

**MINUTES
BOARD OF ALDERMEN
MARCH 8, 2021
DES PERES GOVERNMENT CENTER**

The regular meeting of the Board of Aldermen of the City of Des Peres, Missouri was held at the Des Peres Government Center, 12325 Manchester Road 63131, commencing at 7:00 P.M. on Monday, March 8, 2021.

ROLL CALL

The City Clerk took roll with the following elected officials present: Alderman Barrett, Alderman Sansone, Alderman Pound, Alderman Kleinschmidt, Alderman Concagh and Alderman Fitzpatrick. Mayor Becker was also present.

Staff members present included the City Administrator, Assistant City Administrator, City Clerk, City Attorney, Director of Finance, Director of Parks & Recreation, Director of Public Safety and Director of Public Works.

Mayor Becker stated that due to COVID health restrictions, remote attendance at the meeting is permitted. For the record, Alderman Kleinschmidt and Alderman Sansone attended the meeting remotely.

AMENDMENT OF AGENDA – NONE

**PUBLIC HEARING – Petition for Conditional Use Permit for Operation of a Restaurant
Petitioner: Horn Lake Properties LLC on Behalf of Chipotle Mexican Grill
Location: 13307 Manchester Road (Des Peres Pointe)**

Joel Montgomery with Montgomery Property Management attended the meeting via Zoom and asked if anyone had any questions. Mayor Becker asked what the timeline would be on this project. Mr. Montgomery stated that this project would be done towards the end of summer.

Mayor Becker closed the public hearing at 7:04 pm.

CONSENT AGENDA

The Mayor announced that there were eleven items currently on the consent agenda. At the request of the Mayor, Alderman Concagh read the items on the consent agenda including:

1. Minutes of the Board of Aldermen Meeting of February 22, 2021
2. Warrant List Dated March 4, 2021
3. R21-3454 Authorizing A Donation of Surplus Police Equipment to the Miller County Sheriff's Department for Distribution without Cost to Outstate Police Agencies
4. R21-3455 Authorizing a Unit Price Contract with E Meier Contracting for Improvements to Fairoyal Drive from Barrett Station Road to East Royal Court at an Estimated Cost of \$681,235.50 and Establishing a Construction Contingency in the Amount of \$35,000.00
5. R21-3456 Authorizing Unit Price Contract with Spencer Contracting for the 2021 Street Resurfacing Program at an Estimated Cost of \$147,474.22 and Establishing a Construction Contingency of \$25,000.00
6. R21-3457 Authorizing a Unit Price Contract with BLCS LLC for Lawn Mowing Services for a Two Year Period Commencing March 1, 2021
7. R21-3458 Authorizing a Unit Price Contract with Spencer Contracting for

- Reconstruction of Bentbrook Court at an Estimated Cost of \$74,250 and Establishing a Construction Contingency of \$ 5,000.00
8. R21-3459 Authorizing a Contract with Commercial Flooring Inc for the Removal and Installation of New Commercial Carpeting at The Lodge at a Cost of \$44,240.00
 9. R21-3460 Authorizing a Contract with Brightview Landscapes LLC for Mulching Services on City Properties
 10. R21-3461 Appointing the Assistant City Administrator as Interim Director of Parks and Recreation and Establishing a Salary Associated Therewith
 11. R21-3462 Authorizing a Contract for Purchase of Sales Tax Interruption Insurance with Lloyds of London With Insurance Coverage of \$3,000,000 for the Year Commencing March 9, 2021

Alderman Kleinschmidt asked that line item number 11. R21-3462 be removed from the consent agenda and be moved down under New Business for discussion.

Alderman Fitzpatrick made a motion, seconded by Alderman Barrett to approve the ten line items on the consent agenda, and line item 11 be removed from the consent agenda and moved under new business for discussion. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick, "AYE", Alderman Kleinschmidt, "AYE", Alderman Pound, "AYE", Alderman Sansone, "AYE"; Motion passed 6-0.

REPORT OF THE MAYOR

Mayor Becker presented Parks and Recreation Director, Brian Schaffer with a proclamation for all of his hard work the past ten years in the Parks Department and thanked him for everything he has done for the City of Des Peres. Mayor Becker wished Brian the best of luck in his new career and a photo was taken after the Alderman Meeting.

REPORTS OF OFFICERS AND COMMITTEES

The Mayor acknowledged that written reports or minutes of the following Boards and Commission who have met since our last meeting have been submitted to the Board of Aldermen.

Audit & Finance Committee Meeting of February 24, 2021

Board of Adjustment Meeting of February 24, 2021

The Mayor asked if there were any questions or discussion relating to those reports. Hearing none, he ordered them filed and received.

LEGISLATION

Unfinished Business – NONE

1. **B21-2909** An Ordinance Amending the Master Development Plan for Des Peres Pointe and Issuing a Conditional Use Permit for Chipotle Mexican Grill for Operation of a Restaurant at 13307 Manchester Road in the Des Peres Pointe Shopping Center

Alderman Barrett Read Bill 21-2909 for the second time.

Alderman Barrett made a motion, seconded by Alderman Fitzpatrick to approve Bill 21-2909. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick, "AYE", Alderman Kleinschmidt, "AYE", Alderman Pound, "AYE", Alderman Sansone, "AYE"; Motion passed 6-0.

2. **B21-2910** An Ordinance Authorizing a Contract with the Missouri Highways and Transportation Commission Relating to Reconstruction of Sidewalks and Curbs and the Resurfacing of Lindenmann Road

Alderman Pound Read Bill 21-2910 for the second time.

Alderman Pound made a motion, seconded by Alderman Fitzpatrick to approve Bill 21-2910. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick, "AYE", Alderman Kleinschmidt, "AYE", Alderman Pound, "AYE", Alderman Sansone, "AYE"; Motion passed 6-0.

New Business

1. **R21-3462** Authorizing a Contract for Purchase of Sales Tax Interruption Insurance with Lloyds of London With Insurance Coverage of \$3,000,000 for the Year Commencing March 9, 2021.

Alderman Kleinschmidt moved this item down from the Consent Agenda for discussion.

Alderman Kleinschmidt asked if this contract would be paying for anything realistic. City Administrator stated the following:

This contract authorizes placement of Sales Tax Interruption Insurance for a 12-month period with Lloyds of London at an annual premium of \$26,616.00 for \$3,000,000.00 in coverage for lost income at West County Center, Schnucks, Dierbergs or Sam's due to a fire or natural disaster. We budgeted \$35,000 for this coverage in 2021. Last year the city paid \$29,500 for \$4.5 million in coverage with a \$10,000 deductible.

The deductible proposed for the contract is not a set dollar amount but rather a 7-day waiting period after an occurrence. To put that into dollar perspective, a 7-day waiting period at WCC would be \$70,000 based on average day's sales tax – higher if the loss occurs in peak months like back-to-school sales or the Christmas Holidays.

Lloyds and Landmark both have agreed to hold their quotes open until Tuesday, March 9th to allow time for the Board of Aldermen to consider the options.

Staff recommended to award a contract to Lloyds for the \$3.0 million in coverage at a cost of \$26,116 and to forego the option to include terrorism coverage.

Alderman Barrett made a motion, seconded by Alderman Fitzpatrick to approve the proposed insurance coverage. A roll call vote was taken with the following results: Alderman Barrett, "AYE", Alderman Concagh, "AYE", Alderman Fitzpatrick, "AYE", Alderman Kleinschmidt, "NAY", Alderman Pound, "AYE", Alderman Sansone, "NAY"; Motion passed 4-2.

MISCELLANEOUS BUSINESS

1. **Report of the City Clerk**

2. Report of the City Administrator

Temporary Exterior Sales Permits

Staff has received an inquiry from Circa Pub & Grill about continuing their outdoor concerts on some weekends this summer or until interior dining restrictions are lifted. The owner has not formally applied for a Temporary Exterior Sales, Display or Storage permit which the city has used in the past for similar requests. That permit requires a public hearing and action by the Board of Aldermen.

Circa Pub & Grill previously hosted concerts due to the Emergency Orders of the Mayor to suspend some restrictions on outdoor dining and/or outdoor events during the pandemic. That order is due to expire March 31, 2021 unless extended.

For the record, Mayor Becker stated he would allow Circa Pub & Grill to proceed with their request of having outdoor concerts on weekends this summer or until interior dining restrictions are lifted. Mayor Becker later requested that staff explore the concept of adopting uniform regulations that would allow for special events under certain conditions with final approval delegated to staff as an administrative function.

REQUEST FOR EXECUTIVE SESSION

Staff has not been notified by the Mayor or City Attorney of a request for Executive Session.

ADJOURNMENT

Alderman Concagh made a motion, seconded by Aldermen Barrett to adjourn the regular meeting at 7:38 P.M.

Minutes Prepared by:

Amanda Hurley
City Clerk

Minutes approved by the Board of Aldermen on the 22th day of March 2021.

Mark Becker, Mayor

ATTEST:

Amanda Hurley
City Clerk