TWO ONE-YEAR RENEWALS FOR THE 2020 AND 2021 POOL SEASON", by title only.

Alderman Ottenad stated our budget for 2019 is \$157,500, the bid is coming to \$167,300. She does understand why we are doing it but wants to know where the difference is coming from, what line item.

City Administrator Perney stated that is the maximum it could be. Last year the amount was \$156,000, but the final expenses came in under that. He said it is based on the most possible expense, if we have full contract hours and full employment for the entire summer, which is not going to happen. He can't answer the question at this time, but if there has to be a budget adjustment later, then that will be done, but he thinks the actual expense will end up lower than what is budgeted.

Alderman Huether stated she knows that the Park staff expressed concerns about cleanliness at the pool last year. In reviewing the contract, knowing of the change in

companies because this company has had much more positive performance in that regard, she is wondering what recourse the City has in the contract if that should not be the case.

Interim Director of Parks, Recreation and Arts Kat Douglas stated that along with financial matters is why the recommendation was made to revert back to the company that the City has used for a decade before switching companies last year. Historically, Lifeguards Unlimited, Inc. was more responsive toward complaints and our concerns. She said she doesn't know if there is any other recourse in our contract other than termination and switching to another company.

Alderman Baumann stated he shares the same concern as Alderman Huether. He knows that the City staff is recommending going back to the other company that did not have those issues, but he still thinks there needs to be some recourse.

Alderman Ottenad stated that she feels the Board of Aldermen was pretty clear that it was desired to have something put in the contract, so if there was a problem with this, the City would have an easy way out.

City Administrator Perney stated he did not write the contract.

Alderman Nolte stated it is pretty hard to write in a contract that we don't feel it is clean enough therefore we are going to penalize you some dollar amount. What he thinks needs to happen is to rely on not hiring them for the next year.

City Attorney Erin Seele stated that she agrees with what Alderman Nolte said, plus they do have a requirement, a line item of the contract, and within there that if there is a breach, and they could argue that it is a breach because it is a requirement of the contract, and they are responsible for the city's attorney fees of the enforcement of that contract.

City Administrator Perney stated they did not choose the low bidder; they did chose the one with the best services.

Alderman Nolte made the motion for approval of Resolution # 19-0653. The motion was seconded by Alderman Hamill and carried unanimously, without objection.

b. RESOLUTION ACCEPTING BID FOR FOURTH OF JULY FIREWORKS DISPLAY

Alderman Ottenad read proposed Resolution # 19-0654, entitled: "A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO ENTER INTO A CONTRACT WITH ARC PYROTECHNICS, INC. IN THE AMOUNT NOT TO EXCEED EIGHTEEN THOUSAND TWO HUNDRED DOLLARS (\$18,200.00) FOR ALL LABOR, EQUIPMENT AND MATERIALS NECESSARY FOR THE 2019 FOURTH OF JULY FIREWORKS DISPLAY, AND AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO ISSUE A PURCHASE ORDER THEREFOR", by title only.

Alderman Ottenad stated she is glad the recommendation is to go back with this company; they did a great job last year. She is a little disappointed that this is over budget again, but she understands that if we want to keep this company.

Alderman Ottenad made the motion for approval of Resolution # 19-0654. The motion was seconded by Alderman Hamill and carried unanimously, without objection.

c. RESOLUTION AUTHORIZING THE PURCHASE OF ROAD SALT

Alderman Toben read proposed Resolution # 19-0655, entitled: "A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO EXPEND THE SUM OF THIRTY-FIVE THOUSAND NINE HUNDRED EIGHTY-EIGHT DOLLARS (\$35,988.00) FOR THE MID-WINTER PURCHASE AND DELIVERY OF ROAD SALT FOR THE 2018-2019 WINTER SEASON FOR USE BY THE CITY OF MANCHESTER", by title only.

Alderman Toben made the motion for approval of Resolution # 19-0655. The motion was seconded by Alderman Ottenad and carried unanimously, without objection.

d. BILL APPROVING VACATION OF EASEMENT

Alderman Baumann read for the first time Bill # 19-2365, entitled: "AN ORDINANCE VACATING A CERTAIN EASEMENT IN THE CITY OF MANCHESTER, MISSOURI, REFERRED TO FOR THESE PURPOSES AS THE 825 SULPHUR SPRING ROAD EASEMENT", by title only.

No further action at this time.

e. BILL AMENDING THE CODE OF ORDINANCES PERTAINING TO LIQUOR LICENSES

Alderman Toben read for the first time Bill # 19-2366, entitled: "AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 600 OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER RELATING TO LIQUOR LICENSES IN THE CITY OF MANCHESTER", by title only.

No further action at this time.

f. BILL AMENDING THE CODE OF ORDINANCES RELATING TO ANIMALS AT LARGE

Alderman Huether read for the first time Bill # 19-2367, entitled: "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER BY UPDATING CHAPTER 205, ARTICLE II, SECTION 205.060 (A) (3) PERTAINING TO THE DEFINITION OF A DOG OR PUPPY BEING "AT LARGE" IN THE CITY OF MANCHESTER", by title only.

Alderman Huether stated this is an update to what she described as outdated leash regulations. This would require that pet owners keep animals on leashes when walking through the neighborhood. Currently, Manchester's Code of Ordinances only requires leashes in parks. It does not require leashes on private property, and this is bringing us in line with neighboring municipalities.

Mayor Clement stated Lieutenant Smith was involved in the discussion and they listened from the perspective of the police and policing. He feels it will be easier to manage this change.

No further action at this time.

11. MISCELLANEOUS

a. COMMENTS FROM THE PUBLIC

There were none.

12. EXECUTIVE SESSION

- a. Closed Session: Pursuant to Section 610.021 (3) of the Revised Statutes of the State of Missouri pertaining to the hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded.

Alderman Hamill made the motion to go into Closed Session: Pursuant Section 610. (3) of the Revised Statutes of the State of Missouri pertaining to the hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. The motion was seconded by Alderman Toben.

A poll of the Board showed:

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

Mayor Clement announced the motion passed 6 - 0, with no objections from the Board.

13. ADJOURNMENT

At 8:24 p.m., after the Executive Session, there being no further business, Alderman Hamill made the motion to adjourn. The motion was seconded by Alderman Toben.

A poll of the Board showed:

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

Mayor Clement announced the motion carried unanimously, with no objections from the members of the Board of Aldermen. The meeting adjourned at 8:24 p.m.

Respectfully submitted,

Ruth E. Baker, MMC/MPCC
City Clerk

Note: This is a journal of the Board of Aldermen meeting of Monday, January 21, 2019 (summary); not a verbatim transcript. If a recording of the meeting is desired, please contact City Hall.