



**MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING  
OF MONDAY, JULY 18, 2022  
AT 200 HIGHLANDS BOULEVARD DRIVE**

**CALL TO ORDER**

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

**ROLL CALL AND STATEMENT OF QUORUM**

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

**APPROVAL OF THE MINUTES**

*July 5, 2022 Public Hearing*

Alderman Ottenad made the motion to approve the minutes of the Tuesday, July 5, 2022 Public Hearing. The motion was seconded by Alderman Toben and carried unanimously, with no objections from any members of the Board of Aldermen.

*July 5, 2022 Regular Board of Aldermen Meeting*

Alderman Ottenad made the motion to approve the minutes of the Tuesday, July 5, 2022 Regular Board of Aldermen Meeting. The motion was seconded by Alderman Toben and carried unanimously, with no objections from any members of the Board of Aldermen.

**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 Toben and carried unanimously, with no objections from any members of the Board of Aldermen.

**CONSIDERATION OF PETITIONS**

*Comments from the Public*

Joe Mastroianni, owner of 896 Burgundy Lane, explained that he was a subdivision trustee of Westridge Manor Estates which abuts the proposed Care Home Complex. He expressed that he, and the subdivision, were against the approval of the Care Home Complex because of its usage, traffic, and the potential negative effect on property values. He continued that they believe that it is a commercial, for-profit business in a residential district.

Barth Holohan, applicant and owner of Family Partners explained that letters regarding the Care Home project were sent to residents 185 ft from the prospective site. He explained that the proposed structure was not a retirement home and not a commercial use. They are homes where people are able to spend their end of life. Data shows that Care Home Complex does not bring down the property values in the surrounding neighborhoods. Mr. Holohan explained

that if single family homes were put on this property, it would generate more traffic than the proposed use.

Hal Roth, 48 Pas Dr, explained that he visited the existing facility and did not find it attractive. He continued that this could set a bad precedent for letting people in.

Jerry Walter, 858 Burgundy Ln, commented that the Board should not vote in favor of the Care Home Complex unless they were comfortable with it in their neighborhood as well. Mayor Clement responded that yes, he would be okay with it on his street.

Jorge Restrepo, 888 Burgundy Ln, explained that he is behind the property in question and had not been notified. He continued that he agreed with what had been said by previous speakers and did not believe it should go into their neighborhood. Mr. Restrepo expressed concern that the whole neighborhood should have been notified. It was explained that 185ft. is the standard for public hearing notices to be mailed.

## **REPORTS FROM THE MAYOR**

### *Proclamation for 25 Years of Service for Sergeant Evan Waters*

Mayor Clement read the proclamation recognizing Sergeant Evan Waters for his 25-year anniversary of service with the City of Manchester. Mayor Clement read the letter sent from Alan and Jeannette Nissenbaum commending and thanking Sergeant Waters for his dedication to the community.

### *Mayoral Reports*

Mayor Clement reported that St. Louis County Executive Sam Page discussed the proposed annexation by the City of Manchester and that the City had spent time in the last few days to respond to what was said on many local news outlets. He continued that they would be sending the last reports to the Boundary Commission within the next day.

## **REPORTS FROM THE CITY ADMINISTRATOR**

### *2021 Audit Presentation by Mollie Malone*

Mollie Malone, City Auditor, explained the process of the audit and explained that the City had done very well with COVID recovery. She went over 2021 audit and noted there were no findings for the current year. Alderman Ottenad requested that the future audit reports be done in person, not via Zoom.

### *June 30, 2022 Six Month Financial Report Presentation*

Director of Finance Yucuis presented the six-month financial report. He explained that the City's sales tax revenue is at 62% of budget through July, where it was projected to be at 58%. He continued that the City is at 48% of General Fund Revenue Budget and have not yet received the \$1.7 million of ARPA funds.

### *Discussion Regarding Solicitation/Panhandling*

Chief Will explained that the Police Department is still encouraging people to contact them if there are panhandlers in the area so they can verify that there is no child endangerment, harassment, or littering, which has been seen in previous occurrences of panhandling and soliciting on street corners.

City Attorney Seele explained that the City's regulations focus on avoiding and preventing unsafe activities. The focus is on addressing safety concerns while not preventing first amendment speech of the panhandlers. City Administrator Klocke reported that legislation would come before the Board soon regarding these safety concerns.

The Board discussed potential solutions to prevent these traffic and safety concerns. Chief Will answered questions about permits and solutions presented by the Board.

#### Low Income Assistance for Tree Removal

City Administrator Klocke explained that this was an iteration of a program approved by the Board earlier in the year; however, this expanded the assistance provided from just help with Ash tree removal to all trees. This is coming to the Board after a resident needed financial assistance to remove a tree that was deemed dangerous on the property that was not an Ash tree. City Administrator Klocke explained that in the future this type of financial issue could come to the ManchesterCares 501(c)3 for financial assistance, but this group is still early in formation.

City Administrator Klocke explained that income documentation is required, and the decision is made by the City Administrator.

Alderman Ottenad made the motion for approval for all tree types to be considered in the Low-Income Assistance for Tree Removal Program. The motion was seconded by Alderman Toben and carried unanimously, with no objections from any members of the Board of Aldermen.

#### New City Hall Update

City Administrator Klocke reported that the City had completed the design for the New City Hall and would be going out for bid this week. After bid, the contract will come before the Board of Aldermen on September 19<sup>th</sup>.

#### List of Paid Bills (Warrant dates of 07-06-2022 to 07-12-2022)

There were no questions.

#### ManchesterCares 501(c)3

Mayor Clement updated the Board of Aldermen on the status of the formation of this 501(c)3. He continued that they had received the incorporation papers and will meet July 19<sup>th</sup> to work on revisions and filing with the state.

#### Reports from the Committees

##### Planning and Zoning Commission

Mayor Clement reported that there were two items reviewed, one for a text amendment regarding mobile businesses that added supplemental regulations. This item was given a favorable recommendation by the Planning & Zoning Commission and will come before the Board of Aldermen for a Public Hearing in the future. The other item was a sign requested by European Beauty House. This item was approved by the Commission.

##### Veterans Commission

Alderman Huether reported that the Veteran's Commission did not meet.

### Homecoming Committee

Alderman Ottenad announced that the theme for Homecoming would be 'Wild Side.' She updated the Board on local business' contributions to Homecoming and events and games that would be there. She announced the next meeting would be August 9<sup>th</sup>.

### Audit and Finance Committee

Alderman Toben thanked Director Yucuis and staff on their work. He continued that the City's financials are in a good place and the City has come out of COVID on a good note financially. The next meeting will be in October.

### Tree Advisory Board

Alderman Dodge reported that there would be a project on La Bonne Parkway to remove Bradford Pear Trees that will come before the Board. The second project the Tree Advisory Board will look into is the vegetation growing along 141 southbound near Nationalway Shopping Center.

## **ACTION ON OLD BILLS**

### BILL NO. 22-2476

#### *Rezoning Request for Property at 4 Topwood Drive*

Alderman Dodge read for the second time Bill No. 22-2476, entitled: "AN ORDINANCE REZONING CERTAIN TRACTS OF LAND IN THE CITY OF MANCHESTER FROM "R-1" COMMERCIAL DISTRICT TO "PRD" - PLANNED RESIDENTIAL DEVELOPMENT DISTRICT," by title only.

City Attorney Seele clarified some information on the Fair Housing Act and protections usages such as these may have.

Alderman Dodge made the motion that Bill No. 22-2476, become Ordinance No. 22-2360. The motion was seconded by Alderman Huether.

A poll of the Board showed:

Alderman Toben – aye  
Alderman Nolte – aye  
Alderman Ottenad – nay  
Alderman Dodge – aye  
Alderman Baumann – aye  
Alderman Huether – aye

Mayor Clement announced that the motion passed 5 to 1.

### BILL NO. 22-2477

#### *Text Amendment for Definition of "Care Home Complex" Under Section 405.060*

Alderman Nolte read for the second time Bill No. 22-2477, entitled: "AN ORDINANCE APPROVING TEXT AMENDMENTS TO THE ZONING CODE OF THE CITY OF MANCHESTER PERTAINING TO THE DEFINITION OF "CARE HOME COMPLEX," by title

only.

Alderman Nolte made the motion that Bill No. 22-2477, become Ordinance No. 22-2361. The motion was seconded by Alderman Toben.

A poll of the Board showed:

Alderman Baumann – aye  
Alderman Toben – aye  
Alderman Nolte – aye  
Alderman Ottenad – nay  
Alderman Dodge – aye  
Alderman Huether – aye

Mayor Clement announced that the motion passed 5 to 1.

**BILL NO. 22-2478**

*Special Use Permit for a Care Home Complex Consisting of Five Homes Located at 4 Topwood Drive*

Alderman Dodge read Proposed Bill No. 22-2478, entitled: “AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO FAMILY PARTNERS MANCHESTER LLC, TO CONSTRUCT AND OPERATE A CARE HOME COMPLEX AT 4 TOPWOOD DRIVE AS PROVIDED FOR IN SECTION 405.270 OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER,” by title only.

Alderman Dodge made the motion that Bill No. 22-2478, become Ordinance No. 22-2362. The motion was seconded by Alderman Huether.

A poll of the Board showed:

Alderman Ottenad – nay  
Alderman Nolte – aye  
Alderman Dodge – aye  
Alderman Huether – aye  
Alderman Toben – aye  
Alderman Baumann – aye

Mayor Clement announced that the motion passed 5 to 1.

**INTRODUCTION OF NEW LEGISLATION**

**Resolution No. 22-0877**

*Approval of Right of Way Acquisition Contract – Manchester Pedestrian Improvement Project*

Alderman Ottenad read Proposed Resolution No. 22-0877, entitled: “A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO ENTER INTO A CONTRACT WITH O. R. COLAN ASSOCIATES, LLC IN AN AMOUNT NOT TO EXCEED EIGHTY-THREE THOUSAND NINE HUNDRED SIXTY DOLLARS (\$83,960.00) TO PERFORM RIGHT-OF-WAY ACQUISITION SERVICES FOR PROJECT STP-5504 (604) MANCHESTER PEDESTRIAN IMPROVEMENTS PROJECT,” by title only.

Alderman Ottenad made the motion for approval of Resolution No. 22-0877. The motion was seconded by Alderman Huether and carried unanimously, with no objections from any members of the Board of Aldermen.

Resolution No. 22-0878

*Approval of Right of Way Acquisition Contract – La Bonne Parkway Improvement Project*

Alderman Huether read Proposed Resolution No. 22-0878, entitled: “A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO ENTER INTO A CONTRACT WITH O. R. COLAN ASSOCIATES, LLC IN AN AMOUNT NOT TO EXCEED SEVENTY THOUSAND FIVE HUNDRED NINETY DOLLARS (\$70,590.00) TO PERFORM RIGHT-OF-WAY ACQUISITION SERVICES FOR PROJECT STP-5504 (603) LA BONNE PARKWAY PEDESTRIAN IMPROVEMENTS PROJECT,” by title only.

Alderman Huether made the motion for approval of Resolution No. 22-0878. The motion was seconded by Alderman Ottenad and carried unanimously, with no objections from any members of the Board of Aldermen.

Resolution No. 22-0879

*Trench Drain Replacement Project*

Alderman Toben read Proposed Resolution No. 22-0879, entitled: “A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO ENTER INTO A CONTRACT WITH INFRASTRUCTURE MANAGEMENT INC. IN AN AMOUNT NOT TO EXCEED ONE HUNDRED AND THREE THOUSAND AND SEVEN HUNDRED AND THIRTY DOLLARS(\$103,730.00), WHICH INCLUDES A TEN PERCENT (10%) CHANGE ORDER IN THE AMOUNT OF NINE THOUSAND FOUR HUNDRED THIRTY DOLLARS (\$9,430.00) FOR REPLACEMENT OF THREE STREET TRENCH DRAIN STRUCTURES THROUGHOUT THE CITY OF MANCHESTER (5 SAN SOUCI, 932 DELMONICO DRIVE, 1446 SUNNYTREE LANE).,” by title only.

Alderman Toben made the motion for approval of Resolution No. 22-0879. The motion was seconded by Alderman Huether and carried unanimously, with no objections from any members of the Board of Aldermen.

**MISCELLANEOUS**

Comments from the Public

Joe Mastroianni, owner of 896 Burgundy Lane, reported issues with the Cannon crews laying AT&T’s fiber optic lines. The Board of Aldermen discussed the issue.

Hal Roth, 48 Pas Dr, requested additional information on the Resolution 22-0876. Mayor Clement responded that this is the first time this project has been done on La Bonne Parkway and it is about a 2-million-dollar project.

Robert Lopez, 1302 Mautenne Dr, asked if there would be any more informational meetings on annexation. Mayor Clement responded that once the Boundary Commission approves that it will go to a vote by the people there will be more informational sessions in the annexation area and for Manchester residents. Mayor Clement responded to questions regarding the

County Executive's stance on the annexation.

### **CLOSED SESSION**

Alderman Ottenad read "Notice is hereby given that pursuant to Chapter 610, Section 610.021 of the Revised Statutes of Missouri (the Missouri Open Meetings and Records Law) and subject to a motion duly made and adopted by roll call vote, the Board of Aldermen will hold a closed meeting for the purpose of dealing with matters relating to the following:

Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys (Sec. 610.021(1) RSMo).

Leasing, purchase, or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor (Sec. 610.021(2) RSMo)."

Alderman Ottenad made the motion to go into closed session. The motion was seconded by Alderman Nolte.

A poll of the Board showed:

Alderman Huether – aye

Alderman Nolte – aye

Alderman Dodge – aye

Alderman Toben – aye

Alderman Baumann – aye

Alderman Ottenad – aye

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

### **ADJOURNMENT**

There being no further business, Alderman Nolte made the motion to adjourn. The motion was seconded by Alderman Toben and carried unanimously. The meeting adjourned at 8:35 p.m.