

**MINUTES
BOARD OF ALDERMEN
APRIL 10, 2023
DES PERES GOVERNMENT CENTER**

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 63131, commencing at 7:00 P.M. on Monday, April 10, 2023.

ROLL CALL

The City Clerk took roll call with the following elected officials physically present: Alderman Barrett, Alderman Fitzpatrick, Alderman Osherow and Alderman Pound. Mayor Becker was also present.

Alderman Concagh and Alderman Kleinschmidt attended the meeting remotely via Zoom.

Staff members present included the City Administrator, Assistant City Administrator, Director of Public Works, Director of Public Safety, Director of Parks and Recreation, Director of Finance and City Attorney.

All present rose for the Pledge of Allegiance.

AMENDMENT TO AGENDA

City Administrator, Douglas Harms requested to add Bill 23-2990 under new business pertaining to the moratorium on recreational cannabis regulations which remain under review by the Planning & Zoning Commission. City Administrator also requested to waive the rules and read the bill for second reading. Mayor Becker stated this bill will be added under new business, item b.

PUBLIC HEARING

- **Conditional Use Permit**
Petitioner: Crisp & Green
Location: 1193 Colonnade Center

The City Clerk read aloud the following exhibits relative to the Public Hearing:

1. Letter from Intertech Design Services INC, requesting a CUP for Crisp & Green at 1193 Colonnade Center, Des Peres, MO 63131
2. Public Works Staff Report for Conditional Use Permit at 1193 Colonnade Center dated February 20, 2023
3. Petition for Conditional Use Permit Dated February 6, 2023
4. Bill 23-2987 Granting a Conditional Use Permit for operation of a Restaurant at 1193 Colonnade Center to Arch Dining LLC dba/ Crisp and Green
5. Municipal Code of the City of Des Peres

Mayor Becker stated the five exhibits were received and made a part of the record.

Gary Hoss, Member of Crisp & Green, spoke briefly about Crisp and Green and where they originated, eight years ago. Des Peres Crisp & Green will be the first out of five restaurants in the St. Louis area. Mr. Hoss estimates Crisp & Green to open in

September, the latest October 2023. Crisp and Green will be serving Healthy Fresh Foods such as salads, smoothies, and açai bowls.

Hearing no further comments or questions, Mayor Becker closed the Public Hearing at 7:11 PM.

CITIZEN COMMENTS –

Yvonne Allen, 1160 Bopp Road, requested the Board of Aldermen to clarify if Route 66 is a standalone building or part of the strip center. Mayor Becker asked Public Works Director where the city is at with this. Steve Meyer stated the Planning and Zoning Subcommittee have met 5 times and it will be going to the full Planning and Zoning Committee on Wednesday, April 12, 2023.

Jeanne Fluri, 1820 Gray Drive, expressed her concern about Root 66 being so close to Mathnasium, and wanted the board to take into consideration a learning center being so close to a marijuana dispensary.

CONSENT AGENDA

Mayor Becker announced that there were four (4) action items currently under the Consent Agenda. At the request of Mayor Becker, Alderman Barrett read aloud those items individually:

1. Minutes of the Board of Aldermen Meeting of March 27, 2023
2. Warrant List Dated April 6, 2023
3. R23-3680 Authorizing an On-Call Professional Service Agreement with CDG Engineers to Perform a Structural Assessment of the Sugar Creek Pedestrian Bridge and Authorizing a Supplemental Appropriation to the Capital Improvement Fund Relating Thereto
4. R23-3681 Authorizing a Sole Source Agreement with Murphy's Waves to Retrofit the Existing Wave Pool Generator for the Indoor Pool at The Lodge Indoor Pool

Mayor Becker asked if there were any questions or comments pertaining to the consent agenda. Hearing none, Alderman Barrett made a motion, seconded by Alderman Osherow to approve the four items on the Consent Agenda as proposed. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick, "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 6-0.

REPORTS OF OFFICERS AND COMMITTEES

- **Report of the Mayor**
 - Mayor Becker presented a Proclamation for Arbor Day 2023
 - Zoning Text Amendments
City Administrator Harms presented the Board with the process for Submission of Request for Consideration of "Text Amendments" to the Zoning Code. Currently the City of Des Peres code is silent on the issue if petitioners can apply for consideration of an amendment to the language in the zoning code. Discussion ensued between the board and City Attorney Chris Graville. Alderman Pound expressed his concern as to why the zoning

amendments do not have to go to the Board of Adjustment before going to the Planning. City Attorney Chris Graville stated the Board of Adjustment has not involvement in this issue.

Alderman Fitzpatrick made a motion to submit the zoning text amendments to the Planning and Zoning Commission for guidance, Alderman Pound seconded. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick. "AYE", Alderman Kleinschmidt, "ABSTAINED", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 5-0-1.

Alderman Fitzpatrick made a motion, seconded by Alderman Osherow to consider the proposal from Mark Disper for a request for petition on the Site Plan Approval at 2141 Sams Drive for a building storage facility on Lot 4. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick. "AYE", Alderman Kleinschmidt, "ABSTAINED", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 5-0-1.

- **Reports of Boards and Commissions**

- Report of the Audit & Finance Committee Meeting held March 22, 2023
- Report of the Board of Adjustment Meeting held March 22, 2023

Mayor Becker asked if there were any questions or comments relating to the report. Hearing none, he ordered them filed and received.

LEGISLATION

UNFINISHED BUSINESS –

- a. **B23-2986 An Ordinance Amending Section 2-329 of the Municipal Code Relating to the Sale of Surplus Supplies, Materials and Equipment and To Allow Use of Online Auction Services for Such Sales (Second Reading)**

Alderman Concagh read B23-2986 for the second time.

Alderman Concagh made a motion, seconded by Alderman Fitzpatrick to approve B23-2986. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick. "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 6-0.

- b. **B23-2987 An Ordinance Granting a Conditional Use Permit for Operation of a Restaurant at 1193 Colonnade Center to Crisp & Green (Second Reading)**

Alderman Concagh read B23-2987 for the second time.

Alderman Concagh made a motion, seconded by Alderman Barrett to approve B23-2987. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick. "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 6-0.

c. B23-2988 An Ordinance Approving a Boundary Adjustment Plat for 11904 Lillian Avenue

Alderman Pound read B23-2988 for the second time.

Alderman Pound questioned why isn't this going to the Board of Adjustment before the Board of Aldermen. City Attorney Chris Graville clarified lot consolidations don't require Boundary Adjustment Approval.

Alderman Pound made a motion, seconded by Alderman Osherow to approve B23-2988. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick, "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 6-0.

NEW BUSINESS –

a. B23-2989 An Ordinance Authorizing an Amended Professional Services Agreement with The Farnsworth Group for Architectural Services Relating to Improvements and Renovations to the Streets Garage

Alderman Osherow read B23-2989 for the first time.

Mayor Becker asked for a motion to waive the rules for second reading. Alderman Kleinschmidt made a motion seconded by Alderman Osherow. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick, "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 6-0.

Alderman Osherow read B23-2989 for the second time.

Alderman Kleinschmidt made a motion, seconded by Alderman Barrett to approve B23-2989. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick, "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 6-0.

b. B23-2990 An Ordinance of the City of Des Peres, Missouri Extending a Moratorium on the Consideration of Applications relating to Adult Use Marijuana Sales, Including Conversion of Medical Marijuana Licenses to Comprehensive Marijuana Licenses; and the Issuance of License to Comprehensive Marijuana Facilities of Any Kind Including Microbusiness Facilities for a Period Ending Sixty Days (60) From Approval of this Ordinance

This bill was added under amendment of agenda at the beginning of the meeting at the request of City Administrator, Douglas Harms.

At the request of the Mayor, Alderman Fitzpatrick read B23-2990 for the first time.

Mayor Becker asked for a motion to read B23-2990 for a second time. Alderman Barrett made a motion seconded by Alderman Osherow to waive the rules and read

B23-2990 for the second time. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick. "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 6-0.

Alderman Fitzpatrick read B23-2990 for a second time.

Alderman Fitzpatrick made a motion, seconded by Alderman Kleinschmidt to approve B23-2990. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick. "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 6-0.

MISCELLANEOUS BUSINESS –

1. Report of the City Clerk

The City Clerk read aloud the following unofficial results of the April 4, 2023 Municipal Election:

	Candidate	Voted	Voter Turnout	5 Yr Avg
Municipal Judge	Charles Billings	987	Unknown	20.2%
Alderman, Ward 1	James Osherow	272	Unknown	20.5%
Alderman, Ward 2	Jim Kleinschmidt	446	Unknown	15.6%
Alderman, Ward 3	Sean Concagh	268	Unknown	19.9%
Proposition M	Marijuana Tax	1187	Unknown	20.2 %

REQUEST FOR EXECUTIVE SESSION

Staff has not been notified by the Mayor or City Attorney of a request for Executive Session.

ADJOURNMENT

Alderman Barrett made a motion, seconded by Aldermen Fitzpatrick to adjourn the Regular Meeting at 8:00 P.M.

Amanda Hurley
City Clerk

Minutes approved by the Board of Aldermen on the 10th day of April, 2023.

Mark Becker, Mayor

ATTEST:

Amanda Hurley
City Clerk