



**MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING
OF MONDAY, OCTOBER 1, 2018
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 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, September 17, 2018 Regular Board of Aldermen meeting

Alderman Hamill made the motion to approve the Minutes of the September 4, 2018 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 submitted. The motion was seconded by Alderman Hamill and carried unanimously, without objection.

5. CONSIDERATION OF PETITIONS AND COMMENTS FROM THE PUBLIC

- a. Comments from the Public

Ms. Jeannie Freeman, 347 Royal Village Drive, stated she just heard about the gas

station, and wanted to state it is a really bad idea from a traffic perspective. She did some research through the Missouri Department of Transportation (MoDOT) and their website has posted the amount of traffic that goes through that intersection. They report 46,000 cars that go through that intersection on a daily basis. A gas station will increase traffic in that area. In the 2016 traffic study looking at the safety of Manchester Road from the intersection of Highway 141 to Clarkson, they pointed out the particular stretch of Manchester between Highway 141 and Baxter Road is an unsafe area. In that same report, they looked at the average number of entrances and exits between 141 and Baxter and this area has an above average number.

Ms. Freeman stated another concern is across the street is the Manchester Ballpark, if a convenience store is in there, kids may try to run across Manchester to get something from the convenience store. She said she doesn't have a problem with developing that area, but she would recommend that it is no other business in that area that runs 24/7.

Mr. Bob Brandt, 343 Royal Village Drive, stated he has been a resident since 1983. He has seen many changes in that area, and a lot of old homes restored. He has an engineering background and has some training in traffic design, and cannot imagine more traffic at that intersection without obstructing the flow of traffic. He is not in favor of that kind of traffic and that kind of use, especially 24/7. He said he has been at the intersection and has seen emergency vehicles pull out at that intersection and have been delayed waiting for people at the intersection who freeze and stop and people who don't know how to get out of the way.

Ms. Marie Reago, 318 Royal Village Drive, stated she agrees with the last two people who have spoken. She wanted to add the esthetic nature of a gas station at that corner would bring the neighborhood down rather than enhance it. She thinks Manchester should be doing everything possible to enhance the neighborhoods and be inviting. If it is zoned commercial she has no problem with developing it, as long as it is esthetic and would not generate as much traffic as is suspected with the gas station. She would like people to think they would like to live here and not just get gas.

Mr. Gus Spranaitis, 927 Pontoison Drive, stated right behind him is the Grand Glaize Library and over the years they have improved their surface lot and it has caused water to drain into his and his neighbor's yards. Slowly his yard is eroding away.

Mr. Spranaitis stated that the Shop 'n Save there is moving out, and he wonders if there is anything the City of Manchester can do to make sure there is a good neighbor that moves in there. Also, there is new development and new apartments with 200 units at Big Bend and 141. He is wondering if there is anything that the City can do to adjust street lights.

Mr. Dan O'Brien, 512 Glan Tai Drive, said he is in favor of the gas station, and couldn't be more in favor of it. He said Manchester has two gas stations, everything else is outside the City Limits. He is in favor of the convenience store, because if he just needs a gallon of milk, he can just run in there and get it. A British Petroleum (BP) gas station is clean and taken care of, and it couldn't be better for him.

Mr. O'Brien said he has been here a long time, and he went to kindergarten and grade school at the building across the street from where the BP is wanting to go. He said

it is a good thing for Manchester, and now is the time to do it. He doesn't think this can be pushed back any further.

Mr. Chris Kerber, 303 Royal Village Drive, said it is not an issue of whether a gas station should or should not go at the corner, but an issue of how this situation came about. The problem is when there is a policy of 185 feet for residents needing to be notified, when there are hundreds of homes up the street, he has a problem with the idea that the residents aren't notified. Mr. Kerber said to look at the crowd, whether for or against it, evidently somebody got the communication out.

6. REPORTS FROM THE MAYOR

a. Mayoral Report

Mayor Clement stated some weeks, maybe even some months ago, there was a family who didn't live in Manchester but their baby daughter stayed in a day care facility that was in the City of Manchester. As a result of the tragedy that took place, there has been a lot of sadness but this family is a friend of his and they have been very generous in the praise of the officers who came and helped them.

One Manchester Police Officer went to the hospital and stayed with them while they sat there (Their daughter did not survive). They have already conveyed that sense of praise of Officer Logan.

Mayor Clement said he got another email from the mother a couple days ago, and he decided he wanted to share it. The e-mail shares about community policing and speaks about our fine officers.

Mayor Clement read a letter from the mother:

"Last night at the Fall Festival at Church, (which was a couple nights ago at the Manchester United Methodist Church), the mom was saying they were checking out the emergency vehicles with their other daughter, and the officer that was there, Officer Absolon, recognized her husband Nick's name tag and made a point to offer her condolences.

The mother continued by saying she and I spoke for a bit and it was very clear that the daughter's call, that call that came, that prompted all this reaction was just not a regular call. It spoke volumes to us that two months later this officer would still recognize our last name and care enough to say 'hello'. She clearly cares about her work and is passionate about how it impacts families. The care and consideration Officer Absolon and Officer Logan, who was the officer who went with the family to the hospital that night, both showed us meant the world to us, and we feel it is important to share that experience with you. Please share with whomever you feel is appropriate."

Mayor Clement stated that the Board is well aware of the phrase "community policing", and that to him is exactly what he read in the letter, those police officers who care about our families. He said we had a presentation to a police officer two months ago, praised by a Manchester resident, and the resident told them that police officer really made a real difference in his life.

Mayor Clement said he just wanted to lift up to the residents and to the Board the need for our police officers to be loving and caring. He thinks we need to recognize the strength and caring of our police officers and encourage that.

Mayor Clement stated many may not be aware, but our Chief of Police announced his pending retirement. In one of the recent packets that they get from the police department this statement says “Over the last year or so, and within the next several months, much of the command staff: Captain Patrick Milligan, Sergeant Sheree Waterhouse, Lieutenant Buck Lancey, Sergeant John Tennyson, and Chief Timothy Walsh will all have left the Police Department.”

Mayor Clement stated that in this summary, with the intention of providing opportunity for the next incoming Police Chief to have personal input, our Chief met with City Administrator Perney to discuss and determine which police officers would be named as Acting Sergeants pending this departure. Police Officer Meredith Absolon and Police Officer Josh Waggener will be promoted to the position of Acting Sergeant, and will be reporting to Lieutenant Craig Smith.

Mayor Clement said he wanted to lift up and recognize the talent, the strength, and the caring of the Police Department.

Mayor Clement stated that our Police Department is going through a very orderly transition. He said the ad has been placed for a new police chief. The police officers are showing their compassion for the community.

7. REPORTS FROM THE CITY ADMINISTRATOR

- a. List of Paid Bills (Warrant dates of September 16 - September 29, 2018)

There were no questions.

8. REPORTS FROM COMMITTEES

- a. Planning and Zoning Commission

Alderman Hamill stated that the Planning and Zoning Commission met for a boundary adjustment for two residential lots, and that was approved unanimously.

- b. Homecoming Committee

Alderman Ottenad stated that the next Homecoming Committee meeting will be on October 17. She said that the weather didn't cooperate this year, and it was the first time since she has been on the Board that there wasn't a parade, and that is upsetting. Alderman Ottenad added that Manchester owes a lot of thanks to the people who spend a whole year preparing for Homecoming.

9. ACTION ON OLD BILLS

a. AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A GASOLINE SERVICE STATION AT 14401 MANCHESTER ROAD

Alderman Hamill asked Attorney Paul Rost if it is standard throughout municipalities through St. Louis County for notification of 185 feet.

Attorney Rost answered that is the standard, and it was legally done. He said he thinks that the resident was saying they should be extending the 185 foot distance.

Alderman Hamill commented that the members of the Board of Aldermen can't deny this, because the Board doesn't like it, because it is a Special Use Permit. He asked Attorney Rost to explain how they are limited.

Attorney Rost said that this is coming to the Board by administrative type review as opposed to legislative review, like a change in zoning. He said as Manchester's Code sets this out as a Special Use Permit (SUP), the Board is bound by Chapter 405 in regard to specific requirements an applicant must meet for a SUP. If this were for a legislative decision, they would have some discretion as to whether or not to approve the rezoning. In this discretion it isn't whether or not to approve or to disapprove, it is whether or not the criteria is met for the SUP.

Alderman Hamill read for the second time Bill # 18-2349, entitled: "AN ORDINANCE CREATING A SPECIAL USE PERMIT AND GRANTING THE SAME TO SUNTRUP WILLIAM N TRUSTEE TO OPERATE A SERVICE STATION, WITH SERVICE FACILITIES AND/OR OTHER RETAIL SALES, INCLUDING THE SALE OF INTOXICATING LIQUOR IN THE ORIGINAL PACKAGE AT 14401 MANCHESTER ROAD, AS PROVIDED FOR IN SECTION 405.240(C)(18) OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER", by title only.

Mayor Clement stated that someone made a comment about West County EMS and Fire Protection District, and he wanted people to be aware they were part of this review. He also wanted people in the audience to be aware there will be the addition of another turn lane from Henry onto Manchester.

Director of Planning, Zoning and Economic Development Melanie Rippetoe said West County EMS and Fire Protection District has reviewed and approved the plans. The primary concern with MoDOT is more traffic on Henry as most of the traffic going to the service station would be traffic going through there anyway. Since the primary concern was traffic on Henry, there will be controlled turns in and out. In order to make traffic better, they are adding a third right-only lane heading south, and two lanes where you can go left, and a middle lane where you can go straight. By adding two lanes, that will handle twice as many cars off Henry onto Manchester.

Alderman Baumann asked Attorney Paul Rost to explain under what conditions the City could say no to this Special Use Permit.

Attorney Paul Rost said the Code has about nine criteria at which they are looking. The main ones are like increase in traffic hazard or congestion, adversely affecting the character of the neighborhood, and adversely affecting the general welfare of the community. There are some other ones that would be detrimental to other developments in the area. The question is whether it can be developed or operated in a manner visually

compatible with the permitted uses in the area and does it meet the provisions of the Zoning Code in the Special Use Permit chapter.

Alderman Baumann said it sounds as if they vote “no”, they could be setting themselves up for a lawsuit.

Attorney Rost stated that in regard to each one of those criteria according to our Code of Ordinances, it says if 1-5 are found in the negative and 6-9 are found in the affirmative, then it shall be granted. He said if these criteria are not met, it could be denied. The Board has to make the decision if the applicant can meet the criteria or if they can't. He said this is an administrative decision, and the Board is not free to say “no” for no reason; they have to establish the reason the criteria is not met.

Alderman Baumann stated that the residents asked about the 185 foot rule. He asked if there is any deviation that could be done for the future.

Director Rippetoe stated she stayed with what there is, because it is according to the Code. It meets all legal requirements and standards for every Special Use Permit through the City. This way, everyone is treated the same way, and it is unbiased. She said this is standard notification for anything that comes through her office. They do not deviate from that. She is open to suggestions. City Hall doesn't deviate for one project over another project.

Alderman Nolte stated there is a lot of legal ease of the administrative vs. legislative part of what the Board does. He said with the legislative part, there is a lot of discretion, but with the administrative part, they do not have a lot of discretion. He said the ability to make some judgment call on this, because we just don't like it, just isn't there.

Alderman Nolte stated that people are discussing crime, but he isn't sure gas stations attract crime. He said there are two other gas stations in Manchester that do not have a problem. There is no more crime than with a Walmart. He does think what Manchester should take notice and pay attention to is if 185 feet for notification is normal, and whether really going to 250 feet wouldn't change much, that's not an issue. He said he talked to the Mayor and got some positive responses, and Director Rippetoe agreed, that for the future we should have signs posted at properties that are subject to a Special Use Permit.

Alderman Baumann said there should be better communication with the subdivision trustees.

Mayor Clement stated that those are good ideas and communication could also be the part of the burden of the Aldermen.

Alderman Hamill made the motion that Bill # 18-2349 become Ordinance # 18-2234. The motion was seconded by Alderman Ottenad.

A poll of the Board showed:

Alderman Hamill - aye
Alderman Toben - nay

Alderman Baumann - aye
Alderman Ottenad -aye
Alderman Huether - aye
Alderman Nolte - aye

Mayor Clement announced the motion passed 5 - 1, with one objection from the Board.

10. INTRODUCTION OF NEW BILLS

a. BILL AMENDING THE 2018 BUDGET

Alderman Ottenad introduced Bill # 18-2351, entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 17-2199 THAT ADOPTED AND APPROVED THE BUDGET FOR THE CITY OF MANCHESTER FOR THE YEAR JANUARY 1, 2018 THROUGH DECEMBER 31, 2018, BY (1) INCREASING THE ESTABLISHED EXPENDITURE BUDGET FOR THE TAX INCREMENT FINANCING FUND BY TWO-HUNDRED FIFTY THOUSAND DOLLARS, (2) ESTABLISHING A REVENUE AND EXPENDITURE BUDGET FOR PROPOSITION S FUND BY INCREASING REVENUES BY NINE MILLION TWO HUNDRED THOUSAND DOLLARS AND EXPENDITURES BY TWO MILLION DOLLARS, AND (3) ESTABLISHING A REVENUE AND EXPENDITURE BUDGET FOR THE ASSET FORFEITURE FUND BY INCREASING REVENUES BY FOUR THOUSAND TWO HUNDRED DOLLARS AND EXPENDITURES BY SIXTY THOUSAND DOLLARS", by title only.

Alderman Ottenad asked the Director of Finance to explain.

Director of Finance Don Yucuis explained that for the Tax Increment Financing Funds, there is an approved budget, but recently United Missouri Bank (UMB) announced they would have additional debt called, so that is approximately \$250,000. That will establish the budget so by year end we will stay within or right at that and not exceed the approved budget.

Director Yucuis stated that on the Proposition S Funds, there was no budget at all. Bonds have been issued, and there are expenditures that we believe are going to be expended this year and that is what establishes that fund. He said there is money coming in from the bonds plus some interest, and there are projects that Public Works Director Ruck has been talking about.

Director Yucuis stated that in regard to the Asset Forfeiture Fund, Manchester recently moved that at the beginning of the year into a separate fund, because we were told that we need to move that in a separate fund and so we did and we got some money in and spent some money. This is actually establishing that budget for the first time.

Alderman Ottenad asked if it is true the Department of Justice required the separate Asset Forfeiture Fund.

Director Yucuis answered that is correct and he has been working with them on correcting a 2017 report that went to the Department of Justice, and once that is done, the City will move forward to the next report.

No further action at this time.

b. RESOLUTION AUTHORIZING STORM SEWER IMPROVEMENTS AND DESIGN FOR PONTOISON DRIVE

Alderman Nolte introduced Resolution # 18-0647 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 TWENTY-FIVE THOUSAND FIVE HUNDRED NINETY-FIVE DOLLARS (\$25,595.00) TO PROVIDE THE CITY WITH PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE PONTOISON DRIVE STORM SEWER IMPROVEMENTS PROJECT IN THE CITY OF MANCHESTER", by title only.

Alderman Nolte made the motion for approval of Resolution # 18-0647. The motion was seconded by Alderman Hamill and carried 6 - 0, with no objections from the Board.

11. MISCELLANEOUS

a. Comments from the Public

Ms. Jeannette Musgrave, 923 Pontoison, stated that approximately eight years ago, \$10,000 was spent to address the water problems in her backyard. They had discovered that their foundation had moved 2.5 inches and their patio had sunk because the dirt under it had washed out. The foundation wall was secured, the new patio was poured with a greater pitch away from the house and a swale was added. In December, 2014 there was an historic flood and they were at the time contracted to build an addition. A mountain of dirt was created by the crawl space for the addition and the mountain of dirt acted as a berm and absorbed and she had discussed with her neighbor that this redirected the water from their house saving them from significant water damage in their basement. She has seen waterfalls and rivers in their backyard that rival those of nature. Timbers have washed from the side yard to the street. She thanked the City for finally fixing the problem.

Ms. Jeannie Freeman, 347 Royal Village, said she is looking for education for the future, as she understood what happened tonight was a moot issue that the Board could vote on this Special Use Permit. She asked at what point residents have the ability to have an impact on that vote.

Mayor Clement answered that residents absolutely have an impact, but as the threshold for denying it is higher, as he understands because it is located in our commercial zoning area, the C-1 District, the gas station is a permitted use. For the Board now to say, since there are currently two operating gas stations in the C-1 District on Manchester Road, that this one can't come in puts the City at risk.

Ms. Freeman asked if other things come up for use in a commercial district at what point do they have input into what goes into those areas.

Mayor Clement stated it would be during the public hearing phase. He said the City did have a public hearing for the gas station.

Mayor Clement stated that when he looked into this personally, not only did he look at the threshold, but he did look at the fact that MoDOT was brought into the process early

on. He said the City demanded a traffic study which was provided, and MoDOT said there had to be some changes made to that intersection. It was addressed by the developer by adding a turn lane, taking land and space away from their property. He said he doesn't think there will be more crime there, or overwhelm the services. He said the threshold is too high, unless the Board wanted to invite legal action. He added that not all issues will be like this.

Ms. Freeman asked about the area where Office Depot was, that if a developer comes in and wants to do something with that area, when residents would have input.

Alderman Nolte answered it would depend on whether they would just approve the use that is in the Ordinance or if they are going to change the Ordinance or if they were going to try to change the zoning of that area. He said such areas that are legislative, there is a lot of discretion.

Ms. Freeman asked for clarification if it is zoned commercial, and someone brings in a Special Use Permit Request, whether they, as residents, really because of administrative law have no say.

Alderman Nolte answered there is a list of allowed uses, traditional uses, and prohibited uses. He said that since they have a list, they go to the list that has already been passed.

Mr. John Stock, 915 Pontoison, stated he shares a stormwater drain in his backyard, between his and his neighbor's property, where the landscape timbers washed to the front. He believes the bulk of the water comes from the rivers in between the houses. In the 17 years he has lived there, there have been several attempts to solve the water issues, but whatever resolution there might be this time, he asked that the City try not to funnel to the drain behind his house, because the water gets too deep and whirlpools.

Director of Public Works Bob Ruck stated the City has a concept plan for the storm water sewer improvements, and he will give it to the two aldermen so they can share it with the residents in that area. He said they are going to capture the water at the top of the hill on the library property.

12. ADJOURNMENT

At 7:48 p.m., there being no further business, Alderman Nolte made the motion to adjourn. The motion was seconded by Alderman Toben and carried unanimously, with no objections from the members of the Board of Aldermen. The meeting adjourned at 7:48 p.m.

Respectfully submitted,

Ruth E. Baker, MMC/MPCC
City Clerk

Note: This is a journal of the Board of Aldermen meeting of October 1, 2018 (summary); not a verbatim transcript. If a recording of the meeting is desired, *please contact City Hall.*