



**MINUTES OF THE PUBLIC HEARING OF
MONDAY, AUGUST 6, 2018
AT 200 HIGHLANDS BOULEVARD DRIVE
REGARDING A PROPOSED SUBDIVISION OF SINGLE-FAMILY HOMES ON
APPROXIMATELY 11.4 ACRES IN THE
R-4 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT**

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 was then read:

“The City of Manchester Board of Aldermen shall hold a public hearing on Monday, August 6, 2018 at 7:00 p.m. at the Manchester Police Facility, 200 Highlands Boulevard Drive, to consider the following:

CASE #17-SUB-001 – Sean Flower, Flower & Fendler Homes has proposed a subdivision to be comprised of single family residential homes. The properties to be subdivided are located at 732 Oklahoma Ave., 736 Oklahoma Ave., 740 Oklahoma Ave., and 825 Sulphur Springs Road, totaling approximately 11.4 acres. The proposed subdivision is in the R-4 Single-Family Residential Zoning District and consists of 35 lots.”

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.

Speaking as a proponent, Mr. Sean Flower stated that the Board had approved the subdivision previously. There were a couple improvements that they had to do. They had to do the work to Sulphur Springs Road in compliance with St. Louis County, which has been done since it was a right-of-way. They have a couple clean-up items that they are now doing. They are going to be putting up some signage in the back. Mr. Flower stated that in general, they are trying to get everything, such as water, sewer, etc. done and that has been approved by all the inspectors from the utility companies.

Speaking as an opponent, Mr. Mike Fuhro, 745 Oklahoma Avenue, voiced concern about the subdivision and the storm sewers, only a couple of them, and if they get clogged with leaves and debris, that water is going to go onto the adjoining properties causing problems. His recommendation is that two or more storm sewers be installed and the developer provide perspective buyers with a notice that the risk is there and the subdivision trustees and the homeowners could be sued for damages from flooding if those storm sewers clog up.

Mr. Fuhro stated he is recommending the developer plant at least four trees per lot, each at least 20 feet tall. Mr. Fuhro stated it should be stipulated that pin oaks, sweet gum, and bradford pears are not allowed. He said he is suggesting the developer put \$50,000 in escrow with the City to cover any trees that die in the first two years.

Mr. Fuhro said the detention ponds are a terrible idea; they become retention ponds if those grates at the bottom get clogged with leaves, debris, trash and whatever else. Mr. Fuhro said he had supplied a document he found online which was written by experts about how to mitigate the risks associated with these detention ponds. He is recommending the developer be required to regrade those and put up a four-foot steel fence around the ponds to keep children out of those ponds.

Mr. Fuhro stated cities lose money on these new developments, and to help mitigate that, he is recommending that the developer pay an impact fee of \$10,000 per lot.

Mr. Kenneth Pollard, 405 Woodland Hill Court, stated that the reason he came tonight was in regard to the water runoff. He asked how many of the elected officials have walked down the properties. He said he knows that Alderman Toben has done that. He said his home is not where there would be a water problem, but if you drive down Oklahoma, you can see there would be problems. He asked if the elected officials would stand up and say they feel bad for their neighbors. He said he is a reasonable, normal person, like all of the elected officials, and he wouldn't want his basement flooded. Mr. Pollard stated that maybe there was a problem before, and also other issues in this particular neighborhood that need to be addressed. He said he is a concerned, reasonable, good man, and he hopes that everyone understands he is not saying this is a bad thing, but everyone needs to go over there and see it.

Ms. Lisa Sager, 11 Hassam Court, said she is concerned about the detention ponds, as well. She expressed problems with mosquitos. She hopes there is a plan for treatment as soon as possible.

Mr. Chris Winters, 510 Cardinal Lane, said he has been opposed to this development since the beginning. He said there is clay dirt running down the storm drain, and there is a drop inlet at the south end of the strip of property that is about two feet higher than the street, and he wonders if they are going to level out the street and connect that dropped inlet.

Mr. Jeremy Wohldmann, 10 Hassam Court, stated that he is concerned about the dirt and erosion.

Alderman Ottenad asked Mr. Flower if he is having trees planted around the detention pond.

Mr. Flower responded by saying that the way they set it up, they have an escrow with the City. They looked at how many trees they were taking out and then they agreed that there is a certain number of trees that will be put back in on the sight. He said they drew in different areas on

that. He thinks by the detention ponds, and he clarified that there are actually two detention ponds, there are a couple trees around the pond and there are some on each lot in the front and back. Mr. Flower added that there are requirements from the Metropolitan Sewer District (MSD), and he has followed the requirements. He has never had any problems.

Alderman Ottenad said she is hearing concerns from the residents, and she wants to know if Mr. Flower met with the surrounding neighbors.

Mr. Flower answered that he has not. He said the only person from whom he has received any comment would be Mr. Fuhro. He said only those he has ever heard from is those individuals he has contacted. He said he has met with people on Woodland Hill. Mr. Flower stated they have also spoken to the two people who are living immediately next to the development.

Alderman Ottenad said she is concerned about the stormwater and the flooding.

Alderman Toben asked if there is any indication, in his opinion, that there is going to be any flooding in any houses on the adjacent properties.

Mr. Flower answered that in his opinion, there would be no flooding, but he is not an insurance representative. He said the closest he had was with the Segals in the front of their property during construction and putting paving in. Mr. Flower said that is the hardest spot, because they are at the lowest location in the whole area. He said they have taken extra steps and are working on their property to make sure it is all done.

Alderman Toben asked if there has been any situation where an adjacent landowner has contacted him.

Mr. Flower stated that as he had indicated, he had a problem with the Segals in the front, but they dealt with that issue directly.

Alderman Ottenad asked the two Ward Three Aldermen if they are comfortable with the development.

Alderman Hamill stated that the Planning and Zoning Commission recommended the development.

Alderman Nolte stated that the Segals apparently had a problem. He wondered if they have indicated there is still a problem.

Mr. Flower stated that they have worked with the Segals since day one. Their house is right below the upper detention pond, and they have done a lot outside the development on their property to try to coordinate that. He said they had a separate contract and made improvements to that area. He believes the Segals have been satisfied with their efforts. Mr. Flower stated that MSD designed it, and MSD has to approve it. He said MSD standards are very strict. There is not much detention in those older subdivisions.

Alderman Toben asked if any lots have been sold so far.

Mr. Flower said he has nine lots under contract, and the houses are about \$500,000. He said the smallest ranch is about 1,800 square feet and the biggest size are story and a half or two story

homes, and they are around 3,800 square feet.

Mr. Ken Pollard said he would like to have someone go down to the southern side of Woodland Hill Court, and ask every person if they have had water in their basement, and to look at the back of their house, and see if there is a storm sewer. He said from the water standpoint, they should look at the lay of the land and the lay of the road. He said he has no problem with his home, but he does care about others.

There were no more comments from the public.

Alderman Hamill stated that the Planning and Zoning Commission recommended this development to the Board of Aldermen.

Mayor Clement closed the public hearing at 7:34 p.m.

Respectfully submitted,

Ruth E. Baker, MMC/MPCC
City Clerk

***Note:** This is a journal of the Public Hearing held August 6, 2018 regarding a proposed subdivision of single-family homes on approximately 11.4 acres in the R-4 Single-Family Residential Zoning District, (summary); not a verbatim transcript. If a recording of the public hearing is desired, please contact City Hall.*



**MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING
MONDAY, AUGUST 6, 2018
AT 200 HIGHLANDS BOULEVARD DRIVE**

1. CALL TO ORDER

Mayor Mike Clement called the Regular Board of Aldermen meeting to order at 7:34 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 Regular Board of Aldermen meeting of Monday, July 16, 2018

Alderman Baumann made the motion to approve the Minutes of the Regular Board of Aldermen meeting of Monday, July 16, 2018. The motion was seconded by Alderman Hamill and carried unanimously, without objection.

4. ESTABLISHMENT OF ORDER OF ITEMS ON THE AGENDA

Alderman Hamill made the motion to approve the Order of Items on the Agenda as submitted. The motion was seconded by Alderman Toben and carried 6 – 0, with no objections from the Board.

5. CONSIDERATION OF PETITIONS AND COMMENTS FROM THE PUBLIC

a. Discussion of events being held by Lafayette Industries
- Charlie Klipsch and Steve Spurgeon

Mr. Charlie Klipsch said he has a daughter who has worked at Lafayette Industries for the past 27 years. He stated that Lafayette Industries is a workshop for special needs people, and that workshop gives those people a sense of accomplishment, need, belonging, contributing, and they contribute to society. They have several ways to fund everything: by grants, the workers earn money with packaging, and through donations.

Mr. Klipsch said he raises and races homing pigeons, and races them against other people in distances of 100 miles to up to 600 miles. Last year, he had an idea that he would use these pigeons as a means for fundraising for Lafayette Industries, and they were very receptive to the idea. Mr. Klipsch said that last year, they raised over \$3,500 and had 70 people in his backyard when the pigeons returned. The excitement led them to this year's two-day event. He said on Friday, September 14, at the Lafayette Industries workshop, they are going to release 100 Doves of Peace around 1:00 p.m. The workers at Lafayette Industries are going to write notes and each put notes on a pigeon and then send them home. The next day is the pigeon race and they are going to read the notes.

Mr. Klipsch stated that week actually happens to be the 42nd year anniversary of Lafayette Industries, and that Friday is the last day of Safety Week. Mayor Clement, along with police, fire department, volunteers, and a pro photographer are involved. To be involved in the next day is to be a sponsor to one of the pigeons that might be first, and there will be a gift card reward.

Dr. Steve Spurgeon said he has raised money in St. Louis for the past 30 years, with the Heart Association, with Wounded Warriors, and the Covenant House. He would be amiss if he told the amounts of funds he has raised. People want to help other people. He will be going out to all the areas around here. He is going to go and talk to people and the goodness of helping people who are wanting more.

b. New Liquor License

a. Platinum TM d/b/a Shell Station and convenience store

Alderman Hamill made the motion to approve the liquor license for Platinum d/b/a Shell Station and the convenience store. The motion was seconded by Alderman Toben and carried 6 – 0, with no objections from the Board.

c. Comments from the Public

Mr. Phil Schopp, 422 Woodland Hill Court, said that his property backs up to the Flower and Fendler property and actually since that area of the property has been raised, his water problem has gone away.

Mr. Gerald Heideman, 418 Woodland Hill Court, said he would wind up with a waterfall every time it rained, and since the development has started and the inlets have been placed, he has not had one drop of water.

Mr. Chris Winters, 510 Cardinal Lane, said that recently there was a good rain, about 2 ½ inches, and dirt washed onto Sulphur Spring, he wondered why there was a problem.

Mayor Clement stated that the Board does not answer that, but he would encourage Mr. Winters and Mr. Flowers to speak after the meeting.

6. REPORTS FROM THE MAYOR

a. Commendation to Young Leaders

Mayor Clement stated that the four young ladies, Bahia Spahr, Philomina Spahr, Fiona Devine and Bridget Devine, during spring break on their own, saw what needed to be done. There was a lot of trash at the top of Indian Hill in Country Lane Woods, and they picked up 12 bags of trash on Indian Hill.

b. Introduction of City Attorney Paul Rost

Mayor Clement introduced City Attorney Paul Rost who will be representing the City of Manchester on the first meeting of each month, and Erin Seele, who was at our last meeting, will be representing the City on the second meeting of each month.

City Attorney Paul Rost said he has been practicing for 26 years, 20 of those in Municipal Law. He enjoys working with cities and communities. When communities are run well and when the citizens get involved, there is so much they can get done and get accomplished to make sure they are in a great place to live.

c. Mayoral Report

Mayor Clement wanted everyone to know that National Night Out is tomorrow night; they start at 6:30 p.m. and the event lasts until 9:00 p.m. There are five places that he is aware of, one being the Police Facility.

Mayor Clement stated the next Manchester Community Band Concert will be next Sunday night at 6:00 p.m. The theme is “South of the Border”.

On August 15, the City will have the second Small Business Gathering in the Parks Building.

Manchester is going to be hosting the Government Affairs and Transportation Forum (GATF) on Friday, August 17 from 7:30 a.m. until 9:00 a.m. He asked the aldermen to register if they would like to participate.

7. REPORTS FROM THE CITY ADMINISTRATOR

a. Proposition S Update

City Administrator Perney stated that Proposition S was passed by the voters in April. Proposition S is a \$16 million bond issue to fund repairs on the city’s streets and sidewalks. Street priorities are being assessed; the whole project will take 6 to 7 years. For the first phase, Manchester sold bonds for \$9 million. This fall Manchester will be doing approximately \$1.6 million worth of replacement of concrete slabs in various areas of the city. Our engineers, public works and staff have studied all of our roads and have been planning to make sure we maximize use. There is a public informational meeting on Thursday evening, September 13 at 7:00 p.m. at the Parks Building.

b. Website Update

City Administrator Perney stated the new website went live over the weekend. He showed highlights of the website.

c. Announcement of Manchester's ranking as the 6th safest city in Missouri

City Administrator Perney stated that Safewise announced the safest cities in Missouri, and Manchester came in as # 6.

d. Thank you to Police Officer

City Administrator Perney stated that he had received correspondence in regard to Officer Meredith Absolon. The lady was extremely grateful for Officer Absolon's service that was rendered. She wanted to thank her for everything she did.

e. List of Paid Bills (Warrant dates of July 15 – August 4, 2018)

There were no questions.

8. REPORTS FROM COMMITTEES

a. Planning and Zoning Commission

Alderman Hamill stated there were a number of cases at the last meeting, mostly dealing with Smokee Mo's, which the Commission unanimously granted, and also consideration was given to a daycare center south of Good Shepard Church, to change zoning from residential to commercial, and that was unanimously denied.

b. Homecoming Committee

Alderman Ottenad stated that Homecoming will be September 7 – 9. The next meeting is scheduled for August 22 at the Legion Hall at 6:30 p.m. She said that as always they encourage new people to come and welcome people to attend.

9. ACTION ON OLD BILLS

a. There were none.

10. INTRODUCTION OF NEW BILLS

a. BILL APPROVING A SUBDIVISION RECORD PLAT

Alderman Toben introduced Bill # 18-2341, entitled: "AN ORDINANCE APPROVING A RECORD PLAT FOR THE BEND AT SULPHUR SPRING SUBDIVISION IN THE CITY OF MANCHESTER AND AUTHORIZING THE RECORD PLAT TO BE RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF ST. LOUIS COUNTY, MISSOURI", by title only.

There being no questions, no further action at this time.

b. BILL AMENDING THE CITY'S PURCHASING POLICY

Alderman Nolte introduced Bill # 18-2342, entitled: "AN ORDINANCE AMENDING

THE PURCHASING POLICY OF THE CITY OF MANCHESTER, ARTICLE II OF CHAPTER 135 OF THE MUNICIPAL CODE, TO ALLOW APPROVAL OF NEGOTIATED BIDS IN CERTAIN SITUATIONS”, by title only.

City Attorney Paul Rost said that for the Board’s edification, in the purchasing Code he was trying to figure out when bids need to go out for competitive bidding, and when they don’t. He was looking at the exceptions and he noticed there was nothing in there about negotiated bids, so he brought this forward to Larry Perney about a possible amendment. He said there are three areas, one that if there is no responsible bid to an advertised request, the Code is silent about that, so the money would have to be spent again and the City might get the same results. Another instance could be that there is one bid in from the advertisement, but the City is not satisfied that it is good. He said the third situation is more esoteric in a sense where there is a vendor or provider of goods or services who wants to continue providing the goods or services, the City is happy with the provider, and after research, it was determined there aren’t any other better deals out there. He said in this case, the City could spend the money to go out to bid anyway, and ultimately wind up with the same provider. With the recommended change, the City could evaluate each situation on its own and evaluate whether getting the best value would be in going out for bid or getting a better value by negotiating with one or two vendors. Attorney Rost stated the purpose as indicated in that section is to try to get the best economical bid, and he referenced this is in the Ordinance that it should be the lowest price but not lowest price at all costs, but best value. He discussed procuring quality services and in an efficient and cost effective manner. He said this would give the ability to look at a situation and decide whether or not to negotiate it out. He said the best value is not referenced in the policy. He recommended looking at the entire purchasing policy to make sure it is still doing what is necessary, to look at the threshold levels to make sure the policy does what the City wants it to do.

Alderman Nolte stated he understands that if it is negotiated and wasn’t put out for bid, instead of putting it out for bid, it would still be by a vote of the aldermen in public session and that would be the only way it would happen.

City Attorney Rost stated that it would be open and up to the Board on the situation, he would assume and expect that it would be put into the record the reasons why they that decision is being made.

Mayor Clement stated staff felt this was needed. They have all had their experiences, some when it has gone wrong with going out for an RFP and not necessarily getting what was wanted.

No further action at this time.

c. BILL APPOINTING A NEW FINANCE DIRECTOR

Alderman Ottenad introduced Bill # 18-2343, entitled: “AN ORDINANCE APPOINTING DONALD J. YUCUIS AS THE DIRECTOR OF FINANCE FOR THE CITY OF MANCHESTER AND ESTABLISHING THE TERMS AND CONDITIONS OF SAID EMPLOYMENT”, by title only.

Alderman Ottenad made the motion for emergency legislation. The motion was seconded by Alderman Hamill, and carried unanimously, without objection.

Alderman Ottenad read for the second time Bill # 18-2343, entitled: “AN ORDINANCE APPOINTING DONALD J. YUCUIS AS THE DIRECTOR OF FINANCE FOR THE CITY OF MANCHESTER AND ESTABLISHING THE TERMS AND CONDITIONS OF SAID EMPLOYMENT”, by title only.

Alderman Ottenad made the motion that Bill # 18-2343 become Ordinance #18-2225. The motion was seconded by Alderman Toben.

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

Mayor Clement announced the motion passed by a vote of 6 – 0, with no objections from the members of the Board of Aldermen.

11. MISCELLANEOUS

a. Comments from the Public

12. ADJOURNMENT

At 8:24 p.m., there being no further business, Alderman Hamill made the motion to adjourn. The motion was seconded by Alderman Nolte and carried unanimously, without objection. 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 held Monday, August 6, 2018 (summary); not a verbatim transcript. If a recording of the meeting is desired, please contact City Hall.