



**MINUTES OF THE PUBLIC HEARING OF
MONDAY, JUNE 2, 2014
AT 200 HIGHLANDS BOULEVARD DRIVE
REGARDING A PROPOSED TEXT AMENDMENT
TO ALLOW MOBILE BUSINESSES IN THE CITY**

Mayor David L. Willson called the Public Hearing of the Board of Aldermen to order at 7:00 p.m.

Roll call showed those present were Alderman Clement, Alderman Stevens, Alderman Ottenad, Alderman Schrader, Alderman Diehl, Mayor Willson and Attorney Gunn. Alderman Hamill was absent. A quorum was present.

The following notice of the public hearing was then read:

“The City of Manchester Board of Aldermen shall hold a public hearing on Monday June 2, 2014 at 7:00 p.m. at the Manchester Police Facility, 200 Highlands Boulevard Drive, to consider the following:

CASE #14-TXT-002 – A text amendment is proposed to add a definition of “mobile business” and to add mobile businesses to the list of permitted uses in the R-1 Single Family Residential Zoning District.”

Mayor Willson 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.

Director of Planning, Zoning, and Economic Development Franz Kraintz spoke as a proponent. He stated that with the advent of the summer park concert series and the popularity of food truck and other mobile businesses in the community, staff recognized that a text amendment is required for the Code to allow this commercial operation in the park. This matter was taken up by the Planning and Zoning Commission a number of meetings ago, and they arrived at the point where the Parks Department would have control allowing those types of mobile businesses in the Park.

Director Kraintz stated it is important to control the use, but to allow the use of mobile businesses in the park. This amendment will be confined only to the park, and it makes provisions for the on-going commercial operations related to the vendors and amusement rides for Manchester Homecoming.

There were no opponents, no questions from the public, and no comments from the Board of Aldermen.

Alderman Clement stated that the Planning and Zoning Commission was unanimous in the recommendation of the passage of this text amendment.

Mayor Willson closed the public hearing at 7:07 p.m.

Respectfully submitted,

Ruth E. Baker, CMC/MRCC
City Clerk

Note: This is a journal of the Public Hearing held June 2, 2014 regarding the Proposed text amendment to allow mobile businesses in the City, (summary); not a verbatim transcript. If a recording of the public hearing is desired, please contact City Hall.



**MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING
OF MONDAY, JUNE 2, 2014
AT 200 HIGHLANDS BOULEVARD DRIVE**

1. CALL TO ORDER

Mayor David L. Willson called the Regular Board of Aldermen meeting to order at 7:07 p.m.

2. ROLL CALL AND STATEMENT OF QUORUM

Roll call showed those present were Alderman Clement, Alderman Stevens, Alderman Ottenad, Alderman Schrader, Alderman Diehl, Mayor Willson and Attorney Gunn. Alderman Hamill was absent. A quorum was present.

3. APPROVAL OF THE MINUTES

a. Minutes of the May 19, 2014 Regular Board of Aldermen meeting

Alderman Clement made the motion to approve the Minutes of the Monday, May 19, 2014 Regular Board of Aldermen meeting. The motion was seconded by Alderman Ottenad and carried 5 – 0, with no objections.

4. ESTABLISHMENT OF ORDER OF ITEMS ON THE AGENDA

Alderman Ottenad made the motion to approve the order of items on the agenda as written. The motion was seconded by Alderman Clement and carried 5 – 0, with no objections.

5. CONSIDERATION OF PETITIONS AND COMMENTS FROM THE PUBLIC

a. Presentation from RNA Worldwide

Ms. Laura Bezona, owner of RNA Worldwide, stated that three years ago, the City of Manchester allowed RNA Worldwide to start working with them in the recycling events and they have not gone under 10,000 pounds per event, one being 20,000 pounds in September of last year. Mr. Eric Jacobson of RNA Worldwide stated that in 2013 there were 145,377 ½ pounds of electronic waste not going into a landfill.

Ms. Bezona stated that they are now an R-2 certified recycler; there are about 1 in 10 in Missouri and 1 in 25 in Illinois.

Alderman Ottenad asked what the most common item they receive is.

Mr. Jacobson responded that the most common items are televisions, computers and printers. They do receive everything from curling irons and toasters to refrigerators and everything in between.

Ms. Bezona added that they also take metal items, such as golf clubs.

Ms. Bezona and Mr. Jacobson presented a check for \$500 to the City of Manchester for the luncheon for residents who have lived in the City for 50 or more years.

b. Presentation of Audited Financial Statements

Mr. Eric Stopp of Nichols, Stopp and Vanhoy, stated that they performed the 2013 audit for the City, and the audit went well. He said this is their first year performing the audit for the City. There were a couple struggles, and there was also a new software system that the City staff was getting used to. He said staff worked well with them and presented information in a timely manner.

Mr. Stopp identified the four different types of opinions they can issue as auditors, and “unmodified”, the best a City could receive, that is what has been issued. There is nothing in the financial statements that they disagree with.

Mr. Stopp advised that the “Statement of Net Position” is an overview of the City overall, all funds merged together, full-accrual financial statements. There were a few major changes from 2012, but overall there were not any huge changes regarding assets, liabilities, revenues and expenditures in the City; however, there were some changes to note. He said unrestricted cash and cash equivalence decreased by \$1.5 million compared to 2012, also the taxes receivable increased by close to \$1 million.

Mr. Stopp stated the City invested quite a bit in capital assets during the year and had an increase of \$2.3 million in capital assets before depreciation expense. This came to an increase in total assets in 2013 of \$380,000 compared to 2012, and there was a decrease in accounts payable of \$90,000 last year. There was quite a bit of debt paid off in bonds; there was a decrease of \$2.4 million on long-term debt during 2013.

Mr. Stopp advised that the Statement of Activities is a government-wide financial statement, which looks at revenues and expenditures; it is an overview of all funds. He discussed increases in expenditures and increases in revenues, and said the net income end of year was about \$3 million, about \$338,000 higher than 2012. He advised that the big picture is that the City did well for 2013.

Mr. Stopp advised that overall the City’s fund situation increased over the year, and it was a good year, although certain funds did well and others did not do as well.

Mr. Stopp stated that there was a large increase in the Tax Increment Financing (TIF) fund during the year. Revenues increased greatly there and that is a big reason why the receivables are higher, due to the TIF fund. He stated that the General Revenues fund didn’t do as well; there was an increase in total revenue in the General Revenues fund of about \$290,000, but there were

expenditures of \$638,000 before transfers in. Mr. Stopp said that the balance sheet of government funds shows 6 ½% of cash reserve compared to total budget expenditures for the year and about 1% in capital projects (discretionary spending). He stated that the General Revenue fund is in a weak cash position as an individual fund; there is a need to focus on that fund and get more reserves built up. He said the offset was the major gains in the TIF fund, where the City did well, and it brought those numbers up. Mr. Stopp advised that overall the City is in a good position, he just thinks the cash reserve balance needs to be bolstered. He said that the revenues and expenses themselves were flat for the year; there were no huge changes compared to 2012.

Mr. Stopp said he wanted to discuss the TIF fund and the effect it has on the City's financial statements. He said the Statement of Net Position shows a negative \$14.5 million, and this looks poor, but what the elected officials, management, and public need to realize is that the TIF fund and the Statement of Balance of Government Funds shows a positive \$14.5 million balance. At first look at the financial statements, there is a TIF fund and the debt related is what makes the financial statements look poor government wide. He said there is a \$29 million swing and this all has to do with the TIF debt. Government Funds financial statements do not report the long term debt, so that is why there is the large positive fund balance. Mr. Stopp said the debt is being paid back from the Manchester Highlands TIF, so even though the obligation is on the City's books, revenue is being received from another district to help pay for that.

Mr. Stopp discussed compensated absences on the Government Fund and the Government-wide Financial Statement. He said the Generally Accepted Accounting Principles says that this shouldn't be reported on the Government Fund Statement, but there is no pervasive effect on the financial statements.

Mr. Stopp said there are no material weaknesses, but of note, there is a deficiency in internal controls where the City exceeded the budget in the TIF fund. He added that due to the nature of that fund, it is hard to budget because it is unknown what is going to come in.

Mr. Stopp stated his recommendation is to have a formalized accounting procedures and policies manual approved by the Board and implemented in 2014, a finance committee/audit committee should be formed – usually composed of someone with a strong financial background (accountants, bankers), and he would like to see more detail in executive session minutes, hard for him to decipher what was taking place in those meetings, but there was no violation of the State Statutes.

Alderman Clement asked if Mr. Stopp would tie together reasons why the General Fund is not strong as noted in the Management Discussion and Analysis. Mr. Stopp explained that the unaudited "Management Discussion and Analysis" was not prepared by the auditors; it was prepared by the Director of Finance and the City Administrator. Mr. Stopp detailed the portion of the audit report that was written or prepared by his firm and audited by them.

Alderman Ottenad asked about information for the public to follow. Director Tuberty stated the City hasn't previously had a slide show, and Alderman Ottenad suggested they think about that for next time.

Alderman Clement asked about the recommendation of a Finance Committee and asked about the Finance Committee's responsibility. Mr. Stopp suggested that the City have a committee to meet and go over the financial statements frequently and discuss their findings with the Aldermen.

Alderman Clement stated he was concerned about the time frame for this audit since it is now June.

Mr. Stopp stated it is more of a history lesson because they are several months old; that is part of the nature of audited financial statements. Mr. Stopp advised there is a two month lag before they can begin their field work after the end of the fiscal year.

c. Discussion regarding the City's phone system

Alderman Ottenad said she had asked that this item be placed on the agenda. She explained that the problems started about four to six weeks ago when she had trouble, and she still is not getting voicemail messages from City Hall, and besides not being able to get messages when she was calling, sometimes the message was not correct. When she would call back and enter the employee's extension number, she would be cut off.

Alderman Ottenad stated the problem still exists. She tried to have a phone conversation with Code Enforcement Officer Dave Fox with no luck until he used his cell phone. No one has called her to see if things are getting better. She said she feels the City cannot keep up like this.

Sergeant Ed Skaggs stated they have been trying to figure out what the problem is on her end. One of the problems is they can't determine if it is her phone/line or the City of Manchester's phone lines.

Alderman Ottenad's response was that it can't be her answering machine, because she gets everyone's messages except City Hall.

Sergeant Skaggs stated people have tried with cell phones to contact Alderman Ottenad and have had problems. He said the bulk of the problem is poor quality calls, and Charter has acknowledged it and they have been replacing lines.

Alderman Stevens inquired if it would be in the best interest of the City to have contracted help, because he cannot do both jobs.

Sergeant Skaggs stated in this case, he has forwarded the problem on to Metropark.

d. Liquor License Renewals

1. Costco Wholesale
2. Debz Corner
3. Dierberg's, with wine tasting permit
4. Discount Liquors
5. El Maguey
6. El Nopal
7. Gabi's Wine and Spirits
8. India's Kitchen
9. Lazy River Grill
10. Manchester Athletic Association
11. Manchester Shell
12. Manee Thai

13. Monsoon Vietnamese Restaurant
14. Petro Mart # 62 – Manchester Road
15. Petro Mart # 73 – Meramec Station Road
16. Randall’s Wine and Spirits, with wine tasting permit
17. St. Joseph Church
18. Tucker’s Place West
19. Walgreens
20. Walmart
21. Walter Le Pere American Legion Post 208
22. Westchester Tennis & Sports Center

Alderman Clement made the motion to approve the above mentioned liquor licenses. The motion was seconded by Alderman Schrader and carried, with no objections.

e. Comments from the Public

Ms. Pauline Bair, 305 Morewood Drive, asked about pending lawsuits, and Attorney Gunn stated there are none at this time.

Ms. Bair stated there are many empty retail spaces that need to be filled. She wonders if anyone is actively working on doing that.

Ms. Bair asked why \$10,000 is being spent for tile for the police facility for flooring in a building that is only five years old.

Mayor Willson responded that the tile is replacing the carpet that was originally put down in the Sergeants’ office area.

6. REPORTS FROM THE MAYOR

a. Mayoral Report

Mayor Willson reported on attending the May 20th Public Works Department luncheon at Tucker’s; attending on May 22nd the Metro Mayors’ meeting where the discussion was about immigration and entrepreneurship, and on May 29th he attended the Special Olympics event at Tucker’s Place West Restaurant.

Mayor Willson reported on the evening of May 29th, he, along with City Administrator Hixson, attended the Municipal League event; on May 30th he attended the employee luncheon, and there was an Eagle Scout Proclamation presentation on June 1. He also did some park visits and met with people hosting four graduations, and the Molina family reunion.

Mayor Willson stated he, along with City Administrator Hixson, were told they had to go to the Municipal League Dinner because the City of Manchester was going to receive an award. He outlined the categories, and Manchester was awarded the Legislative Leadership Award, which is significant for a City our size; it’s a real testament. The award was for the Ordinances of no texting while driving, the funeral protest issue, and the situation in regard to selling pseudoephedrine.

Mayor Willson stressed the importance of municipal government, and said that Manchester is on the forefront.

7. REPORTS FROM THE CITY ADMINISTRATOR

a. List of Paid Bills (Warrant dates of May 19 – May 30, 2014)

There were no questions.

8. REPORTS FROM COMMITTEES

a. Planning and Zoning Commission

Alderman Clement stated there is an agenda for next Monday, so there will be a meeting then.

b. Historic Review Commission

Alderman Diehl stated there is no meeting scheduled at this time.

c. Homecoming Committee

Alderman Ottenad stated that the Committee has not met, but there is a meeting scheduled for June 11, at which time the annual Homecoming Pictures will be taken. There also will be a potluck dinner.

d. Manchester Arts

Alderman Stevens advised that two artists have begun the process of painting the traffic boxes. Public art is evolving in Manchester. This is another example of making the City of Manchester unique.

Alderman Clement reminded all of the Community Band Concert on June 14.

9. ACTION ON OLD BILLS

a. There were none.

10. INTRODUCTION OF NEW BILLS

a. BILL AMENDING THE CODE OF ORDINANCES IN REGARD TO STRUCTURES WHERE METHAMPHETAMINE HAS BEEN PRODUCED

Alderman Schrader introduced Bill # 14-2190, entitled: "AN ORDINANCE AMENDING TITLE V OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER, MISSOURI, BY ENACTING A NEW CHAPTER 525, SECTIONS 525.010 - 525.100 TO REQUIRE THE DECONTAMINATION OF CERTAIN STRUCTURES AT WHICH METHAMPHETAMINE HAS BEEN PRODUCED", by title only.

Alderman Stevens asked if someone just vacates the property.

City Attorney Patrick Gunn answered they have a provision that references some building codes. It says the City can serve a notice and proceed and may declare the structure as unsafe.

Alderman Ottenad asked if there was something that brought this to the forefront right now.

City Attorney Gunn answered there is no incident that happened other than realizing the City has this ordinance that prohibits the sale, but now there is a need for an ordinance that sets up a process for decontaminating buildings/residences where the methamphetamine has been manufactured.

Alderman Ottenad asked how many houses currently would be affected by this.

City Attorney Gunn responded that he was not aware of any currently.

Alderman Clement asked if this is driven by federal or state models.

Attorney Gunn answered that there was discovery that the City doesn't have a process for decontamination.

Chief of Police Timothy Walsh stated the point is that if an incident occurs at a residence in town and you were a neighbor, you would not want to see the yellow police tape everywhere. The City should have something in place for cleanup.

No further action at this time.

b. **BILL APPROVING TEXT AMENDMENT TO CODE TO ALLOW MOBILE BUSINESSES IN THE CITY**

Alderman Clement introduced Bill # 14-2191, entitled: "AN ORDINANCE AMENDING SECTIONS 405.060 and 405.170(A) OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER TO ALLOW CERTAIN USES IN THE "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT", by title only.

Alderman Clement made the motion that emergency legislation be granted for this Bill. The motion was seconded by Alderman Ottenad and carried with no objections from the Board.

Alderman Clement read for the second time Bill # 14-2191, entitled: "AN ORDINANCE AMENDING SECTIONS 405.060 and 405.170(A) OF THE CODE OF ORDINANCES OF THE CITY OF MANCHESTER TO ALLOW CERTAIN USES IN THE "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT", by title only.

Alderman Clement made the motion that Bill #14-2191 become Ordinance #14-2073. The motion was seconded by Alderman Ottenad.

A poll of the Board showed:

Alderman Hamill - absent
Alderman Diehl – aye
Alderman Schrader – aye
Alderman Ottenad – aye

Alderman Clement – aye
Alderman Stevens – aye

Mayor Willson announced that the motion passed 5 - 0, with no objections and one absentee.

11. MISCELLANEOUS

a. Comments from the Public

Mr. Robert Lopez, 1302 Mautenne, asked about having an article in the newsletter about people needing to pick up their animal waste.

12. EXECUTIVE SESSIONS

a. Closed Session: Pursuant to Section 610.021 (2) of the Revised Statutes of the State of Missouri pertaining to the leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore.

Alderman Diehl made the motion to go into Closed Session: Pursuant to Section 610.021 (2) of the Revised Statutes of the State of Missouri pertaining to the leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore. The motion was seconded by Alderman Schrader.

A poll of the Board showed:

Alderman Diehl – aye
Alderman Schrader – aye
Alderman Ottenad – aye
Alderman Clement – aye
Alderman Stevens – aye
Alderman Hamill - absent

Mayor Willson announced that the motion passed 5 - 0, with no objections and one absentee.

b. Closed Session: Pursuant to Section 610.021 (12) of the Revised Statutes of the State of Missouri pertaining to discussing sealed proposals and related documents, or other documents related to a negotiated contract until a contract is executed, or all proposals are rejected.

Alderman Diehl made the motion to go into Closed Session: Pursuant to Section 610.021 (12) of the Revised Statutes of the State of Missouri pertaining to discussing sealed proposals and related documents, or other documents related to a negotiated contract until a contract is executed, or all proposals are rejected. The motion was seconded by Alderman Clement.

A poll of the Board showed:

Alderman Schrader – aye
Alderman Ottenad – aye
Alderman Clement – aye

Alderman Stevens – aye
Alderman Hamill – absent
Alderman Diehl - aye

Mayor Willson announced that the motion passed 5 - 0, with no objections and one absentee.

13. ADJOURNMENT

At 9:45 p.m., after the closed sessions, there being no further business, Alderman Clement made the motion to adjourn. The motion was seconded by Alderman Ottenad and carried unanimously, without objection. The meeting adjourned at 9:45 p.m.

Respectfully submitted,

Ruth E. Baker, CMC/MRCC
City Clerk

***Note:** This is a journal of the Board of Aldermen meeting held June 2, 2014 (summary); not a verbatim transcript. If a recording of the meeting is desired, please contact City Hall.*