



**MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING
OF MONDAY, FEBRUARY 5, 2018
AT 200 HIGHLANDS BOULEVARD DRIVE**

1. CALL TO ORDER

Mayor David L. Willson 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 Clement, Alderman Nolte, Alderman Hamill, Alderman Ottenad, Alderman Baumann, Alderman Diehl, Mayor Willson and Attorney Gunn. A quorum was present.

3. APPROVAL OF THE MINUTES:

- a. Minutes of the Public Hearing of Monday, January 15, 2018 regarding a Zoning Text Amendment pertaining to occupancy permits

Alderman Hamill made the motion to approve the Minutes of the January 15, 2018 Public Hearing regarding a Text Amendment pertaining to occupancy permits. The motion was seconded by Alderman Ottenad and carried unanimously, without objection.

- b. Minutes of the Public Hearing of Monday, January 15, 2018 regarding a Zoning Text Amendment pertaining to signs in the PBD

Alderman Hamill made the motion to approve the Minutes of the January 15, 2018 Public Hearing regarding a Text Amendment pertaining to signs in the Planned Business District (PBD). The motion was seconded by Alderman Clement and carried unanimously, without objection.

- c. Minutes of the Public Hearing of Monday, January 15, 2018 regarding a Text Amendment pertaining to the Property Maintenance Code

Alderman Clement made the motion to approve the Minutes of the January 15, 2018 Public Hearing regarding a Text Amendment pertaining to the Property Maintenance Code. The motion was seconded by Alderman Hamill and carried unanimously, without objection.

d. Minutes of the Regular Board of Aldermen meeting of Monday, January 15, 2018

Alderman Hamill made the motion to approve the Minutes of the Regular Board of Aldermen meeting of Monday, January 15, 2018. The motion was seconded by Alderman Clement and carried unanimously, without objection.

4. ESTABLISHMENT OF ORDER OF ITEMS ON THE AGENDA

Mayor Willson advised that there was a recommended addition to the agenda, and that is a Resolution for the use of the Parks Building.

Alderman Hamill made the motion to approve the Order of Items on the Agenda as amended. The motion was seconded by Alderman Baumann and carried unanimously, without objection.

5. CONSIDERATION OF PETITIONS AND COMMENTS FROM THE PUBLIC

a. Comments from the Public

There were none.

6. REPORTS FROM THE MAYOR

a. Mayoral Report

Mayor Willson reported that on January 18, the City hosted the Eastern Missouri Clerks' luncheon; City Clerk Ruth Baker was the hostess, and it was held at the new Parks Building. He said that was the first venture of the use of the Parks Building, and it went very well. Everyone thought it was a nice venue. That evening he went to a Boy Scouts meeting at St. John Church and spoke about municipal government. He stated that January 20 was a recycling day at the Park. At the John F. Kennedy School location, Fontbonne University gave a presentation about the planned use of the building. The plan is that they will be holding graduate classes; there is also a need for a venue for their athletic teams, so they want to bring the ballfields to NCAA standards. They will have track and a Lacrosse field, with LED lighting on the fields.

Mayor Willson reported that on January 21, the new Park building open house was held; it was a beautiful day and lots of people came; on January 22, the Planning and Zoning Commission meeting was held, and on January 25, the City hosted the St. Louis County Municipal League meeting, John Nations from Metro was guest speaker and there were 70 to 80 people in attendance.

7. REPORTS FROM THE CITY ADMINISTRATOR

a. List of Paid Bills (Warrant dates of January 14 – February 3, 2018)

There were none.

b. Kudos to Director Eileen Collins and the Parks Department

City Administrator Larry Perney stated he has received a letter from a resident with a special needs son, and the Park's Department accommodated the son by altering the swings for him to be able to enjoy them. The family is appreciative.

Alderman Baumann stated that there is also a resident in the Royal Village Subdivision that has a daughter with special needs, and he walked there and told them about the swings on the playground, and those residents were very excited too.

c. Report on Missouri American Water requested rate increase

On January 29, City Administrator Perney went to the Maryland Heights Court Room and attended a public hearing on the Missouri American Water rate increase request. They are asking for a \$75 million increase, it looks like a 40-45% rate increase.

8. REPORTS FROM COMMITTEES

a. Planning and Zoning Commission

Alderman Clement stated that the Planning and Zoning Commission did meet on January 22. There were four cases. The owner of El Taluco Grocery requested a Special Use Permit to sell alcohol. Two other businesses in Manchester were seeking approval of signs, one request is from Goodwill, and one is from Regions Bank; both were approved. A residential renovation was on the agenda, but the party did not attend.

9. ACTION ON OLD BILLS

a. BILL # 18-2320 - AN ORDINANCE REVISING THE CODE OF ORDINANCES REGARDING OCCUPANCY PERMITS

Alderman Hamill read for the second time Bill # 18-2320, entitled: "AN ORDINANCE REPEALING SECTION 405.810 OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER RELATING TO OCCUPANCY PERMITS", by title only.

Alderman Hamill made the motion that Bill # 18-2320 become Ordinance # 18-2204. The motion was seconded by Alderman Clement.

A poll of the Board showed:

Alderman Clement – aye
Alderman Nolte - aye
Alderman Hamill - aye
Alderman Diehl – aye
Alderman Baumann – aye
Alderman Ottenad – aye

Mayor Willson reported the vote passed 6 – 0, with no objections from the Board.

b. BILL # 18-2321 – AN ORDINANCE REVISING THE CODE OF ORDINANCES REGARDING SIGNS IN THE PLANNED BUSINESS DISTRICT

Alderman Baumann read for the second time Bill # 18-2321, entitled: "AN ORDINANCE AMENDING SECTION 405.285 E.2 OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER RELATING TO THE REGULATION OF ELECTRONIC MESSAGE SIGNS IN THE PLANNED BUSINESS DISTRICT OF THE CITY OF MANCHESTER, MISSOURI", by title only.

Alderman Baumann made the motion that Bill # 18-2321 become Ordinance # 18-2205. The motion was seconded by Alderman Clement.

A poll of the Board showed:

Alderman Nolte - aye
Alderman Hamill - aye
Alderman Diehl – aye
Alderman Baumann – aye
Alderman Ottenad – aye
Alderman Clement – aye

Mayor Willson reported the vote passed 6 – 0, with no objections from the Board.

c. AN ORDINANCE PERTAINING TO THE PROPERTY MAINTENANCE CODE

Alderman Nolte read for the second time Bill # 18-2322, entitled: "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER BY REPEALING SECTIONS 505.040 THROUGH AND INCLUDING 505.190 OF SUCH CODE AND ENACTING NEW PROVISIONS RELATING TO THE ISSUANCE OF OCCUPANCY PERMITS WITHIN THE CITY OF MANCHESTER", by title only.

Alderman Nolte made the motion that Bill # 18-2322 become Ordinance # 18-2206. The motion was seconded by Alderman Hamill.

A poll of the Board showed:

Alderman Hamill - aye
Alderman Diehl – aye
Alderman Baumann – aye
Alderman Ottenad – aye
Alderman Clement – aye
Alderman Nolte - aye

Mayor Willson reported the vote passed 6 – 0, with no objections from the Board.

10. INTRODUCTION OF NEW BILLS

- a. RESOLUTION CONTRACTING FOR DESIGN ENGINEERING AND CONSTRUCTION INSPECTION SERVICES FOR THE HOWARD GEORGE DRIVE BRIDGE REHABILITATION PROJECT

Alderman Nolte read Proposed Resolution # 18-0616, entitled: “A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO ENTER INTO A CONTRACT WITH HORNER & SHIFRIN, INC. IN AN AMOUNT NOT TO EXCEED EIGHTY-FOUR THOUSAND SEVEN HUNDRED NINETY-EIGHT DOLLARS AND FIFTY-SIX CENTS (\$84,798.56) TO PROVIDE THE CITY WITH DESIGN ENGINEERING AND CONSTRUCTION INSPECTION SERVICES FOR THE HOWARD GEORGE DRIVE BRIDGE OVER GRAND GLAIZE CREEK REHABILITATION PROJECT IN THE CITY OF MANCHESTER”, by title only.

Alderman Nolte made the motion for approval of Resolution # 18-0616. The motion was seconded by Alderman Hamill and carried 6 – 0, with no objections from the Board.

- b. RESOLUTION CONTRACTING FOR ENGINEERING AND SURVEYING, CONSTRUCTION PLAN DESIGN/PERMITTING, AND BIDDING SERVICES FOR THE BROOKVALE TERRACE RELIEF TRUNK SEWER PROJECT

Alderman Hamill read Proposed Resolution # 18-0617, entitled: “A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO ENTER INTO A CONTRACT WITH STOCK & ASSOCIATES CONSULTING ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) TO PROVIDE THE CITY WITH ENGINEERING AND SURVEYING, CONSTRUCTION PLAN DESIGN/PERMITTING, AND BIDDING SERVICES FOR THE BROOKVALE TERRACE RELIEF TRUNK SEWER PROJECT IN THE CITY OF MANCHESTER”, by title only.

Alderman Hamill made the motion for approval of Resolution # 18-0617. The motion was seconded by Alderman Clement and carried 6 – 0, with no objections from the Board.

- c. RESOLUTION CONTRACTING FOR 2018 FIREWORKS

Alderman Baumann read Proposed Resolution # 18-0618, entitled “A RESOLUTION ACCEPTING THE BID OF ARC PYROTECHNICS, INC. IN THE AMOUNT OF SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS (\$17,500.00) FOR ALL LABOR, EQUIPMENT AND MATERIALS NECESSARY FOR THE 2018 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 Baumann made the motion for approval of Resolution # 18-0618. The motion was seconded by Alderman Clement and carried 6 – 0, with no objections from the Board.

- d. RESOLUTION ESTABLISHING A POLICY FOR USE OF THE MANCHESTER PARK BUILDING FACILITY

Alderman Diehl read proposed Resolution # 18-0619, entitled: "A RESOLUTION ESTABLISHING A POLICY FOR THE USE OF THE MANCHESTER PARK BUILDING FACILITY", by title only.

Alderman Clement stated several weeks ago they saw the views of Director Collins on it and he believes he is in alignment with her views. He wonders if this still reflect her views.

Director of Parks, Recreation and Arts Eileen Collins stated this is an opportunity to generate some money for the City. She said she knows Attorney Gunn has some reservations about extending too far, but this is a good place to start and it can be re-evaluated. What she has seen can work within those parameters, and the Parks, Recreation and Arts Department can track how many requests are received from the commercial aspect. If she feels changes need to be made, she will contact Attorney Gunn and City Administrator Perney about that. She said they have groups interested that they have put on the back burner until this was adopted.

Alderman Clement asked if the City is going to lose that interest by this change.

Director Collins stated she doesn't think the interest will be lost. They will explain that this is the first time those rooms have been available. This really is uncharted waters for the City. They will track, and keep names of organizations. If at a later date, expansion to other groups is approved, the City can reach out to those organizations then.

Alderman Clement asked Director Collins to keep track of the requests, and he would like to also know how many evenings or off-prime-time that the room is empty. It is a nice facility, the residents of this community have paid for it. He is hearing "let's try this", but it is a nice space that should be used.

Alderman Nolte asked if this Resolution is different from what they have seen before. He asked if this is the first time they have seen this one which is being presented tonight.

City Administrator Larry Perney responded that this is the original one he sent to the Board. He said he changed City Administrator as consultant to City Attorney and then changed it to Department Head and himself. He said he felt if he had a legal question, he would normally contact the City Attorney. Then he changed it back to City Administrator and City Attorney.

Attorney Gunn stated it is the public's property and he thinks we should be careful. The law requires us to be careful about using public property for certain type of ventures.

Alderman Nolte stated his only concern is that it sounds like the City Attorney has a vote on how it should be administrated. It says it should be consulted with the City Administrator and the City Attorney. It sounds like they would have to agree to allow something there, and he is not in favor of that. He said he is in favor of the City Administrator and the Parks Department making decisions with a consultation by the City Attorney.

City Attorney Gunn responded that is what it says.

Alderman Clement and Alderman Nolte stated it does not say that.

City Attorney Gunn explained that it is the sole discretion of the Director of Parks and Recreation, after consultation with the City Attorney. It is not his building and he is not making

decisions, but he thinks it is important a City Attorney be apprised of what is going on in case there might be a run afoul of some state or federal Ordinance.

Alderman Nolte stated he doesn't see why it is important that it be legislated that the City Attorney be consulted on any sort of decision like that. He believes the decision should rest with the Parks Director and City Administrator.

City Attorney Gunn stated the decision does rest in this case with the Parks Director, at the sole discretion of the Director of Parks and Recreation.

Alderman Clement stated the word "after" requires a consultation with the City Attorney. He has the same concern as Alderman Nolte that the decision making is taken out of the hands of the Parks Director and/or City Administrator.

City Attorney Gunn reminded everyone the language is identical to language that is used for the other meeting spaces of the City.

Alderman Ottenad stated it has been so long since they dealt with that.

Alderman Nolte said he didn't vote on those previous instances. This is what is being dealt with right now.

Mayor Willson stated the parks building, as the saying goes, wasn't built in a day. He said the City is on a learning curve on this. He suggested that the City give this a chance, and changes can be made as we go on. He said the building needs to be used and made available, we can't do that if we are going to be nit picking who is using it. We can always make changes downstream.

Alderman Nolte said he thinks it should be done right the first time.

Mayor Willson stated we don't know what the right way is yet.

Attorney Gunn stated it is a concern if it is going to be used for commercial or profit or for gambling.

Alderman Nolte stated he doesn't really see how that makes a difference for commercial or for profit or for gambling; that isn't really an issue here. He doesn't think that is a legitimate concern.

City Attorney Gunn asked if they could use it for gambling.

Alderman Nolte responded negatively, and said he doesn't think the concern is to use it for gambling. He asked Attorney Gunn if he really believes it will be used for gambling.

City Attorney Gunn answered it is unfettered at this time.

City Attorney Gunn stated all he is suggesting is it would be appropriate to run this past some person who might be more familiar with legal implications there may or may not be before a use is made. He said that is what city attorneys do; they offer advice on legal implications, not on what the decision is. He said he is sure the City Administrator and the Director of Parks and Recreation will affirm that he has told them this is not his decision; it is their decision, however he

believes the input of the city attorney would be a good idea. This is the public's building, it should be protected as the public would find agreeable. He said it is not his decision, but the input of a city attorney is beneficial, so we don't run afoul.

Alderman Clement asked Director Collins to keep records. He said he would like to know how it is used, who are we saying no to, and why did we say no. He said after six months we can take a look and see what has happened, because he concurs with Alderman Nolte's concerns too. He will support this, but he wants to watch how the City uses it.

Alderman Diehl made the motion for approval of Resolution # 18-0619. The motion was seconded by Alderman Clement and carried with a vote of 5 – 1.

11. MISCELLANEOUS

a. Comments from the Public

Mr. Chris Winters, 510 Cardinal Lane, stated regarding Martin Luther King (MLK) Day, he would propose that City Hall be closed, but employees come in and work and change the date of the Board meeting to be respectful and politically correct. He believes Manchester is only one of two cities that are actually open on Martin Luther King Day in the St. Louis County area.

Mr. Winters also wanted to recommend talking with St Louis County about changing the speed limit from 35 to 30 on Sulphur Spring between Wren and Old Sulphur Spring because of the new subdivision being built, around the curve.

Mr. Winters asked if any of Proposition P money has been received yet. City Administrator Perney answered the City has received a little bit of money. He said the City should receive money monthly. He answered the monies will be added to the general fund.

Director Ruck wanted to remind everyone the next Board of Aldermen meeting will be on Tuesday, February 20.

13. ADJOURNMENT

At 7:30 p.m., there being no further business, Alderman Baumann made the motion to adjourn. The motion was seconded by Alderman Clement and carried unanimously, without objection. The meeting adjourned at 7:30 p.m.

Respectfully submitted,

Ruth E. Baker, MMC/MPCC
City Clerk

***Note:** This is a journal of the Board of Aldermen meeting of February 5, 2018 (summary); not a verbatim transcript. If a recording of the meeting is desired, please contact City Hall.*