

**MINUTES
BOARD OF ALDERMEN
SEPTEMBER 12, 2022
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 7:01 P.M. on Monday, September 12, 2022.

ROLL CALL

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

Alderman Concagh was absent with excuse due to a work conflict.

Staff members present included the City Administrator, Assistant City Administrator, Director of Finance, Director of Public Works, Director of Parks & Recreation and Director of Public Safety. The City Clerk was absent for training purposes at the MML Conference.

BOARD WORK SESSION – Overview of the Draft [2023 Capital Improvement Budget](#)

Mayor Becker announced that a Work Session of the Board of Aldermen took place prior to the Regular Meeting on the proposed 2023 Capital Improvement Budget. The meeting was for discussion purposes only with no decisions made.

Mayor Becker asked for a moment of silence to commemorate the victims of the 9/11 attacks.

AMENDMENT TO AGENDA – NONE

PUBLIC HEARING – PUBLIC HEARING ON THE PROPOSED 2022 REAL ESTATE TAX LEVIED AT \$0.00

The Assistant City Administrator read aloud the following exhibits relative to the Public Hearing on the Proposed Property Tax:

1. Notice of Public Hearing of September 13, 2022 advertised in the St. Louis Countian and Website Kirkwood Times on August 25, 2022
2. Notice of Public Hearing posted at the following locations: (1) Des Peres City Hall, (2) Des Peres Website on August 25, 2022
3. Public Hearing announcement placed in the 2022 September Edition of the Des Peres Citizen Newsletter
4. Statement of Preliminary Assessed Value for all Real and Personal Property for 2022 provided by the Assessor of St Louis County
5. Copy of 2022 Budget which contemplates \$0.00 revenues from property taxes for general or debt service purposes
6. Tax Calculation Worksheets Provided by State Auditor's Office 6
7. B22-2963 An Ordinance Establishing the Annual Rate of Tax Levy at \$0.00 on All Real Personal Property and for the Year 2022

8. Municipal Code of the City of Des Peres

Director of Finance, Tracy Hansen, presided over a brief [presentation](#) outlining the city's obligations under Missouri law as it relates to establishing the annual property tax levy which, at the request of the Board of Aldermen, is slated for another rollback to \$0.00 for the 2022 fiscal year. The Board of Aldermen will make that determination during the Unfinished Business portion of the agenda.

CITIZEN COMMENTS –

Gerald Forrester (12922 Hunter Creek) voiced strong opposition against imposing a real estate tax citing financial hardship for those on fixed incomes which have not kept pace with inflation. Mr. Forrester implored the Board of Aldermen to retain the existing \$0.00 tax rate which has remained in place for 27 years.

CONSENT AGENDA

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

1. Minutes of the Board of Aldermen Meeting of August 22, 2022
2. Warrant List Dated September 8, 2022
3. R22-3611 Authorizing Issuance of a Liquor License By the Drink License Including Sunday Sales to Koibito Poke Located at 13275 Manchester Rd
4. R22-3612 Authorizing An Amended Lease Agreement with Flock Safety for an Additional Camera Location

Alderman Osherow made a motion, seconded by Alderman Pound to approve the Consent Agenda as proposed. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", Alderman Pound, "AYE" and Alderman Fitzpatrick. "AYE". Motion passed 5-0.

REPORTS OF OFFICERS AND COMMITTEES

Mayor Becker advised that no reports have been submitted for Board of Aldermen review or consideration.

LEGISLATION

Unfinished Business

- a. **B22- 2963 An Ordinance Establishing the Annual Rate of Tax Levy at \$0.00 on All Real Personal Property and for the Fiscal Year 2022**

Alderman Barrett read aloud B22-2963 for the second time.

Aldermen Barrett clarified that the purpose of this measure was to establish a voluntary rollback of the city's property tax levy to \$0.00 for 2022. If approved, this rate would

remain in effect for the 2023 fiscal year given the statutory limitations which prohibit cities from raising property rates during reassessment (odd numbered) years.

Alderman Barrett made a motion, seconded by Alderman Fitzpatrick to approve B22-2963. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Kleinschmidt, "AYE", Alderman Fitzpatrick, "AYE", Alderman Osherow, "AYE", and Alderman Pound, "AYE". Motion passed 5-0

New Business - None

- b. R22-3613 Resolution Expressing the Intention of the Board of Aldermen If Amendment #3 is Approved by Voters on November 8, 2022 to Impose a Moratorium on Issuance of any Permits for Comprehensive Marijuana Dispensaries Until Both State and Local Regulations are Adopted; and Expressing the Intention of the City to Place Two Ballot Propositions on the November 2024 Ballot Relating to the Sale and Taxation of Recreational Marijuana in Des Peres**

Mayor Becker advised that Amendment 3 has been placed on the ballot by initiative petition for a statewide vote on November 8, 2022 to amend the state constitution relating to the sale and use of marijuana for recreational purposes for adults over age 21.

Per the City Attorney, unlike the 2018 constitutional amendment authorizing the sale of marijuana for medical purposes, the language of Constitutional Amendment 3 provides that a city can prohibit recreational dispensaries from opening in their communities subject to voter ratification by a 60+% vote with the first available election date being November 2024. While this Board of Aldermen may not preemptively commit the City to holding an election in 2024, this resolution expresses the intention of the City to do so at that time. Ultimately, the governing body seated following the April 2024 Des Peres municipal elections will consider that election proposition. The language of Constitutional Amendment 3 also authorizes a city to impose a special local tax not to exceed 3.0% on recreational marijuana sales that we also recommend by placed on the November 2024 ballot for voter consideration.

This resolution gives notice that, if Amendment 3 is adopted by voters, Des Peres will impose a moratorium on consideration of any licenses to allow sale of recreational marijuana until both state and local regulations are adopted. This includes new licenses as well as amending existing medical marijuana licenses

Hearing no further questions, Alderman Fitzpatrick made a motion, seconded by Alderman Kleinschmidt to approve the R22-3613 as proposed. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Kleinschmidt, "AYE", Alderman Osherow, "AYE", Alderman Pound, "AYE" and Alderman Fitzpatrick. "AYE". Motion passed 5-0.

MISCELLANEOUS BUSINESS

1. Report of the City Administrator

- a. [Discussion](#) - Change In Yard Waste Collection Schedules

The City Administrator advised that staff was unable to negotiate an amendment to our contract with Waste Connections that would allow yard waste collections to be distributed throughout the week in lieu of universal pickup on Mondays which is considered as premium service. The City Administrator stated that a potential rate adjustment or contract extension was pursued in exchange for abandoning the universal pickup arrangement which, according to Waste Connections, has become extremely difficult to honor based on driver shortages and the inflationary impact on fuel and fleet costs. Waste Connection remains interested in spreading out yard waste collections but without any corresponding contract adjustment or rate reduction that would benefit the City.

The City Administrator recommended that the Board of Aldermen summarily reject Waste Connections' appeal to forgo universal yard waste pickups and instead keep the existing contract arrangement.

Alderman Barrett requested that staff reengage Waste Connections to negotiate a mutual agreement that would benefit both parties with the end goal of improving service predictability and consistency which has lacked in recent months. The Mayor and Board of Aldermen agreed with that plan.

b. [HB 1662](#) - Change in State Law on Regulation of Home Based Businesses

The City Administrator provided a brief overview of a new state law enacted by the Missouri General Assembly which substantially limits the ability for local governments to prohibit or regulate home-based businesses. Staff has since referred this matter to the Planning & Zoning Commission for additional review which may require an amendment to the Zoning Code for compliance with state law.

c. [SB 62](#) - Change in State Law Restricting Local Regulations on Fences

Similar to the previous item, the City Administrator offered a quick summary of a newly enacted state law which appears to preempt cities from either prohibiting or mandating "physical security measures" – a term that is not clearly defined within the statutes but could broadly be interpreted as a standard fence. At the request of the City Attorney, this measure is being referred to the Planning & Zoning Commission to undertake a comprehensive review of all city ordinances that may be affected by this law.

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 Osherow to adjourn the Regular Meeting at 8:03 P.M.

Minutes Prepared by:

Scott Schaefer
Assistant City Administrator

Minutes approved by the Board of Aldermen on the 12nd day of September, 2022.

Mark Becker, Mayor

ATTEST:

Scott Schaefer
Assistant City Administrator

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