

THE CITY OF CLAYTON

Board of Aldermen Meeting
Virtual Zoom Meeting
January 25, 2021
7:00 p.m.

Minutes

NOTE: In accord with the provisions of Section 610.015, RSMo., and multiple declarations of emergency at every level of government, and the prohibition on gatherings of 10 or more persons due to the Coronavirus pandemic, normal requirements for voting in the Board meeting were suspended. Accordingly, votes were taken as if all Board members were physically present and in attendance at the meeting.

Mayor Harris called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Rich Lintz, Ira Berkowitz, Bridget McAndrew, Susan Buse, Becky Patel, and Gary Feder.

Mayor Harris
City Manager Gipson
City Attorney O'Keefe

**Motion made by Alderman McAndrew to approve the January 11, 2022, minutes.
Alderman Berkowitz seconded.**

Motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

A PUBLIC HEARING AND A RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT FOR A RESTAURANT LOCATED AT 6451 CLAYTON ROAD (DEMUN POINTE)

Mayor Harris opened the public hearing and requested proof of publication.

City Manager Gipson reported that Rick Hetzel, Restaurant Manager, requested a conditional use permit for the operation of a casual restaurant at 6451 Clayton Road (DeMun Pointe), Unit 103. The restaurant space measures approximately 1,400 square feet. The proposed hours of operation are 7AM-8PM, Monday through Friday, and 8AM-6PM, Saturday and Sunday. The business will occupy a portion of the first floor and is in the center of the building. The restaurant will have a total of 28 seats, 14 seats indoors and 14 seats in the proposed outdoor dining area.

Parking spaces will be available in the building's garage. Deliveries to the restaurant through the rear entrance of the lease space during normal hours of operation.

The Plan Commission considered this request at its January 4, 2022, meeting and voted unanimously to recommend approval.

Mayor Harris closed the public hearing.

Motion made by Alderman Lintz to approve Resolution No. 2022-03, a Conditional Use Permit for RLH Fresh Healthy #3 LLC d/b/a Fresh Healthy Cafe located at 6451 Clayton Road (DeMun Pointe). Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO CONSIDER APPROVING THE SALE OF GENERAL OBLIGATION REFUNDING BONDS – SERIES 2022 – 2ND READING

City Manager Gipson reported that the competitive bond sale occurred today at 10:00 a.m. and was very successful. The City received bids from 4 bidders, with three bids being quite close in amount. The bids are evaluated based on the lowest True Interest Cost (TIC) which provides the City with the lowest cost of total debt service. The final sale amount was \$10,180,000 which will provide the City \$1,016,495 in savings over the remaining life of the bonds. The average annual cost savings is around \$85,000 per year over the next 12 years, which is less than expected, but still significant. The successful bidder was Robert W. Baird & Co., Inc.

The ordinance and exhibits have been updated to reflect the results of the sale and a redlined version is attached. The ordinance will need to be amended for these changes prior to a final vote to approve the sale of the bonds.

Recommendation is to amend the bill draft version labeled Bill # 6876.1 and to hold a second and final reading of an ordinance authorizing the sale, issuance, and delivery of General Obligation Refunding bonds in the amount of \$10,180,000.

Karen Dilber, Director of Finance, was in attendance to answer questions.

Mark Grimm, Gilmore & Bell, and Todd Goffoy, Piper Sandler were in attendance to answer questions.

Motion made by Alderman Lintz to amend Bill No. 6876 to Bill No. 6876.1, that reflects the results of the sale as outlined. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6876.1, to approve the sale of the General Obligation Refunding Bonds Series 2022 to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6876.1, second reading, an Ordinance Authorizing and Directing the Issuance, Sale and Delivery of General Obligation Refunding Bonds, Series 2022, of the City of Clayton, Missouri; and Approving Certain Documents and Authorizing Certain Other Actions in Connection Therewith by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman Buse – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; Alderman

Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6740 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING AN ASSIGNMENT AND ASSUMPTION OF REAL ESTATE TRANSACTION RIGHTS RELATING TO THE REDEVELOPMENT OF 227 S. CENTRAL AVENUE

City Manager Gipson reported that the City and HB Clayton LLC (the “Developer”) entered into a Purchase and Sale Agreement dated October 5, 2017, relating to the redevelopment of the former Clayton Police Headquarters, located at 227 S. Central Avenue, into a hotel. The Purchase and Sale Agreement was first amended on October 11, 2018, and again on May 14, 2019.

The Developer assigned its rights to Concord HB K Clayton, LLC on June 25, 2019, and the City entered into an assignment and assumption agreement with the two entities by Ordinance 6602.

The Developer and Concord HB K Clayton, LLC now desire to convey the property to a different entity, Concord HB K Clayton Owner LLC, and have requested that the City consent to the assignment pursuant to an Assignment and Assumption of Purchase and Sale, and Real Estate Transaction Rights among the City, Concord HB K Clayton LLC, and Concord HB Clayton Owner LLC.

The Developer is in the final stages of securing debt and equity financing for the project as it begins construction and wishes to contribute its assets to the new entity which will be the landowner, borrower on the debt financing, and will be in the chain of ownership for limited investors. The current members of Concord HB Clayton LLC will retain ownership in and control of the deal.

Staff has negotiated the Assignment and Assumption with the other parties and supports their approval.

Gary Carter, Director of Economic Development, was in attendance to answer questions.

Jim Fredericks, Attorney and Sam Kopljar, Kopljar Properties, were in attendance to answer questions.

Alderman Lintz introduced Bill No. 6882, to approve Assignment and Assumption of Real Estate Transaction Rights relating to the redevelopment of 227 S. Central Avenue to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6882, first reading, an Ordinance of the City of Clayton, Missouri, Approving an Assignment and Assumption of Real Estate Transaction Rights Agreement by and Among the City, Concord HB K Clayton LLC and Concord HB K Clayton Owner, LLC and Authorizing Certain Actions in Connection Therewith by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6882 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6882, to approve Assignment and Assumption of Real Estate Transaction Rights relating to the redevelopment of 227 S. Central Avenue to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6882, second reading, an Ordinance of the City of Clayton, Missouri, Approving an Assignment and Assumption of Real Estate Transaction Rights Agreement by and Among the City, Concord HB K Clayton LLC and Concord HB K Clayton Owner, LLC and Authorizing Certain Actions in Connection Therewith by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman Buse – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6741 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING FOUR (4) USE AND MAINTENANCE AGREEMENTS (INDIVIDUALLY) WITH ELIZABETH WACK, AMY AND MARK ROSEN, VIJAYAM AND BALA VANUKURU, AND TAYLOR AND ELIZABETH HARBISON AND THE CITY OF CLAYTON FOR THE RIGHT-OF-WAY ADJACENT TO WYDOWN PARK

City Manager Gipson reported that the City of Clayton is preparing to replace the fence along the northern and eastern sides of Wydown Park and, in doing so, commissioned a boundary survey of the property. This survey confirmed that the current fence was not installed along the property line of the park. Of the properties adjoining the park, four have a portion of city property on their side of the fence. The City has met with the residents and agreed that we would reinstall the fence in its current location with the exception of one property where the corner of the fence intrudes on that property; the City intends to pull that section of fence back onto park property.

Toni Siering, Director of Parks and Recreation was in attendance to answer questions.

BILL NO. 6883

Alderman Lintz introduced Bill No. 6883, to approve a Use & Maintenance Agreement with Elizabeth Wack, property owner of 7611 Wydown Boulevard to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6883, first reading, an Ordinance Providing for the Execution of a Use and Maintenance Agreement for Right-of-Way Adjacent to Wydown Park by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6883 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6883, to approve a Use & Maintenance Agreement with Elizabeth Wack, property owner of 7611 Wydown Boulevard to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6883, second reading, an Ordinance Providing for the Execution of a Use and Maintenance Agreement for Right-of-Way Adjacent to Wydown Park by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman Buse – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6742 of the City of Clayton.

BILL No. 6884

Alderman Lintz introduced Bill No. 6884, to approve a Use & Maintenance Agreement with Amy and Mark Rosen, property owner of 7628 Walinca Terrace to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6884, first reading, an Ordinance Providing for the Execution of a Use and Maintenance Agreement for Right-of-Way Adjacent to Wydown Park by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6884 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6884, to approve a Use & Maintenance Agreement with Amy and Mark Rosen, property owner of 7628 Walinca Terrace to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6884, second reading, an Ordinance Providing for the Execution of a Use and Maintenance Agreement for Right-of-Way Adjacent to Wydown Park by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman Buse – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6743 of the City of Clayton.

BILL No. 6885

Alderman Lintz introduced Bill No. 6885, to approve a Use & Maintenance Agreement with Vijayam and Bala Vanukuru, property owners of 7632 Walinca Terrace to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6885, first reading, an Ordinance Providing for the Execution of a Use and Maintenance Agreement for Right-of-Way Adjacent to Wydown Park by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6885 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6885, to approve a Use & Maintenance Agreement with Vijayam and Bala Vanukuru, property owners of 7632 Walinca Terrace to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6885, second reading, an Ordinance Providing for the Execution of a Use and Maintenance Agreement for Right-of-Way Adjacent to Wydown Park by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman Buse – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6744 of the City of Clayton.

BILL No. 6886

Alderman Lintz introduced Bill No. 6886, to approve a Use & Maintenance Agreement with Taylor and Elizabeth Harbison, property owners of 7622 Walinca Terrace to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6886, first reading, an Ordinance Providing for the Execution of a Use and Maintenance Agreement for Right-of-Way Adjacent to Wydown Park by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6886 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6886, to approve a Use & Maintenance Agreement with Taylor and Elizabeth Harbison, property owners of 7622 Walinca Terrace to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O'Keefe reads Bill No. 6886, second reading, an Ordinance Providing for the Execution of a Use and Maintenance Agreement for Right-of-Way Adjacent to Wydown Park by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman Buse – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6745 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A CONTRACT WITH MISSOURI PETROLEUM PRODUCTS COMPANY, LLC FOR THE FY2022 MICROSURFACING PROJECT

City Manager Gipson reported that the Public Works Department is requesting approval of a construction contract for the FY2022 Microsurfacing Project with Missouri Petroleum Products Company, LLC. This project includes the application of microsurfacing with fiber reinforcement on the roads in the Bemiston, Hanley Place/Maryland Terrace, Northmoor, Skinker Heights, and Hi-Pointe/DeMun neighborhoods. Additional pay items include pavement markings and traffic control. Work is expected to take place in the spring or summer of 2022 and last approximately 2-3 weeks.

Matt Malick, Director of Public Works, was in attendance to answer questions.

Alderman Lintz introduced Bill No. 6887, to approve a contract with Missouri Petroleum Products Company, LLC for the FY22 Microsurfacing Project to be read for the first time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6887, first reading, an Ordinance Approving a Contract with Missouri Petroleum Products Company, LLC for the FY2022 Microsurfacing project by title only.

The motion passed unanimously on a voice vote.

Motion made by Alderman Lintz that the Board give unanimous consent to consideration for adoption of Bill No. 6887 on the day of its introduction. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

Alderman Lintz introduced Bill No. 6887, to approve a contract with Missouri Petroleum Products Company, LLC for the FY22 Microsurfacing Project to be read for the second time by title only. Alderman Berkowitz seconded.

City Attorney O’Keefe reads Bill No. 6887, second reading, an Ordinance Approving a Contract with Missouri Petroleum Products Company, LLC for the FY2022 Microsurfacing project by title only.

The motion passed on a roll call vote: Alderman Lintz – Aye; Alderman Berkowitz – Aye; Alderman Buse – Aye; Alderman McAndrew – Aye; Alderman Patel – Aye; Alderman Feder – Aye; and Mayor Harris – Aye. The bill, having received majority approval was adopted and became Ordinance No. 6746 of the City of Clayton.

A RESOLUTION TO CONSIDER ADOPTING THE CITY OF CLAYTON TRAFFIC CALMING PROGRAM

City Manager Gipson reported that the City of Clayton seeks to establish a process that considers public input, education, data, and traffic calming techniques to maintain maximum mobility and access for all users of the streets in residential areas and generally reduce the negative impacts of motor vehicles.

In the past, the City of Clayton has fielded neighborhood complaints relating to residential traffic concerns on an individual basis without a defined process. Many times, the staff response followed a similar process as the nature of the concerns were similar, but this was not a documented process that the public could review. The purpose of this program is to formalize a uniform response process, provide guidance and information to residents on the process, and identify projects for future funding.

The proposed Traffic Calming Program was developed utilizing staff knowledge of the community, examples from surrounding communities, as well as industry standards for analysis and traffic calming measures

Matt Malick was in attendance to answer questions.

P.J. McDaniel, resident, was in attendance and addressed the Board regarding Audubon and the next steps.

Josh Dubinsky, resident, was in attendance and addressed the Board regarding the speed tables.

Motion made by Alderman Lintz to approve Resolution No. 2022-04, a Traffic Calming Program. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

A RESOLUTION TO ADOPT A SELECTION PROCESS FOR MUNICIPAL JUDGE

City Manager Gipson reported that on December 14, 2021, the Board of Aldermen discussed several Clayton Community Equity Commission (CEC) recommendations related to the selection process and Charter provisions for the Municipal Judge. The proposed resolution will put a formal selection process in place.

Motion made by Alderman Lintz to approve Resolution No. 2022-05, a Selection Process for the Municipal Judge. Alderman McAndrew seconded.

The motion passed unanimously on a voice vote.

FISCAL YEAR 2021 4TH QUARTER DRAFT FINANCIAL REPORT

Karen Dilber, Director of Finance provided the Board with a summary report of the FY2021 4th Quarter Financial report.

Motion made by Alderman Feder (City Attorney O'Keefe) that the Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO. Alderman Berkowitz seconded.

The motion passed unanimously on a voice vote.

The meeting adjourned at 8:38 p.m.

Mayor

ATTEST:

City Clerk