

**FESTUS CITY COUNCIL  
PUBLIC HEARING  
Appeal of Liquor License Denial – Rajpreet Manchanda  
February 22, 2021  
5:00 p.m.**

The public hearing for the request to appeal the decision of the City Council to deny a liquor license application for 310-314 West Main Street was called to order at 5:00 p.m. by Mayor Sam Richards.

Present in the Council chambers: Mayor Richards, City Administrator Greg Camp, City Clerk Kerry Patek, Councilmembers Dave Boyer, Mike Cook, Bobby Venz and Gary Underwood, Public Works Director/Asst. City Administrator Matt Unrein, Police Chief Tim Lewis, Police Detective Lewis Pippin.

Present via Zoom: City Attorney Larry Wadsack, Councilmembers Kevin Dennis, Kyle Wilkey and Brian Wehner. Present via Zoom for the applicant: Rajpreet Kaur Manchanda, Jaspal Ghandi, Jaspit Ghandi and Jason Miltenberger.

Mayor Richards informed everyone that there was one hour scheduled for the hearing and at 6:00 p.m. the City Council was scheduled for their regular meeting. Mayor Richards stated that if the hearing runs more than one hour a time would be rescheduled when the hearing could be completed.

Mayor Richards informed Rajpreet Manchanda that since she was the applicant she would be allowed to speak and call witnesses.

City Attorney Larry Wadsack began the hearing introducing Exhibits 1-9 into the record.

City Attorney Larry Wadsack instructed City Clerk Patek to swear in witnesses as they appear.

First witness for the City was Police Detective Lewis Pippin. Mr. Wadsack questioned Mr. Pippin on the procedures he used to perform the background check on the liquor license application submitted by Rajpreet Manchanda. Mr. Wadsack questioned Mr. Pippin on his findings from the background check. Mr. Pippin stated he did a basic background check as is done on all liquor license applications. Mr. Pippin shared his findings.

Second witness for the City was Police Chief Tim Lewis. Mr. Wadsack asked Mr. Lewis how long he had been Festus Police Chief and Mr. Lewis responded 22 years. Mr. Wadsack asked Mr. Lewis if he was the Director of Liquor Control for the City of Festus and Mr. Lewis responded "yes" he was.

Mr. Wadsack questioned Mr. Lewis on his reasons for recommending denial of the application for liquor license submitted by Rajpreet Manchanda. Mr. Lewis stated his reasons were as follows:

- Location is not suitable for a package liquor store
- Parking and ingress and egress would be a problem
- Will be a tax on his department with only 3-5 officers on a shift to cover the entire City
- Based on the information in the background check, inability of applicant to maintain order at the other locations they own
- Spoke with Police Chief of Ferguson, Missouri about another location owned by the applicant

Mr. Wadsack asked Chief Lewis if he believed the liquor license should be denied and Chief Lewis responded "yes" the liquor license should be denied.

Rajpreet Manchanda stated that this application is for a liquor store only and not a gas station that sells liquor. Ms. Manchanda stated she felt her application should not be denied and that she has been in business for 20 years and no one has ever questioned her moral character. Ms. Manchanda asked Chief Lewis if he was familiar with the Ferguson riots. Chief Lewis stated "yes" he was familiar with the Ferguson riots.

The third witness called on behalf of the City of Festus was Matt Unrein, Public Works Director/Assistant City Administrator. Mr. Wadsack questioned Mr. Unrein regarding his former employment and in what capacity it was with the City of Ferguson. Mr. Unrein replied he was formerly the Public Works Director/Assistant City Administrator of Ferguson, Missouri. Mr. Unrein stated in that capacity he was involved with liquor license applications, inspections of businesses, etc. Mr. Unrein stated that the business in Ferguson had been seen to have trash/debris on the lot, the business also provided check cashing services without a permit. Mr. Unrein did not feel the site in Festus was good for a liquor store due to its location and limited parking and ingress and egress onto Main Street.

City Attorney then stated that the City of Festus rests their case.

Rajpreet Manchanda was asked to call her witnesses.

First witness for Ms. Manchanda was Jason Miltenberger. Mr. Miltenberger stated he is the fuel provider for the businesses owned by Ms. Manchanda. Mr. Miltenberger stated that he did not feel the City of Festus should be compared to the City of Ferguson as the crime rates were much different. Mr. Miltenberger stated that in his opinion Ms. Manchanda and her family are hard working people and he has helped them and that he does not feel they are being viewed fairly in this situation.

Second witness for Ms. Manchanda was Jaspal Ghandi. Mr. Ghandi discussed the differences between Festus and Ferguson. Mr. Ghandi stated when they moved to Ferguson from Atlanta they were unaware of the high crime rate. Mr. Ghandi stated people sell drugs in the parking lot, etc. and that they have instructed their employees to call 911 when they see illegal activity occurring. Mr. Ghandi stated that was the reason for the high number of police calls at their businesses because of the high crime area they are located in. Mr. Ghandi addressed the trash issue stating that because of it being a Phillips 66 station that the Phillips company inspects it monthly and they require a certain standard or they would pull their logo.

Third witness for Ms. Manchanda was Jasprit Ghandi. Mr. Ghandi stated that he had managed the store on Chambers Road for the last three years and in that time he has been assaulted, had a gun pulled on him and numerous calls to the police due to the high crime area.

Rajpreet Manchanda thanked everyone for listening to her appeal. Ms. Manchanda referred to documents in the background check which showed a case in her name with the Missouri Department of Labor regarding a balance due. Ms. Manchanda stated it was a miscommunication that she was unaware of and that the matter had been cleared up. Ms. Manchanda stated she and her family work hard from 5 a.m. until 10 p.m. operating their businesses and she asked if the City would consider a trial liquor license for the Main Street location.

City Attorney Larry Wadsack stated that the judgement regarding the Missouri Department of Labor and Ms. Manchanda was satisfied and that he had no other questions and that there were no further witnesses.

Councilman Cook asked how a liquor store fits into the downtown historic area plans. City Administrator Greg Camp stated allowing a liquor store at that location would be a departure from the plans for the downtown revitalization efforts.

**Councilman Cook made a motion to deny the liquor license for 310-314 Main Street. Motion was seconded by Councilman Boyer. Vote to uphold the denial of the liquor license was as follows: (Deny) Councilmembers Cook, Boyer, Dennis, Tinnin, Venz; (Allow) Councilmember Wilkey; (Abstain) Councilman Wehner.**

Mayor Richards then closed the public hearing.

**FESTUS CITY COUNCIL  
MEETING MINUTES  
February 22, 2021  
6:00 p.m.**

The City Council of the City of Festus, Missouri met in regular session on February 22, 2021 at 6:00 p.m. The following Council members were present for roll call in the Council chambers: Bobby Venz, Gary Underwood, Dave Boyer, Mike Cook; and the following Council members were present via Zoom: Kevin Dennis, Brian Wehner, Jim Tinnin and Kyle Wilkey; Absent: none. Mayor Samuel F. Richards presided over the meeting. Also present in the Council chambers were Finance Director Stephanie Cunningham, City Clerk Kerry Patek, Public Works Director Matt Unrein, Treasurer Lori Eisenbeis, Fire Chief Kevin Cremer, Police Chief Tim Lewis, and City Administrator Greg Camp. City Attorney Larry Wadsack and Building Official Mark Harris were present via Zoom.

Council, staff, etc. then said the Pledge of Allegiance.

**Amendment to Agenda**

Councilman Cook made a motion to amend the agenda and add item B. Salt under bids, seconded by Councilman Wehner. Motion was approved by the following votes: Ayes – Boyer, Underwood, Wehner, Wilkey, Dennis, Venz, Cook and Tinnin; Nays – none.

**Approval of Consent Agenda**

Mayor Richards announced the bills were in the amount of \$130, 904.86. Motion to approve the bills, minutes of the Council Meeting of February 11, 2021 was made by Councilman Cook, seconded by Councilman Boyer and approved by the following votes: Ayes – Boyer, Wehner, Dennis, Venz and Cook; Nays – none.

**Correspondence** - none

**Visitors**

No visitors were allowed in the building due to the emergency order regarding the coronavirus and no visitors requested to be heard via the City website.

## **Bids**

### **Light Pole American Legion Drive – Public Works**

Public Works Director Matt Unrein requested permission to replace the decorative light pole at the intersection of American Legion Drive and South Mill Street which has been knocked down by an uninsured driver. Mr. Unrein stated this is the fourth time this light pole has been knocked down and that he would like to try replacing it one more time before removing it permanently. The cost for this repair is \$7,695.00 which is not covered by insurance. **Councilman Dennis made a motion to repair the light pole on American Legion Drive, seconded by Councilman Wehner. Bid was approved by the following votes: Ayes: Boyer, Underwood, Wehner, Wilkey, Dennis, Venz, Tinnin and Cook; Nays – none.**

### **Salt – Public Works**

Public Works Director Matt Unrein requested permission to purchase 600 more tons of salt at a cost of \$48,450. Mr. Unrein stated that reserves were being depleted due to the severe weather we have had this winter. Mr. Unrein stated that \$40,000 was budgeted so we would be slightly over budget. **Councilman Tinnin made a motion to purchase 600 tons of salt, seconded by Councilman Boyer. Bid was approved by the following votes: Ayes: Boyer, Underwood, Wehner, Wilkey, Dennis, Venz, Tinnin and Cook; Nays – none.**

## **Ordinances and Resolutions**

**Bill No. 4620** – An Ordinance of the City Council of the City of Festus, Missouri; Vacating an Easement located in Caspers Plat 2 Lot 1 and 2 (1865 Gamel Cemetery Road), as described in Exhibit "A" attached hereto; and establishing an effective date. City Clerk Patek read Bill No. 4620 for the first time. Mayor Richards called for discussion. Building Official Mark Harris gave a staff report. **Councilman Cook made a motion to read Bill No. 4620 for the second time, motion seconded by Councilman Boyer. Motion carried unanimously. City Clerk Patek read Bill No. 4620 for the second time. Bill No. 4620 was approved by the following votes: Ayes - Council Members Boyer, Underwood, Dennis, Wehner, Cook, Wilkey, Tinnin and Venz; Nays - none. Mayor Richards declared Ordinance No. 4620 passed.**

## **New Business**

City Administrator Camp shared a Certificate of Appreciation from the Bureau of the Census on the performance of the City of Festus in the Decennial count.

## **Old Business** - none

### **Reports**

Councilman Boyer – Asked Greg Camp about the S. Third St. stormwater project. Greg Camp provided an update on this project.

Councilman Venz – Asked about the boys on four wheelers cleaning snow off Main Street. Matt Unrein stated they were not city employees. Greg Camp stated those vehicles are not legal on our streets, however, it was probably some of the businesses on Main Street having it done so customers could get into their business.

Councilman Underwood – Commended the street crews on a good job clearing the streets.

Councilman Cook – Asked Greg Camp to look into a trash service issue for Kessy Morris. Commended the Street, Fire and Police Departments for a good job during the snow storm.

Councilman Boyer – Thanked public works for a good job on snow removal.

Councilman Wilkey – Thanked all City employees for a good job keeping the City running during the snow storm.

Councilman Tinnin – Asked Matt Unrein about the streets. Matt Unrein provided an answer for Mr. Tinnin.

Councilman Dennis – Thanked the employees for getting us through the snow storm last week and thanked Matt Unrein on the good job his department did. Asked about Dunkin Donuts. Mark Harris stated they were issued a permit last week. Asked if we were going to repaint the lines around the loop in Larry Crites Park. Greg Camp stated that it will either be added to the street striping bids or we will do the work inhouse.

Councilman Wehner – Asked Matt Unrein to take a look at the potholes on Sunshine. Thanked Comtrea for their vaccination efforts. Thanked Greg Camp and Mike Cook for working on the S. Third St. stormwater project. Commended all the workers for a good job during the snow storm.

Mayor Richards – Thanked the street and water departments for their hard work during the snow storm last week. Stated there was not only snow removal but several water breaks that had to be repaired during the frigid temperatures. Stated he stopped by the water line break near Ruby Tuesdays to let the crews know they were appreciated. Stated he was glad that everyone was starting to get vaccinated, however, urged people to still be diligent about wearing a mask, social distancing, etc.

Councilman Boyer – Asked if a big mirror could be put up behind the Ball Barn as the view coming out onto the street is obstructed. Matt Unrein stated he would look into it.

Mayor Richards – Stated he appreciated everyone’s participation this evening for the public hearing regarding the liquor license appeal.

**Adjournment** Councilman Cook made a motion to adjourn, seconded by Councilman Underwood. On a call by the chair the motion carried unanimously. Meeting adjourned.