CITY OF DES PERES
BOARD OF ALDERMEN MINUTES
BOARD CHAMBERS – CITY HALL
12325 MANCHESTER ROAD
Monday April 11, 2005

The regular meeting of the Board of Aldermen of the City of Des Peres, Missouri was held at the Des Peres Government Center, 12325 Manchester Road beginning at 7:00 P.M. on Monday April 11, 2005.

ROLL CALL

The City Clerk took roll with the following members present: Mayor Lahr, Alderman Doering, Alderman Pound, Alderman Raczkiewicz, Alderman Gmelich, Alderman Kleinschmidt, and Alderman Fingerhut.

Staff members present included: City Administrator, AA to the City Administrator, City Clerk, Director of Public Works, and Director of Finance. The Public Safety Director was absent with excuse. Captain Krumm represented the Department of Public Safety in Chief Bridges absence.

SPECIAL PRESENTATION:

Retirement of Sergeant John Videmschek - Postponed to a later date.

Tree USA Award - This is an annual award sponsored by the National Arbor Day Foundation in cooperation with the National Conference of Mayors and National League of Cities, and awarded to cities who make the art of forestry and tree preservation a priority. Des Peres, for the past 22 consecutive years, has been a recipient of this award. The Mayor, Board and Staff wish to publicly commend the efforts of two particular employees and their staff for their contribution for the continued beautification of our City:

> Steve Braddock, a 27-year employee of the Park Department has served as Park Superintendent since 1999. Steve and crew have spent nearly 700 hours last year in tree maintenance in city parks and tree and flower plantings in parks and city rights-of- way.
>
> Frank Clark, a 32-year employee in the Street Department who has spent the past 27 years as Street Superintendent. Frank and crew spent nearly 2,000 man-hours last year pruning street trees including removal of 87 dead or dying trees.

PUBLIC HEARING

Public Hearing #1: Petition for a Variance to allow construction of a front yard fence at 13106 Barrett Circle Court. Petitioner, M. J. Anderson Dev. LLC

Mayor Lahr opened the public hearing and instructed the City Clerk to present her list of exhibits:

Exhibits:

Appendix C of the Zoning Regulations of the Municipal Code City of Des Peres Section 405.010 (D)(8) which states that the Board of Alderman shall hear variance requests related to fences.

Petition of M. J. Anderson Dev LLC requesting a variance to install a fence in excess of 36 inches in heights within the required front yard setback along Barrett Station Road.

Notice of Public Hearing sent by regular mail, on March 23, 2005, to property owners abutting property located at 13106 Barrett Circle Court.

Notice of Public Hearing to be held on Monday April 11, 2005 published in the St. Louis Countian, a newspaper of general circulation on March 24, 2005.

Notice of Public Hearing posted at 5 locations in the City of Des Peres and a list of locations. (City Hall, Des Peres Park, Public Safety Building, Schnucks and The Lodge Des Peres)

Notice of Hearing posted on the Des Peres website (despersmo.org) and transmitted electronically to all subscribers to "Notify Me" features on the web site.

Copy of proposed FenceVariance.

Mike Anderson of M. J. Anderson Dev. addressed the public hearing stating that he requested a variance from the requirements of the Zoning Code (Section 405.010) to allow construction of a fence in excess of 36" in height within the required front yard setback at 13106 Barrett Circle Drive at the intersection of Barrett Circle Drive and Barrett Station Rd.

Discussion followed. There being no comments from the public Mayor Lahr closed the public hearing and stated that the business of the Variance would be taken up later in the meeting.

Public Hearing #2: Petition for Rezoning from "A" to "AA" Residential with Application of Alternate Density Zoning for Morris Place Addition Subdivision. Petitioner Mr. & Mrs. Edward Nusrala, Jr.

Mayor Lahr opened the public hearing and instructed the City Clerk to present her list of exhibits:

Exhibits:

Article V. Planning & Zoning of Chapter 2 Administration, Appendix C. Zoning Regulations and Appendix B Subdivision Regulations, Section 420.040 Alternative Density Zoning of the Municipal Code of the City of Des Peres, Missouri

Minutes of the Planning & Zoning Commission dated March 9, 2005
wherein the commission recommended approval of the proposed rezoning from "A" to "AA" residential with Alternate Density Zoning and preliminary plat approval for Morris Place Addition Subdivision.

Staff Report prepared by Director of Public Works and dated March 3, 2005

Letter in support of rezoning Morris Place written by Gerre Langton, 11838 Point Oak Drive and dated March 6, 2005.

Preliminary Plat, Drainage Area Map and Existing Drainage Area Map of #18 Morris Place Lane with original date of 10/29/04 and revised on 4/4/05 by Vance Engineering.

Notice of Public Hearing to be held on Monday, April 11, 2005 published in the St. Louis Countian, a newspaper of general circulation on March 24, 2005.

Notice of Public Hearing posted at five (5) locations in the City of Des Peres and a list of those locations. (City Hall, Des Peres Park, Public Safety Building, Schnucks and The Lodge Des Peres)

Notice of Hearing posted on the Des Peres website (despersmo.org) and transmitted electronically to all subscribers to "Notify Me" features on the web site.

Notice of Public Hearing sent by regular mail, on March 23, 2005, to property owners within a 200 ft radius of the proposed rezoning.

Bill #05-2327 rezoning 1.47 aces of Land from "A" Residential to "AA" Residential Zoning District and Granting Use of Alternate Density Zoning.

Attorney Ed Griesedieck #1 City Center, St. Louis addressed the public and board stating that he represents the interests of Petitioner and their request for

rezoning of a 1.47 acre tract of land from “A” to “AA” Residential and for application of the provisions of Alternate Density Zoning to a 2.58 acre tract of land to be known as Morris Place Addition Subdivision. Planning & Zoning had recommended in favor of this rezoning and the use of alternate density zoning and had previously granted conditional approval to the Preliminary Plat for Morris Place Addition Subdivision. Approval had not yet been obtained for the improvement plans.

The following is a list of residents or resident representatives speaking at this evening’s public hearing:

Attorney Mark Murry, #1 Metro Square, St. Louis representing Mrs. Jean Sheets, 1810 Gray Drive, speaking against, voiced concerns of street widening, increases in traffic, street curbing to effect storm water run off, quality of life concerns, once park like setting , after rezoning green space would be replaced with street, parking, reduced privacy due to removal of many trees.

Jeanne Flurry, 1820 Gray Drive Speaking against, voiced concerns that she would no longer be on a corner lot. That increased traffic and cul-de-sac would take over what is now green space.

Don Gegel, 1829 Firethorn speaking against, voiced concerns over a 36” diameter mature tree which he fears would be subject to cutting of the roots and the probability of death as a product of trenching for the storm sewers; also concerns over whether proposed swale would be deep enough to prevent storm water from coming onto his property. He believed that a berm would be preferable along his lot line.

Margaret Luth, 1823 Firethorn Drive, voiced concerns over storm water controls; Wanted assurance that the builders and any subsequent builders be bound to the plans as exacted during the public hearing. If not better.

There being no further comments from the public on this issue Mayor Lahr closed the public hearing and advised that the business of Bill 2327 would be taken up under Legislation - Unfinished Business.

AMENDMENT TO AGENDA - Recommendation was made to move the matter of the first public hearing, fence variance, forward on the agenda. Mayor Lahr advised that the fence variance would be placed after citizen comments and petitions on the agenda.

CITIZEN COMMENTS/PETITIONS - None

Variance - Petition for a Variance to allow construction of a front yard fence at 13106 Barrett Circle Court in excess of 30”

Mayor Lahr asked if the Board of Aldermen required further discussion regarding the Petitioners request for a fence variance. Hearing none, Mayor Lahr called for a vote.

Alderman Kleinschmidt moved, second by Alderman Raczkiewicz to approve the fence variance and allow for a variance to install a fence in excess of 36" in height within the required front yard setback along Barrett Station Road

A roll call vote was taken with the following results: Alderman Doering, Yes; Alderman Pound, Yes; Alderman Gmelich, Yes; Alderman Fingerhut, Yes; Alderman Raczkiewicz, Yes; Alderman Kleinschmidt, Yes. Vote in favor being unanimous motion carried 6-0.

CONSENT AGENDA

Mayor Lahr presented the consent agenda to include:

- Minutes of the March 28th Regular Meeting
- Revised Warrant List dated April 11, 2005.
- Resolution 05-1548 Amending the 2005 Budget to Reappropriate Funds from 2004 FY Budget
- Resolution 1549 Authorizing Contract with Bergfeld Rec for the purchase of bleachers and benches for Des Peres Park.
- Resolution 1550 Authorizing Contracts with Commercial Fitness Solutions for purchase of exercise equipment for The Lodge
- Resolution 1551 Authorizing Contract with Fry & Associates Playworld for purchase and installation of a playground in Des Peres Park.
- Resolution 1552 Authorizing Hoffman Brothers HVAC to proceed with certain repairs at DPS
- Resolution 1553 Expressing the intention of the Board of Aldermen to Adopt the revised technical codes of St. Louis County as the technical codes of the City of Des Peres.

Mayor Lahr asked if any member of the Board had questions concerning the proposed Consent Agenda or wished to move any item from the Consent Agenda.

The City Administrator requested that Resolution 05-1548 be amended to include the following language:

Department of Public Safety – Operations Budget

$2,000.00	***Receipt of donation from Red Robin Restaurant (12-2-04) to be used exclusively for fire education.***
$ 500.00	***Receipt of donation from Sam's Wholesale (1-31-05) to be used exclusively for fire education.***

Alderman Raczkiewicz moved to approve the proposed amendment to Resolution 05-1548 with the language outlined above. Second by Alderman Kleinschmidt. A roll call vote was taken with the following results: Alderman Gmelich, Yes; Alderman Fingerhut, Yes; Alderman Doering, Yes; Alderman Pound, Yes; Alderman Kleinschmidt, Yes; Alderman Raczkiewicz, Yes. Vote in favor being unanimous, motion carried 6-0.

Alderman Gmelich moved to approve the consent agenda as amended, second by Alderman Raczkiewicz. A roll call vote was taken with the following results. Alderman Gmelich, Yes; Alderman Raczkiewicz, Yes; Alderman Kleinschmidt, Yes; Alderman Fingerhut, Yes, Alderman Pound, Yes; Alderman Doering, Yes. Vote in favor being unanimous, motion carried 6-0.

Mayor Lahr commended the Parks Commission, Director of Parks & Recreation and her staff on the work they did which resulted in receipt by the City of the St. Louis County Park Grant in the amount of $148,800. Mayor Lahr advised that the grant money would be applied to City funds for construction of a very fine new playground facility to be enjoyed by residents and visitors to our Park.

REPORTS OF OFFICERS & COMMITTEES

The City Clerk reported on the April 5th municipal election, stating that the results were obtained from the County website and not the official results from the Board of Election Commissioners. Official results are not available until the week of April 18th. Unofficial election results are as follows

Municipal Judge	Charles Billings	941
Alderman, Ward One	Kathleen Gmelich	476
	Jack Chong	142
Alderman, Ward Two	James Kleinschmidt	164
Alderman, Ward Three	James Doering	349

LEGISLATION – Unfinished Business

Bill 2326 An Ordinance Approving a Lot Consolidation Plat of 8 lots involving 30.4 acres of land known as The Goodson Property into 2 lots

Attorney Ed Griesedieck speaking on behalf of Mrs. Goodson gave the following explanation: Bill 2326 approves a record plat to consolidate 8 lots of the 30.4 acre Goodson Tract into two lots: One 21.64 acre lot to be retained by Mrs. Goodson while the remaining 8.76 acre lot sold to Miracle Design for development of a 15 lot subdivision known as The Arbors at Sugar Creek.

Discussion followed at the conclusion of which Mayor Lahr asked that Alderman Kleinschmidt give Bill 2326 second reading.

Alderman Kleinschmidt gave Bill 2326 second reading and moved for approval, second by Alderman Raczkiewicz. A roll call vote was taken with the following results: Alderman Fingerhut, Yes; Alderman Pound, Yes; Alderman Doering, Yes; Alderman Gmelich, Yes; Alderman Kleinschmidt, Yes Alderman Raczkiewicz, Yes, motion carried 6-0.

Mayor Lahr announced that Bill 2326 having received a majority vote of the Board of Aldermen stood approved and would become Ordinance 2322 upon his signature.

Bill 2327 An Ordinance Rezoning from "A" to "AA" Residential a 1.47 Acre Tract of Land on Morris Place and Granting Alternate Density Zoning for a 2.58 acres tract of land to be known as Morris Place Addition Subdivision.

Bill 2327 rezones 1.87 acres of the 2.58 acre tract of land from "A" to "AA" residential and grants the alternate density provisions of the subdivision code which allows the city to establish setbacks for buildings on the property which conform with the next zoning district "B".

Bill 2327 having been the subject of this evening's public hearing Mayor Lahr asked if staff or the Board of Aldermen had any further comments.

Discussion resumed concerning items discussed earlier during the public hearing. Alderman Pound questioned Attorney Griesedieck, regarding the pie shaped parcel between lots 3 and 5 on the preliminary plat dated April 4, 2005, which appears to be sectioned off, and is not inclusive in any lot depicted on the preliminary plat.

Attorney Griesedieck indicated that he would meet with his client, the Nusrala's, to clarify the purpose of, or perhaps square off, the pie to attach to one of the lots described on the preliminary plat.

The matter of Bill 2327 was held by the Board for further clarification of the pie shaped parcel between lots 3 and 5 until the meeting of April 25th.

REPORTS FROM STAFF
Administration & Finance

Proposals for Insurance Broker/Benefits Consultant . The City Administrator advised that six (6) proposals were received from agencies to provide consulting services with regard to employee benefits, i.e. health, dental, life and LTD insurance coverages. A preliminary review of the proposals will be

conducted by a committee comprised of the City Administrator, Director of Finance and Assistant to the City Administrator with a report of findings and further review before the Board of Aldermen during two worksessions scheduled for May 2nd & 4th.

2003 Certificate of Achievement in Financial Reporting (CAFR). The City Administrator reported that the city for the 8th consecutive year is the recipient of the 2003 CAFR award.

Des Peres holds the distinction of being the 2nd smallest of the 22 cities receiving awards in St. Louis County to achieve the award in 2003. Mayor Lahr, together with the Board of Aldermen, commended the City Administrator, Director of Finance and staff for their part in maintaining the outstanding accounting principles which enable the city each year to earn this distinction.

City Website - The City Administrator reported that staff has been working on an upgrade to the cities website which is expected to roll out in the near future.

City Newsletter – The Assistant to the City Administrator addressed the board regarding freshening up of the City Newsletter. He explained that the current look is nearing five years and expects to roll out a new version with the June edition. Alderman Gmelich, Mayor Lahr, Jason McConachie and Park's & Rec staff will meet to firm up definitive changes to the City Newsletter prior to the next edition.

Historic Route 66 – The City Administrator reported that the City has been contacted by MoDOT to support their application to the Missouri Highway and Transportation Commission (MHTC) for designation of Route 66 Byway (State Route 100) in the City of Des Peres as a state scenic byway. If the designation is secured Des Peres will be required to enter into an agreement with MHTC to preserve the intrinsic qualities of the byway. After discussion Mayor Lahr polled the Board to determine their support of the issue. The Board unanimously supported the designation and instructed the City Administrator to send a letter in support of their application to MoDOT.

Department of Public Works

Board of Adjustment Fees - The Director of Public Works has completed analysis of the city's cost to process appeals to the Board of Adjustment and Board of Alderman and has suggested that an increase in the City's filing fee is deemed appropriate. The thought being at the very least to pass through our costs to the Petitioner. Changes to be perfected by Ordinance and presented to the Board of Aldermen for approval at their meeting of April 25th.

EXECUTIVE SESSION

Mayor Lahr requested that the Board authorize an executive session for the purpose of consulting with the City Attorney regarding matters regarding potential litigation.

Alderman Gmelich moved that the Board of Aldermen authorize a closed session in accordance with Section 610.021 of the RSMo. Second by Alderman Fingerhut. A roll call vote was taken with the following results: Alderman Raczkiewicz, Yes; Alderman Doering, Yes; Alderman Pound, Yes; Alderman Kleinschmidt, Yes; Alderman Gmelich, Yes; Alderman Fingerhut, Yes. Vote in favor being unanimous, motion carried 6-0.

ADJOURNMENT

Regular session of the Board of Aldermen adjourned at 9:00 P.M.

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City Clerk

Minutes approved as submitted April 25, 2005.

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Rick Lahr, Presiding Officer

Approved this 25th day of April, 2005.

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Rick Lahr, Mayor

ATTEST:

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Linda M. Schulte, City Clerk