

## THE CITY OF CLAYTON

Board of Aldermen Meeting  
Council Chambers - 10 N. Bemiston Avenue  
April 10, 2007  
8:00 p.m.

### Minutes

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

Aldermen: Linda Goldstein, Alex Berger III, Steve Lichtenfeld, Judy R. Goodman,  
Michelle Harris

Mayor Benjamin Uchitelle  
City Manager Michael A. Schoedel  
City Attorney Kevin O'Keefe

Mayor Uchitelle asked for any questions or comments relating to the March 27, 2007 meeting minutes, which were previously provided to the Board.

**Alderman Goldstein moved to approve the March 27, 2007 meeting minutes.  
Alderman Lichtenfeld seconded the motion.**

**The motion passed unanimously on a voice vote.**

### **PUBLIC REQUESTS AND PETITIONS**

Mr. Al Rosenberg, 938 S. Central Avenue, addressed the Board with his concerns of trash and debris dumping in the alley of his neighborhood; some debris has been in the alley for at least three weeks. He has requested that the City look into the matter.

City Manager Schoedel assured Mr. Rosenberg that the City would send an inspector and/or have Public Works take care of the problem.

Mayor Uchitelle suggested to Mr. Rosenberg to feel free to call the City Manager's office with any concerns that he may have.

City Manager Schoedel reported that there are two items on tonight's Agenda that he wanted to bring to the Board's attention. The first item, Resolution No. 07-15, the extension of the contract for Allied Waste, he suggested to the Board that this Agenda item is tabled until a future Board meeting because the representative for Allied Waste had an out-of-town emergency and was not able to attend tonight's meeting to address questions that the Board may have.

Secondly, City Manager Schoedel requested that the Board move to authorize staff to take the necessary steps to hold a special election for August 7<sup>th</sup>.

**Alderman Berger moved to request the establishment of a special election to be held August 7, 2007 and to authorize staff to take the necessary steps to replace a Aldermanic vacancy in Ward II. Alderman Goldstein seconded the motion.**

**The motion passed on a voice vote.**

In response to Mayor Uchitelle's question, City Manager Schoedel explained the steps in filing for the August election. The opening filing date per the St. Louis Board of Election Commission is April 17<sup>th</sup>, at which the next Board meeting is after this date. Once the certified results of the municipal election per the Board of Election Commissioners of St. Louis County are received by the City Clerk we can proceed with the steps to hold a special election in August.

#### AN ORDINANCE TO APPROVE A CONDOMINIUM PLAT FOR 31 BRIGHTON WAY

City Manager Schoedel reported that on March 22, 2007, the City of Clayton received an application, plat and supporting documents from Dost Brighton II, owner of 31 Brighton Way, for the approval of a condominium plat at that address to be known as 31 Brighton Way Condominiums.

The subject 3 ½ story building contains six (6) units. Building permits have been issued and the project is near completion.

**Alderman Goldstein introduced Bill No. 6082 to be considered for the first time and read by title only. Alderman Goodman seconded.**

Mr. Doug Cohen, Vice President of Dost Brighton II, addressed the Board stating that the development is a six unit condominium development that is near completion. Range of square footage is 1,800 to 3,400 with price range of \$700,000 and up. Currently sales are slow, but once the display unit is complete the sales are expected to pick up within the next 30 days.

**City Attorney O'Keefe read Bill No. 6082 by title only for the first time. The motion passed unanimously on a voice vote.**

**Alderman Goldstein introduced Bill No. 6082 to be considered for the second time and read by title only. Alderman Goodman seconded the motion. City Attorney O'Keefe read Bill No. 6082 by title only for the second time and considered for adoption as an Ordinance. Upon the roll being called on the question of the adoption of the Bill as an Ordinance, the votes were cast as follows: Alderman Goldstein – Aye; Alderman Berger – Aye; Alderman Lichtenfeld – Aye; Alderman Harris – Aye; Mayor Uchitelle - Aye. The vote being unanimous, the Bill was adopted and became Ordinance No. 5969 of the City of Clayton.**

#### MOTION TO APPROVE A LIQUOR LICENSE FOR BISTRO ALEXANDER LOCATED AT 7927 FORSYTH

City Manager Schoedel reported that Six Stars, LLC is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sunday, at 7927 Forsyth Blvd., the former Limoncello Restaurant site, under the name of Bistro Alexander. The Police, Planning and Fire Departments have completed their review of the application and support the issuance of the requested license.

The applicant has chosen not to submit a petition from surrounding property owners and first floor tenants. As a result, they are aware that this application must have a super majority vote of five Board members in order to be approved.

Mr. Maurio Nikolav, owner and Mr. Matt Rollins, Executive Chef/Beverage Manager, addressed the Board stating that their vision is to provide an international level bistro cuisine in hopes that representatives from the Food Network Channel and various food magazines will come and discover this unique urban community. The target opening date is the first week of May. In the renovation process they will be giving the restaurant a more eclectic flair and eventually would like to renovate for an outdoor seating area to make this area of Forsyth more inviting.

In response to Alderman Lichtenfeld's question, Mr. Nikolav stated that he does not have any other restaurants in the area, but he has a coffee shop in Ladue and a coffee company in another state.

**Alderman Goldstein moved to approve the motion. Alderman Lichtenfeld seconded.**

#### AN ORDINANCE FOR CONSIDERATION TO AMEND THE FISCAL YEAR 2007 BUDGET

City Manager Schoedel reported that Staff is presenting for your consideration amendments to the Fiscal Year (FY) 2007 budget as previously discussed during the Discussion Session. Specific items include:

- The 2005 B Bond Issue for Bonhomme Garage, which is related to the Parking Fund debt. The amendment to both revenue and expenditures in the 2005 B Bond Issue Fund will eliminate the budget in the debt fund and incorporate the principal and interest expense in the Parking Fund. This action will eliminate future transfers from the Parking Fund to the 2005 B Bond Issue Fund. This change is in compliance with one of the auditor's management letter comments to consolidate funds whenever possible.
- The Equipment Replacement Fund expenditure amendments include a new lease for the City Manager's vehicle. The Police-Tahoe and three dump trucks for Public Works were planned budgeted expenses in FY 06 but delivery and payment did not occur until after October 1, 2007 making them FY 07 expenses rather than FY 06.
- The Recreation and Stormwater Fund expenditure of \$35,000 for the Tennis Center resurfacing was a planned budgeted expense in FY 06 but was delayed due to the Metro construction at Shaw Park Drive and Brentwood Blvd. The Ice Rink repairs were not budgeted, but the Board has given a preliminary indication that staff should proceed with making preparations to open the rink this Fall. As a result, this amends the budget for the anticipated costs associated with reopening.

We are not recommending an amendment to expenditures in the Revolving Public Improvement Fund (RPIF) but wanted to inform you of several new projects/additional costs totaling \$301,733 – many of which have some off-setting revenues. The projects

include: surveys of City property, including for the salt dome and Enterprise sidewalk (\$15,000); Citywide traffic data collection related to the I-64 construction (\$30,500); additional costs related to repair of the City Hall cupola (\$7,000); irrigation system in the Wydown median from Big Bend to University Drive (\$97,000), in which corresponding revenue will reflect 100% reimbursement from Washington and Fontbonne Universities and the Clayton School District; ITS Plan B costs (\$78,300), of which \$58,000 was budgeted to be expended in FY 2006; the Enterprise sidewalk construction (\$24,056), which will be reimbursed by Enterprise; additional wall sections along Forest Park Parkway (\$30,000); and additional repairs to the Public Works facility parking lot/fuel tanks (\$19,877), of which \$14,871 was reimbursed by Metro. Staff believes that other projects within the FY 07 \$4.9 million RPIF budget will come in under budget or be budgeted in future years to accommodate these new projects, and therefore will not increase the overall RPIF budget. The revenues and expenditures changes were included in the RFBA for the Board.

**Alderman Goldstein introduced Bill No. 6083 to be considered for the first time and read by title only. Alderman Goodman seconded.**

In response to Mayor Uchitelle's question, City Manager Schoedel confirmed that revenues of \$122,036 and expenditures of \$109,152 are the net results of these amendments.

**City Attorney O'Keefe read Bill No. 6083 by title only for the first time. The motion passed unanimously on a voice vote.**

**Alderman Goldstein introduced Bill No. 6083 to be considered for the second time and read by title only. Alderman Berger seconded the motion. City Attorney O'Keefe read Bill No. 6083 by title only for the second time and considered for adoption as an Ordinance. Upon the roll being called on the question of the adoption of the Bill as an Ordinance, the votes were cast as follows: Alderman Goldstein – Aye; Alderman Berger – Aye; Alderman Lichtenfeld – Aye; Alderman Harris – Aye; Mayor Uchitelle - Aye. The vote being unanimous, the Bill was adopted and became Ordinance No. 5970 of the City of Clayton.**

City Manager Schoedel commented that there have been a lot of activities over the last two years with regard to the budget and potential projects. He congratulated the staff in addressing the various projects in light of the Metro Link construction and in preparation for the I-64 construction situation.

**A RESOLUTION TO APPROVE A CONTRACT WITH MCCONNELL & ASSOCIATES CORPORATION FOR CRACK SEALING – FY 2007 PROJECT**

City Manager Schoedel reported that bids were opened on April 3, 2007, for the Crack Sealing – FY 2007 Project. Two (2) responsive were received and McConnell & Associates submitted the lowest base bid in the amount of \$42,925.

This project is an integral component of the Public Works "Preventive Pavement Maintenance Program" for cost-effective treatments to our existing roadway system that preserves the streets, retards future deterioration and maintains or improves the functional condition of the system without significantly increasing structural capacity. In essence, preventive maintenance activities protect the pavement and decrease the rate of deterioration.

The Revolving Public Improvement Fund (RPIF) has \$51,655 budgeted for this activity in FY 2007. The Public Works Department Preventive Pavement Maintenance Program included crack sealing the following areas: CBD streets and alleys; Clayshire and Haddington Ct; Clayton Gardens; Davis Place; Hunter Avenue; and Polo.

In addition to the base bid, the Public Works Department is also recommending that the alternate bids for Gay Avenue and Bemiston (Old Town) be accepted as well. The Public Works Department is attempting to level its funding for crack sealing by equalizing the lane miles of streets and alleys crack sealed each year. To reach this goal, the Public Works Department is recommending dividing the City in half at Hanley Road. Given available funding, all streets and alleys on the west side of Hanley Road would be crack sealed in odd years and the east half on even years. This is consistent with the Public Works Department Preventive Payment Maintenance Program of crack sealing streets and alleys once every two years.

Approval of the base bid and alternates A-1 Bemiston (Old Town) and A-4 Gay Avenue from McConnell & Associates in the amount of \$50,073 would still be within the project budget.

**Alderman Goldstein moved to approve Resolution 07-12. Alderman Berger seconded.**

Mr. Al Rosenberg addressed the Board stating that the first sealing job was done very well. The subsequent years crews came and sealed but they did not apply a top sealer which therefore the tar did not stay in place. The third time the crews came and filled and sealed the same cracks on South Central, but no new seals were done. He recommends that the City follow-up on the contractor's work.

Paul Wojciechowski responded that they will work to try to get all of the cracks and stated that they had a good experience with the company used last year and he will follow-up with them.

In response to Alderman Lichtenfeld's question, Paul Wojciechowski stated that in the Davis Place situation they will patch the holes and crack seal the areas needed this year, but is scheduling a resurfacing project for Davis Place for next year.

Paul Wojciechowski also stated that they have used McConnell & Associates, whose bid was exceptionally lower, in the past and was very pleased with their work.

**The motion passed unanimously on a voice vote.**

**A RESOLUTION TO APPROVE A CONTRACT WITH SBC CONTRACTING INCORPORATED FOR SIDEWALK REPAIRS – FY 2007 PROJECT**

City Manager Schoedel reported that bids were opened on April 3, 2007, for the Sidewalk Repairs – FY 2007 Project. We received three (3) responsive bids as shown on the attached bid tabulation. SBC Contracting Incorporated submitted the lowest base bid in the amount of \$48,515.99. The scope of work includes removing and replacing defective sidewalk, driveway approaches, curb and gutter and other incidental items as shown in the specifications. The Public Works Department has programmed sidewalk repairs for the CBD, Hi-Pointe and DeMun Park subdivisions.

The RPIF has \$71,000 funded for sidewalk repairs in FY 2007. To date, the Public Works Department has spent \$13,141 on emergency repairs. The base bid from SBC Contracting Incorporated of \$48,515.99 is well within the remaining fund balance of \$57,849 available for sidewalk replacement. The Public Works Department recommends the use of the remaining \$9,333 to repair additional sidewalks outside the programmed area. Eligible sidewalks will be repaired on a "worst first" basis as determined by the Public Works Department.

We also recommend the approval of the alternate bid for concrete sidewalk at 8300 Shaw Park Drive that will reconstruct the Clayshire Subdivision sidewalk from east of the I-170 pedestrian tunnel to Shaw Park, adjacent to the Public Works Department facilities. This sidewalk will be 8 feet in width. As part of a prior ordinance adopted March 14, 2000, Enterprise Rent-A-Car's request for an Amendment to the Special Development District for Clayton Corporate Park included an "Enhanced Pedestrian Walkway from Clayshire Subdivision to Shaw Park". Therefore, Enterprise Rent-A-Car will reimburse the City \$24,056 required for this work.

In summary, the Public Works Department is requesting approval of the base bid and alternate submitted by SBC Contracting Incorporated in the amount of \$81,905. Work on this project is scheduled to commence and be completed this summer.

**Alderman Goldstein moved to approve Resolution 07-13. Alderman Lichtenfeld seconded.**

City Manager Schoedel explained that the sidewalk near the Public Works facility need to be repaired and it was also a part of a proposal that Enterprise was involved with regards to their Corporate Park; therefore they will be reimbursing the City.

**The motion passed unanimously on a voice vote.**

A RESOLUTION TO APPROVE A CONTRACT WITH JOS. WARD PAINTING COMPANY FOR SHAW PARK POOL PAINTING PROJECT

City Manager Schoedel reported that Staff requested bids for painting the Shaw Park pool in preparation for the upcoming summer swim season. Two (2) responsive bids were received. The bids include sandblasting of existing pool surfaces, patching of cracks, painting of pool with two coats of Tnemec Series 63-1300 white paint, painting of the gutters blue and repainting of all race lines and targets. JOS. WARD PAINTING CO. submitted the lowest bid in the amount of \$56,149. Staff recommends acceptance of their bid as they also have extensive experience in pool painting and received positive references.

The work on this project is scheduled to begin immediately with completion by May 4, 2007. The funding for this project was included in the FY07 Recreation and Stormwater budget (Fund 70). A total of \$65,000 was budgeted for this project. With a contingency of \$5,000, this project will be below the budgeted total.

**Alderman Goldstein moved to approve Resolution 07-14. Alderman Goodman seconded.**

In response to Mayor Uchitelle's question, City Manager Schoedel stated that when costs are estimated for budget on certain projects staff uses a combination of being very conservative and receiving good bids. By getting estimates the prior year and then researching what other cities have done, but also sometimes we are over budget.

In response to Alderman Goodman's question, Patty DeForrest stated that the pool would need painting approximately every 3-5 years and they have researched other options, but the indoor pool methods are not recommended for large outdoor pools.

**The motion passed unanimously on a voice vote.**

**A RESOLUTION TO APPROVE A CONTRACT EXTENSION WITH ALLIED WASTE FOR SOLID WASTE COLLECTION SERVICES IN THE CITY OF CLAYTON**

City Manager Schoedel recommended to the Board at this time to table this agenda item due to the representative not being able to attend; also, because there was a request for additional information to be received from Allied Waste.

Mayor Uchitelle commented that upon discussion with the City Manager questions arose as to the base increases of \$900,000 over the next three years reflecting additional units. And also reflects increases of 5%, 7% and another 7% approaching the year 2010 and these are substantial increases. He has requested from the City Manager for Allied Waste to provide a breakdown report comparison for front yard pick-up service. Mayor Uchitelle stated that we need to have in the contract what the break-out would be. He also commented on what kind of service the City would continue based on the possibility of merging with Richmond Heights.

Alderman Goodman stated her concerns and thoughts on servicing the public and commented about possibly doing a public survey. Mayor Uchitelle commented that surveys are not always accurate because citizens would support the rear yard pick-up, but most would not support a tax increase to keep this service and asked the City Manager what a breakdown estimate would be.

City Manager Schoedel explained that one estimate based on recent figures from Creve Couer which does not include recycle, yard waste pick-up, light goods or bulky goods, is approximately \$14 per household.

Alderman Berger commented that he is not in support of a survey because normally we get disappointing results. He referred to the Parks and Rec master plan survey which the results were disappointing in terms of volume. From his stand point this is the time of year when meeting with neighborhood groups is a better data gathering mechanism. He stated that he has lived in a community where the trash was picked-up in the front and he is glad to be in a community now where he has rear-yard pick up. If this means that we go to the citizens to rally for the costs of this service he would be a proponent. He also stated that the Strategic Issues Committee, chaired a couple years ago by Dan Human, had high resolve around this issue as part of the flavor of this community. If the community would say no to pay the extra fees then that would certainly be the signal.

Alderman Goodman agreed with Alderman Berger and personally witnessed recently the negative affects of front yard pick-up in another community where on a windy day there

were containers being blown around on the streets and sidewalks. She feels that the City has a much better trash and recycling system than other municipalities.

City Manager Schoedel commented that he was trying to protect the costs of this particular contract by pursuing the extension. It is very clear within the region that there are only a couple of big refuse collection providers and if they are not interested in servicing communities with rear yard pick-up then costs will sky rocket. In recognizing that we would continue this service, he was only trying to protect the costs. Creve Couer, a city comparable to us, only had one company bid on rear yard pick-up. Waste Management, the other big collection company in the area, did not bid on the rear yard pick-up. Clayton is the only City that has rear yard pick-up for all three services. The City must understand the magnitude of the labor costs and time of this unique service.

Alderman Lichtenfeld commented that he has spoken with a few neighbors and everyone is very much in favor of keeping the current service including paying for the service if necessary.

Alderman Harris commented that although she does not have a feel for what residents in Ward II would say, but would be happy to investigate further. She realizes a survey is difficult to undertake, but there has to be some way to try be more efficient and neighborhood meetings, especially in Ward II, has had very minimal attendance. She questioned if we could possibly explore other service options.

Mayor Uchitelle stated that the question is whether or not we want to continue paying \$300,000 to \$400,000 more per year to continue the service.

Alderman Berger commented that his position is to maintain the rear yard pick-up service.

City Manager Schoedel stated that we will look into other options. He commented that staff is pleased with the job that Allied Waste is doing especially with a unique service. Sometimes complaints are received but that is mainly due to new drivers and/or holidays. He also commented that our service is lower compared to other costs he has seen.

Alderman Lichtenfeld inquired as to possibly structuring a once a year collection fee, such as the sewer lateral.

City Manager Schoedel responded by giving a scenario as to presenting a tax increase to the voters, but then as Mayor Uchitelle pointed out, we would face the possibility that residents in the larger condominium developments (The Crescent, Maryland Walk, etc.) could vote no, therefore forcing households to go to front yard pick-up or paying for the current rear yard service.

Alderman Goodman commented that she would often see an Allied Waste employee talking with the residents which is another added touch that they provide.

**Alderman Goldstein moved to table Resolution 07-15 until a future meeting.  
Alderman Goodman seconded.**

**The motion passed unanimously on a voice vote.**

Other

Alderman Berger congratulated Alderman Goldstein on her Mayoral election and Andrea Maddox-Dallas as Alderman Ward I.

City Manager Schoedel announced that Eric Sterman, Management Analyst, will be going to the City of Ellisville as the new Assistant City Manager.

There being no further business, Mayor Uchitelle adjourned the meeting at 8:50 p.m.

---

Mayor

ATTEST:

---

City Clerk