



**MINUTES OF THE PUBLIC HEARING OF  
MONDAY, OCTOBER 21 , 2019  
AT 200 HIGHLANDS BOULEVARD DRIVE  
REGARDING A REQUEST FOR  
BOUNDARY ADJUSTMENT/EASEMENT VACATION  
ON FOREST SUMMIT COURT**

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

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.

The following notice of the public hearing was then read:

“The Board of Aldermen of the City of Manchester will hold a public hearing at 7:00 p.m. at the Manchester Justice Center, 200 Highlands Boulevard Drive, to consider the following:

CASE #19-SUB-002 - Barth Holohan, owner, has applied for approval of a Boundary Adjustment/ Easement Vacation in order to consolidate eleven lots into one lot on Forest Summit Court, in a “PRD” Planned Residential Development Zoning District.”

Mayor Clement advised that first the proponents would speak, then the opponents, and comments from the public, followed by questions from the members of the Board of Aldermen or the City staff.

Mr. Barth Holohan stated that he is requesting taking these vacant 3 ½ acres and consolidating the lots into one lot. He said there is nothing that has changed with the development.

Alderman Hamill stated that the Planning and Zoning Commission gave a favorable recommendation.

Mayor Clement closed the public hearing at 7:03 p.m.

Respectfully submitted,

Ruth E. Baker, MMC/MPCC  
City Clerk

**Note:** This is a journal of the Public Hearing held October 21, 2019 (summary); not a verbatim transcript regarding a request for a boundary adjustment/easement vacation on Forest Summit Court. If a recording of the public hearing is desired, please contact City Hall.



**MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING  
OF MONDAY, OCTOBER 21, 2019  
AT 200 HIGHLANDS BOULEVARD DRIVE**

1. CALL TO ORDER

Mayor Mike Clement called the Regular Board of Aldermen meeting to order at 7:03 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, October 7, 2019 Regular Board of Aldermen meeting

Alderman Hamill made the motion to approve the Minutes of the Regular Board of Aldermen meeting of Monday, October 7, 2019. The motion was seconded by Alderman Toben and carried 6 - 0, with no objections from any members of the Board of Aldermen.

4. ESTABLISHMENT OF ORDER OF ITEMS ON THE AGENDA

Mayor Clement recommended an addition for another introduction of a new employee. He said that employee is with the Public Works Department.

Alderman Toben made the motion to approve the Order of Items on the Agenda, as amended. The motion was seconded by Alderman Nolte and carried 6 - 0, with no objections from any members of the Board of Aldermen.

5. CONSIDERATION OF PETITIONS AND COMMENTS FROM THE PUBLIC

a. Introduction of new Employees:

i. Two new Police Officers - Officer Randy Toedebusch and

Officer James Ligon - introduced by Chief of Police Scott Will

Chief of Police Scott Will introduced Officer Randy Toedenbush. He said Officer Toedenbush started with Manchester about a week and half ago. Randy graduated from the academy in 2012, has six years of Law Enforcement experience and has an associate's degree. He has worked for Charlack and St. John Police Departments where he was a detective most recently at St. John. He is also a member of the major case squad. He has two children.

Chief Will introduced Officer James Ligon. He said Officer Ligon has 15 years of law enforcement experience and comes to us from the Normandy Police Department. James has two master's degrees and is working on his PhD. He is married and has a daughter.

- ii. New Code Enforcement Officer - Steve Kirkman - introduced by: Director of Planning, Zoning and Economic Development Melanie Rippetoe

Director of Planning, Zoning and Economic Development Melanie Rippetoe introduced Steve Kirkman. She said he is the newest Code Enforcement Officer. He came to us from Blackjack where he was the Assistant Director of Public Works. He comes to us with great experience and has started on the ground running.

- iii. New Communications Specialist - Ellie Schmidt - introduced by Director of Parks and Recreation Kat Douglas

Director of Parks, Recreation, and Arts Kat Douglas introduced Ellie Schmidt. She has been with the City since summer. She jumped on board as the Communications Specialist intern. She is studying Communications at Maryville.

- iv. New Accountant - Shawn Sieve - introduced by Director of Finance Don Yucuis

Director of Finance Don Yucuis introduced Shawn Sieve. Shawn graduated from the University of Missouri-St. Louis in 2002. He has had good previous experience in the Public Accounting sector. He lives in Fenton with his wife and three children.

- v. New Public Works Employee - Michael Szyhowski - introduced by Director of Public Works Bob Ruck

Director of Public Works Bob Ruck introduced Michael Szyhowski. Mike joined the Public Works Department today, and he came from the Missouri Department of Transportation (MoDOT). He lives in High Ridge.

- b. Proclamation presentation - National Community Planning Month

Mayor Mike Clement presented a Proclamation to Director of Planning, Zoning, and Economic Development Melanie Rippetoe in recognition of National Community Planning Month.

- c. Proclamation presentation - recognition of Parks and Recreation Staff - senior adult fitness and wellness

Mayor Mike Clement presented a Proclamation to Director of Parks, Recreation and Arts Kat Douglas and Recreation Supervisor Stephanie Hardesty recognizing the efforts of Parks and Recreation Staff in supporting senior adult fitness and wellness.

- d. Proclamation honoring Johnny Eagleston, Senior Athlete of The U. S. National Senior Sports Organization

Mayor Mike Clement presented a Proclamation to Senior Athlete Johnny Eagleston, a Manchester resident, acknowledging his participation in the competitive events since 2008, and consistently earning gold, silver and bronze awards in almost all events in which he has participated.

- e. Comments from the Public

Mr. Mike Fuhro, 745 Oklahoma Avenue, said he has been an outspoken critic of the Bend at Sulphur Spring for nearly two years. He said that right now, he wanted to comment on storm water runoff.

He said his opinion is that the storm water runoff problems being experienced by multiple adjacent property owners are directly due to inactions on the part of the city officials.

- The City approved the original plans to deforest the land, thereby creating the potential for massive storm water runoff after a rain event.
- Then the City approved grading of the land that directs water runoff to the north and south toward adjoining properties.
- The City also failed to require storm water sewers or swales on the south end of the development to protect adjacent properties.

Mr. Fuhro said city officials have told him they rely solely on Metropolitan Sewer District (MSD) and St. Louis County to review and approve subdivision plans. He said he rejects this assertion, because it's basic common sense for the City to act as a firewall to protect residents.

If the City doesn't have the right expertise on staff, they could easily hire an expert on an as-needed basis to review subdivision plans. Not only that, but he said it took him about ten minutes to review the final reviewed plans and spot potential problems, and he has no formal civil engineering or hydrology training.

City Officials have recently met with some of the adjacent property owners experiencing property damage from storm water runoff originating in the new subdivision. He said it's his understanding that the proposed fixes being offered are deemed inadequate by some, if not all, of the property owners. And, sadly, here is why none of that really matters. Once a lot is sold, and a house is built, and the new owners close, the property is theirs. They can do whatever they want to their land. They can re-grade the

land so water drains toward neighbors. They can dig up underground drains, take out trees, and so on. There's absolutely nothing the city or the developer can do about it.

The City needs to immediately design, develop, and implement permanent solutions that protect property owners from storm water runoff damage. This work needs to be completed before the developer sells the remaining lots and the City no longer has any leverage over him. The City needs to force the developer to compensate adjacent property owners for the damage done to their properties. The City also needs to force the developer to put permanent solutions in place. He suggested shutting down the site until the developer complies.

Mr. Fuhro said it took years, but the City of Kirkwood has finally taken steps to implement storm water protections for residents. The City of Manchester needs to act now, before any more damage is done.

Dr. Dianna Keller, 740 Oklahoma Avenue, stated that her property is adjacent to the Bend at Sulphur Spring Development. She said her family has owned the property since 1954, and never has her family endured any water issues until the approval of the Bend of Sulphur Spring by the City of Manchester. The natural flow of the water and the land was from North to West. Since the development has started it has changed drastically, elevating homes and properties three to six feet higher causing the water to flow south directly on her property, with rainwater being diverted from the elevated home sites to their gutters to her property and flooding the side, front and back yard.

Dr. Keller stated the ground under her fence on the North and East sides has eroded away, leaving behind five and six-inch gaps. This has compromised the security of her dog and allows water to collect throughout her yard. Her parents did not buy swamp land. She has been advised the massive water issues will compromise her five twenty-year-old pine trees as they will succumb to the water standing around the root system.

Dr. Keller stated the newly erected fence, less than a year old, is pulling apart due to water around the post and the erosion of the dirt. She will forward statements from the manufacturing company, the installation company, and a civil engineer when she gets them.

Dr. Keller stated that at a meeting in front of 760 Alexander Mark Way which was attended by Mr. Toben, Mr. Baumann, the Aldermen in her area, Melanie Rippetoe, Mayor Mike Clement, Developer Sean Flower, her Attorney, Mr. Dale, and herself, agreements were made that Mr. Flower would put swells along the North and East side of her property to keep the water on the development side. The ground was to be replaced under the fence to a 1.5-inch depth beneath the fence rail to stabilize fence posts and increase security of her dog. To date, none of this agreement has been completed. She said the items that were agreed upon by all parties need to be completed to her satisfaction by December 1<sup>st</sup> of this year.

Dr. Keller stated what they did do is damage her fence with a bobcat and lay some sod. The attempt to push the panel back in caused further damage, which will now be replaced professionally and correctly.

Dr. Keller said that multiple complaints have been made from the surrounding properties. Photos and videos have been sent to the City of Manchester, and the answers

they get from the Mayor are: “You are just complaining, take it up civilly”. “This is not a Manchester problem”. She said it is a Manchester problem, because Manchester hasn’t enforced any ordinances against the developer or helped resolve issues. The City of Manchester has a moral and ethical responsibility, as well as liability, concerning this issue, because the City of Manchester gave the project final approval. She said it is obvious that some of the representatives for the City of Manchester care about outside developers more than the tax paying residents that voted them into office.

Dr. Keller stated she is here today to protect her property from damages caused from the negligence of the contractor and the City of Manchester.

Ms. Trish Gunby, 1406 Redwood Forest Drive, introduced herself as the democratic candidate for the House of Representatives, 99<sup>th</sup> District. She wanted to let everyone know the special election is on November 5.

Alderman Ben Toben thanked the Police Department for allowing elected officials and employees to go through a training simulator. This was a training simulator where you re-enact live situations that are very intense, split second decisions that can affect your life and the lives around you. It was an eye-opening experience. He wanted to thank the Manchester Police Department for all they do in the line of duty. They don’t have an easy job and we should be thanking them every single day.

## 6. REPORTS FROM THE MAYOR

### a. Mayoral Report

Mayor Mike Clement stated the Community Service Team worked last Wednesday evening at the Good Shepherd Church as part of a large regional effort to prepare meals that are packed and sent to third world countries where people are dying from hunger. He said there were 35 participants from the City of Manchester. He said they ended up packing 50 boxes of 36 meals in each box. The overall outcome which was completed was that over 972,000 meals were packed by about 3,000 volunteers. He said it was a lot of fun and also it allowed participants to contribute to a very important need.

Mayor Clement stated the St. Louis Symphony will be in concert on November 24 at the Manchester United Methodist Church. The cost is \$20 per seat. He said you can also get preferred seating for \$40.

Mayor Clement stated that he, along with Rebecca Pate, met with Chris Becker, who is the conductor of the Manchester Community Band which provides three wonderful summer concerts in Schroeder Park. He will be performing a winter concert on February 9 at 7:00 p.m. at the Manchester United Methodist Church.

Mayor Clement stated that he and Rebecca also met today, with a very talented local musician. On November 23 there will be a concert at 7:00 p.m. upstairs at City Hall. Rebecca also has a holiday stage reading upstairs at the Lyceum.

Mayor Clement wanted to recognize the art exhibit, “Prism” currently on display at the Justice Center meeting room. He stated that “Home of the Brave” is on display at the Parks, Recreation, and Arts building; the exhibit reception will be Friday, November 8

Mayor Clement discussed Dr. Johns and the massage parlor. He said he had met with a reporter, and then they toured the Veterans Memorial, the Parks Facility and drove through the Highlands.

Mayor Clement asked Planning and Zoning Director Rippetoe if she would like to remove the hold on Code Enforcement in regard to the previous flooding and citizens being able to park a recreational vehicle at the residences.

Director Rippetoe stated they no longer have the need for those special circumstances.

7. REPORTS FROM THE CITY ADMINISTRATOR

- a. List of Paid Bills (Warrant dates of October 6 - October 19, 2019)

There were no questions.

8. REPORTS FROM COMMITTEES

- a. Planning and Zoning Commission

Alderman Hamill stated there was a site plan for Journey Church; they want to build a new building slightly larger than the existing building. It was unanimously approved by the Commission.

Alderman Hamill stated there was also a site plan for a new car wash close to Vetta. The site plan was approved and the Special Use Permit was recommended. They will be appearing in front of Board of Aldermen.

- b. Homecoming Committee

Alderman Ottenad stated the Homecoming Committee met on October 9 at the Park Building for review of Homecoming 2019. They gave some totals. Beer and wine made \$15,000, half going to Manchester and half going to the Legion. Sales of soda showed a profit of \$1,356. The Car show had 69 entries and took in \$1,035 and 60 businesses donated \$7,102 in prizes. The City made \$1,542 on the main raffle, the doggy paddle took in \$1,450, booths and sponsors gave us \$9,950 and Luehr's Rides paid \$12,088.

Alderman Ottenad stated the next meeting will be held on Thursday, November 14 at the Parks Building at 6:30 p.m. She asked that attendees please bring theme ideas for next year.

Alderman Ottenad stated the Homecoming holiday party is Sunday, December 8 at Tucker's.

9. ACTION ON OLD BILLS

- a. AN ORDINANCE CLARIFYING ZONING REGULATIONS PERTAINING TO MEDICAL MARIJUANA

Alderman Huether read substitute Bill # 19-2387, entitled: "AN ORDINANCE APPROVING TEXT AMENDMENTS TO THE ZONING CODE OF THE CITY OF MANCHESTER PERTAINING TO MEDICAL MARIJUANA USES AS REQUIRED BY ARTICLE XIV OF THE MISSOURI CONSTITUTION", by title only.

Alderman Huether made the motion that Substitute Bill # 19-2387 become Ordinance # 19-2272. The motion was seconded by Alderman Ottenad.

A poll of the Board showed:

Alderman Huether - aye  
Alderman Nolte - aye  
Alderman Hamill - aye  
Alderman Toben - aye  
Alderman Baumann - aye  
Alderman Ottenad - aye

Mayor Clement announced the vote passed 6 - 0, with no objections from any members of the Board of Aldermen.

#### 10. INTRODUCTION OF NEW BILLS

##### a. RESOLUTION APPROVING ENGINEERING DESIGN SERVICES FOR CHANNEL B - 1521 MAUTENNE DRIVE - STREAM IMPROVEMENTS

Alderman Ottenad read proposed Resolution # 19-0709, entitled: "A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO ENTER INTO A CONTRACT WITH STOCK & ASSOCIATES CONSULTING ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED SIXTY THOUSAND DOLLARS (\$60,000.00) TO PROVIDE THE CITY WITH CONSTRUCTION DESIGN AND PERMITTING SERVICES FOR THE CHANNEL B - 1521 MAUTENNE - STREAM IMPROVEMENTS PROJECT IN THE CITY OF MANCHESTER", by title only.

Director of Public Works Bob Ruck stated he handed out a single sheet to everyone. It is a better copy of what is the Agenda Packet that did not print well. It is funded this year for design and construction for next year.

Alderman Ottenad made the motion for approval of Resolution # 19-0709. The motion was seconded by Alderman Hamill and carried unanimously, without any objection from members of the Board of Aldermen.

##### b. RESOLUTION APPROVING ENGINEERING DESIGN SERVICES FOR CHANNEL D STREAM IMPROVEMENTS

Alderman Nolte read proposed Resolution # 19-0710, entitled: "A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO ENTER INTO A CONTRACT WITH STOCK & ASSOCIATES CONSULTING ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) TO PROVIDE THE CITY WITH CONSTRUCTION DESIGN AND PERMITTING SERVICES FOR THE CHANNEL D - STREAM IMPROVEMENTS PROJECT IN THE CITY OF MANCHESTER", by title only.

Director of Public Works Bob Ruck stated he had handed out the exhibit which also didn't copy well in the packet. This is budgeted for design in 2020 and the work to be budgeted for 2021. He has asked for approval to start the design process, as this needs to be constructed next year. He said they are visiting with the Corps of Engineers the second week in November to look at the stream itself and how we should fix it, but also, we have limited expectations due to do bat-nesting trees. Any tree found in that area has a potential of being a bat-nesting tree which must be taken down from November 1 to March 31 before the bats return from the caves.

Mayor Clement said he has observed many of the bad channels in Ward Two, and this is at least as bad. He said there is one house that is probably within 10 feet of the creek channel, so it really needs to be moved up in a serious way.

Alderman Nolte made the motion for approval of Resolution # 19-0710. The motion was seconded by Alderman Hamill and carried unanimously, without any objections from the members of the Board of Aldermen.

c. RESOLUTION ACCEPTING A DEPARTMENT OF CONSERVATION TRIM GRANT

Alderman Ottenad read proposed Resolution # 19-0711, entitled: "A RESOLUTION ACCEPTING A TREE RESOURCE IMPROVEMENT AND MAINTENANCE (TRIM) GRANT FROM THE MISSOURI DEPARTMENT OF CONSERVATION IN AN AMOUNT NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR PROPER REIMBURSABLE COSTS INCURRED FOR THE HOWARD GEORGE DRIVE INVASIVE SPECIES TREE REMOVAL AND REPLACEMENT PROJECT, AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT THEREFOR", by title only.

Alderman Ottenad inquired if there is going to be a meeting to advise people why these trees are being taken down.

Director Ruck answered that letters will be sent out soon. The work won't start until December. The grant is for removal of evasive species, and ornamental pears have been qualified as an invasive species by the Missouri Department of Conservation. The Missouri Department of Transportation (MoDOT) had planted the trees along Howard George Drive. Howard George Drive is now in the jurisdiction of the City of Manchester. The City will be taking down invasive species in December, followed by planting native trees in the Spring.

Alderman Ottenad asked who will be removing the trees.

Director Ruck answered that Public Works will take down the trees, and the City will have a company come in to remove the stumps. When seedlings are removed, the City will get trees for that area from Forest Relief.

Alderman Ottenad said she wondered who is going to be watering the trees.

Director Ruck answered the specifications have not been drawn up yet for who will be watering the trees. It will either be the contractor or the Public Works Department.

Alderman Nolte asked about the kinds of trees to be planted.

Director Ruck answered that one kind is an Oak.

Alderman Huether stated she was excited about this, and she understands there will also be Black Gum Trees and Swamp White Oak.

Alderman Nolte asked about the size the trees will be when they are planted in the ground.

Director Ruck answered he believes they will be of mixed height.

Alderman Ottenad asked about the caliber and if there will be something put around the trees to protect them.

Director Ruck answered the trees will be 2" plus caliber, and there will be tubing put around the trunks.

Alderman Huether asked if something went in the Manchester Message from the Tree Board. She asked if at some point the City was going to invest in signs to put on site.

Director Ruck answered it is in the Manchester Message. He stated he is not opposed to the signs. He said the Conservation Department is always looking for PR for what they have done for the community.

Alderman Ottenad made the motion for approval of Resolution # 19-0711. The motion was seconded by Alderman Hamill and carried unanimously, without objections from any member of the Board of Aldermen.

d. BILL APPROVING BOUNDARY ADJUSTMENT/EASEMENT VACATION ON FOREST SUMMIT COURT

Alderman Hamill introduced Bill # 19-2388, entitled: "AN ORDINANCE APPROVING THE BOUNDARY ADJUSTMENT PLAT AND EASEMENT VACATION PLAT FOR A TRACT OF LAND BEING PART OF LOT 15 OF TAYLOR HEIGHTS AND A TRACT OF LAND IN SECTION 6, TOWNSHIP 44 NORTH RANGE 5 EAST AND SECTION 31, TOWNSHIP 45 NORTH RANGE 5 EAST, ALSO KNOWN AS VILLA PINES SUBDIVISION, IN THE CITY OF MANCHESTER, MISSOURI, SUBJECT TO CERTAIN CONDITIONS", by title only.

No further action at this time.

e. BILL AUTHORIZING ISSUANCE OF TIF REVENUE BONDS - HIGHWAY 141/MANCHESTER ROAD - AND AUTHORIZING AND APPROVING CERTAIN DOCUMENTS AND ACTIONS

Alderman Toben introduced Bill # 19-2389, entitled: "AN ORDINANCE OF THE CITY OF MANCHESTER, MISSOURI, AUTHORIZING THE ISSUANCE OF TAX INCREMENT REFUNDING REVENUE BONDS (HIGHWAY 141/MANCHESTER ROAD

PROJECT), SERIES 2019; AND AUTHORIZING AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH”, by title only.

Alderman Toben stated that emergency legislation had been requested, so he made the motion for approval of emergency legislation. The motion was seconded by Alderman Hamill, and carried unanimously, without any objection from members of the Board of Aldermen.

Alderman Toben read for the second time Bill # 19-2389, entitled: “AN ORDINANCE OF THE CITY OF MANCHESTER, MISSOURI, AUTHORIZING THE ISSUANCE OF TAX INCREMENT REFUNDING REVENUE BONDS (HIGHWAY 141/MANCHESTER ROAD PROJECT), SERIES 2019; AND AUTHORIZING AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH”, by title only.

Alderman Toben made the motion that Bill # 19-2389 become Ordinance # 19-2273. The motion was seconded by Alderman Hamill.

A poll of the Board showed:

Alderman Baumann - aye  
Alderman Ottenad - aye  
Alderman Huether - aye  
Alderman Nolte - aye  
Alderman Hamill - aye  
Alderman Toben - aye

Mayor Clement announced the vote passed 6 - 0, with no objections from the Board.

## 11. MISCELLANEOUS

### a. Comments from the Public

Mr. Robert Lopez, 1302 Mautenne, asked if the TRIM grant is a yearly grant or a one-time grant.

Director Ruck answered it is a yearly grant.

Mr. Lopez asked if the City of Manchester is responsible for the pears on La Bonne Parkway.

Mayor Clement answered the subdivision is responsible.

Mr. Hal Roth, 48 Pas Drive, asked if the only trees being removed are the single row.

Mayor Clement answered affirmatively that it is only the single row.

Mr. Roth asked if it was on private property.

Mayor Clement answered it is not private property; it is City right-of-way.

Director Ruck added that MoDOT transferred that property to the City.

Mr. Roth re-stated that the trees are on former MoDOT right-of-way which was transferred to the City of Manchester.

12. ADJOURNMENT

At 8:12 p.m., there being no further business, Alderman Hamill made the motion to adjourn. The motion was seconded by Alderman Nolte and carried unanimously, without any objections from the members of the Board of Aldermen.

The meeting adjourned at 8:12 p.m.

Respectfully submitted,

Ruth E. Baker, MMC/MPCC  
City Clerk

**Note:** This is a journal of the Board of Aldermen meeting held Monday, October 21, 2019 (summary); not a verbatim transcript. If a recording of the meeting is desired, please contact City Hall.