

MONDAY, MARCH 15, 2021 7:00 P.M.
BOARD OF ALDERMEN
MINUTES

MAYOR MIKE WILCOX

ALDERMAN PAUL ROETTGER

ALDERMAN AARON NAUMAN

ALDERWOMAN LISA CAPSHAW CUSHING

ALDERWOMAN BERRY LANE

ALDERWOMAN VITALE

ALDERMAN JOHN SCHUSTER

CITY ATTORNEY, JIM HETLAGE
CITY ADMINISTRATOR, BEN DECLUE
DEPUTY CITY CLERK, JOANNE CARR

MEETING CALLED TO ORDER

The meeting was called to order at 7:00 PM by Mayor Wilcox.

The March 1, 2021, Board of Aldermen Meeting was conducted via videoconference.

ROLL CALL

Present: Alderman Roettger, Alderwoman Lane, Alderwoman Cushing
Alderman Nauman, Alderman Schuster, Alderwoman Vitale

Absent: None

Present: Brian Malone, Lashly and Baer, Judge Chris Graville,
Mr. Ryan Dunnegan, 1046 Brownell Ave, Chief Beaton, Chairman Jeff Fernhoff, ARB

APPROVAL OF TENTATIVE AGENDA

Mayor Wilcox asked if there were any changes or corrections to the Agenda for the March 15, 2021 meeting. It was noted that there was no need for an Executive Session which could be removed from the agenda. Alderman Schuster moved approval of the agenda for the March 1, 2021 meeting with the agenda change. Alderwoman Lane seconded the motion which was unanimously approved.

APPROVAL OF THE MINUTES FROM MARCH 1, 2021 MEETING

Mayor Wilcox asked if there were any changes or corrections to the Board minutes from March 1, 2021 meeting. Alderwoman Lane moved approval of the March 1, 2021 meeting. Alderman Roettger seconded the motion, which was unanimously approved.

CITIZEN COMMENTS

None

TREASURER'S REPORT- FEBRUARY 2021

Mr. DeClue reported that the February Treasurer's report was included in the meeting packet and added that he and Mr. Lawrence were available for questions at any time.

Alderman Roettger stated that Mr. Lawrence had been sending emails concerning monthly revenue funds noting that things were in better conditions this year compared with last year at this time adding that gas taxes were not down but generally less on the utility side of revenues.

Mr. DeClue stated that there was a broad increase in the use tax adding that the City was lucky in that regard and would only grow if the State of Missouri enacts new laws. It was noted that online taxes were up as well.

HEARING: APPEAL OF ARB DECISION AT 1046 BROWNELL

Mayor Wilcox asked Mr. Hetlage to provide a summary of the procedures for the Board's consideration of an appeal from a decision of the Architectural Review Board (ARB) .

Mr. DeClue stated that Mr. Dunnegan, the appellant, was attending the meeting by phone, but did not have video capability.

Mr. Hetlage stated that this hearing was an appeal regarding the refusal of the ARB to reconsider its decision regarding the placement of the exterior air conditioning unit at 1046 Brownell Avenue.

Mr. Hetlage described the reconsideration and appeal procedures addressed in Chapter 535 of the Municipal Code. Mr. Hetlage described the procedure and required timing under Section 535.110 for reconsideration and reapplication, and the procedure and required timing under Section 535.130 for appeals to the Board of Aldermen. Mr. Hetlage stated that Section 535.130 only permits appeals of decisions by an aggrieved party within 15 days of decision where redress is sought and is done so through a written request including the decision, all grounds known and why the decision was an error can be filed. Mr. Hetlage noted that code 535.140 spoke to the procedures followed by the Board of Aldermen regarding the appeal hearing.

Mr. Hetlage stated that Mr. Dunnegan was appealing an ARB decision through an informal hearing, adding that the Board of Aldermen could hear from the appellant, ask questions, and hear from the ARB or neighbors if present. Mr. Hetlage stated that if there were any procedural concerns, those concerns should be addressed before considering the merits of the appeal.

Mr. Hetlage recorded the following documentation into the minutes as follows:

- Ex.1 Mr. Dunnegan's Appeal Document with Attachment;
- Ex. 2 Letter and proposed site plan dated 07-2020 showing removal of replacement condition;
- Ex. 3 Submitted approved site plan dated July 15, 2020 to ARB;
- Ex. 4 Mr. Dunnegan's site plan amended in 2020;
- Ex. 5 ARB Minutes from the July 15, 2020 meeting; and
- Ex. 6 ARB Minutes from the February 10, 2021 meeting.

Mayor Wilcox asked about the specific subject of the appeal. It was noted that the ARB conditioned the original approval of the project at 1046 Brownell Avenue in July 2020 on the AC Unit not being placed on the west side of the home.

Alderman Roettger stated that he had an issue with the timeliness of the appeal. Alderman Roettger stated that it did not appear that the timeline was followed for submitting an appeal within 15 days of the ARB decision.

Mr. Hetlage stated that dismissal of the appeal based on failure to submit a timely appeal would require a motion and that could be opened for discussion.

Before making a motion, Alderman Roettger asked the other Aldermen if there were any other comments.

Alderman Roettger asked Mr. Dunnegan why an appeal was not submitted within 15 days after the original decision was made by the ARB on July 15, 2020.

Mr. Dunnegan stated that following the ARB meeting in July 2020, there was much frustration by his neighbor due to the removal of honeysuckle, and on his end due to a statement from the Chairman of the ARB who welcomed me to Glendale and stated that residents solved differences with neighbors by compromise. Mr. Dunnegan stated he attempted to find a compromise with his neighbor regarding the placement of the AC unit on the west side of the house with offers to construct a fence, a wall or plantings to dampen any noise, but his neighbor was unwilling to compromise. Mr. Dunnegan stated that he took time to speak with his neighbor adding that at one time she was agreeable to the placement of the AC unit and then disagreed with the placement at a later date. Mr. Dunnegan stated that he enlisted the services of a HVAC company to analyze sound and that took time from the calendar.

Mr. Dunnegan stated that AC units were not so loud adding that the sound could be mitigated adding that the neighbor did not want the AC unit on her side of the property. Mr. Dunnegan stated that he wanted to gather the facts to do his due diligence to assist in compromises with the neighbor before appealing. Mr. Dunnegan stated that these reasons delayed his appeal request.

Mayor Wilcox asked if Alderwoman Lane had anything to add. Alderwoman Lane stated that the greatest concern was that every tree was removed from Mr. Dunnegan's lot before permission was given adding that Ms. Golterman lost privacy. Alderwoman Lane added that she agreed that a resident should be required to follow the timeline which was codified for pursuing an appeal.

Alderman Nauman asked if a motion to dismiss the appeal was made and was voted in the affirmative, did that give the appellant a path to appeal at a later date.

Mr. Hetlage stated that the appellant could seek review by the circuit court pursuant to the administrative procedures act; or secondly, as noted earlier, pursuant to Section 535.110 Mr. Dunnegan could submit a reapplication for reconsideration of the location of the air conditioning unit after 12 months from the ARB's original July 2020 decision.

Alderman Roettger made a motion due to the application submitted by Mr. Dunnegan to the ARB in February 2021 was an application for the ARB to reconsider its decision from July 2020 approving the plans for the construction of the home at 1046 Brownell Avenue with certain conditions, including a condition that the exterior air conditioning unit not be placed on the west side of the house, and such reapplication was not timely under the Code, in that it was submitted to the ARB less than one year from the date of the ARB's original decision, and since the appeal was not requested within 15 days of original decision in July 2020 the appeal is untimely and cannot be considered. Alderman Schuster seconded the motion.

There was no further discussion. Mayor Wilcox asked for a vote:

Ayes: Alderman Roettger, Alderwoman Vitale, Alderwoman Capshaw Cushing,
Alderman Schuster, Alderwoman Lane, Alderman Nauman

Nays: None

Mr. Hetlage stated that the appeal was dismissed due to an untimely application adding that if Mr. Dunnegan had any questions, he could speak to Mr. DeClue about the options.

The hearing was closed.

APPOINTMENT OF MUNICIPAL JUDGE AND MUNICIPAL PROSECUTOR

Mr. DeClue stated that due to reaching the age of 75 on April 16, 2021, Judge Burnet will be ineligible to continue serving as Municipal Judge for Glendale. Additionally, it was felt that this would be a good time to examine our Prosecuting Attorney position as well. As such, Mayor Wilcox will be nominating Chris Graville to fill out Terry Burnet's unexpired term as Municipal Judge and Brian Malone to be the new Prosecutor. Mr. DeClue stated that both gentlemen were experienced attorneys with experience as Judge and Prosecutor in other communities.

Mr. Graville currently serves as Municipal Judge in Oakland, so his appointment would further synergize our Court operations. Mr. DeClue stated that Mr. Graville and Mr. Malone would begin in April adding that the Board would be considering the legal service agreement of Mr. Malone's tonight and Mr. Graville's at the next meeting in April.

Mayor Wilcox asked if there were any additional questions and there were none.

Alderman Schuster motioned the approval of Mr. Chris Graville as Municipal Judge and Mr. Brian Malone as Prosecuting Attorney for the City of Glendale. Alderwoman Vitale seconded the motion which was unanimously approved.

RESOLUTIONS

R10-21 A RESOLUTION AUTHORIZING A LEGAL SERVICES
AGREEMENT BETWEEN THE CITY OF GLENDALE AND

LASHLY & BAER P.C. FOR PROSECUTORIAL SERVICES
FROM BRIAN J. MALONE

Alderman Lane moved approval of the reading of Resolution R10-21. Alderman Schuster seconded the motion which was unanimously approved.

Mayor Wilcox asked for a report.

Mr. DeClue reported that it was agreed that the monthly fees for the Municipal Judge and Prosecuting attorney would be adjusted from \$500.00 monthly to \$700.00 and added that each would be invoiced separately from their respective firms. Mr. DeClue added that the positions had been paid the same for decades and noted that it came to our attention that more work was done in communication with other attorneys which warranted a slight adjustment for each.

Mayor Wilcox asked if there were any additional questions and there were none.

Mayor Wilcox called for a vote which was unanimously approved.

R11-21 A RESOLUTION PROCLAIMING THE FIFTH FRIDAY OF
 APRIL 2021, AS ARBOR DAY IN THE CITY OF
 GLENDALE

Alderman Nauman moved approval of the reading of Resolution R11-21. Alderman Schuster seconded the motion which was unanimously approved.

Mayor Wilcox asked for a report.

Mr. DeClue reported that Glendale was a Tree City USA and as such, the City needed to approve a Resolution every year proclaiming a day in April as the National Arbor Day. Mr. DeClue noted that Glendale would recognize the last Friday in April as opposed to the 1st Friday in April which was the date of the National Arbor Day generally.

Alderman Nauman noted that the Tree Board had not been required to hold an activity in conjunction with Arbor Day but have in the past adding that the Tree Board looked toward the fall for an opportunity for an event.

Mr. DeClue agreed that the Tree Board had been talking with North Glendale Elementary School to partner with a classroom event that could partner with the Tree Board involving adding trees to their campus.

Alderman Schuster stated that idea was one of three discussed for an Arbor Day event which would allow the Tree Board to partner with the School District and the PTO, including funds for an all-school event. Alderman Schuster stated that the Board had thought this Spring was too early adding that by early Fall, everyone would have an opportunity to plan for tree plantings and more participation from the community in person.

Alderwoman Vitale and Alderman Roettger liked the idea adding that the school needed new trees.

Mayor Wilcox asked if there were any additional questions and there were none.

Mayor Wilcox called for a vote which was unanimously approved.

ORDINANCES FOR SECOND AND FINAL APPROVAL

B01-21 AN ORDINANCE APPROVING A THIRD AMENDMENT TO THE FIRE PROTECTION AND LAW ENFORCEMENT SERVICES AGREEMENT BETWEEN THE CITIES OF GLENDALE AND WARSON WOODS, MISSOURI HAZARDOUS MOVING VIOLATION TRAFFIC SAFETY GRANT THROUGH THE MISSOURI HIGHWAY SAFETY PROGRAM

Alderman Schuster moved approval of the second reading of Ordinance B01-21. Alderman Roettger seconded the motion.

Mayor Wilcox asked for a report.

Mr. DeClue reported that this agreement extended our existing agreement with Warson Woods one more year which would include fire protection, dispatching services and prisoner holding services including Kirkwood dispatch. Mr. DeClue stated that the cost to Warson Woods would be \$250,00.

Mayor Wilcox called for a voice vote which was unanimously approved.

Mr. DeClue read the Ordinance by title only.

Mayor Wilcox asked for a report.

Mr. DeClue stated he had nothing to add.

Alderman Nauman moved approval of the final reading of Ordinance B01-21. Alderman Roettger seconded the motion.

There being no additional discussion or questions, Mayor Wilcox called for a vote for the final reading of Ordinance B01-21.

Mayor Wilcox asked that the Ordinance be read by title only.

Mr. DeClue read the title.

Mayor Wilcox called for a vote of Ordinance B01-21.

Ayes: Alderman Nauman, Alderwoman Vitale, Alderman Roettger,
Alderwoman Capshaw Cushing, Alderman Schuster, Alderwoman Lane

Nays: None

Ordinance B01-21 was approved.

REPORTS

Ben DeClue

Mr. DeClue reported that the staff continued to work on projects in the office in addition to information included in the weekly CA report.

Joanne Carr

None

Alderman Roettger

Alderman Roettger stated that as President of the Board, he would like to thank Judge Terry Burnet and Prosecuting Attorney Ed McSweeney for the many years of service to the City and appreciated their service. Alderman Roettger welcomed the Judge Glassier and Attorney Malone adding that it should be an easy transition with people who will serve the City well.

Alderman Roettger also thanked Mr. Lawrence for all his efforts in moving the City out of the Pension Administration business into LAGARS.

Alderwoman Vitale

None

Alderwoman Lane

Alderwoman Lane thanked the Citizens of Glendale for their support with the pension fund adding that the change would be better for employees.

Alderwoman Lane reported that the supervisor involved with the Brownell project should be commended for the work being done on the roadway adding that the people involved are fast and very polite.

Alderwoman Lane asked Mr. DeClue if Glendale would be able to apply for funds following the last COVID stimulus funding.

Mr. DeClue reported that rather than apply for funds, the City was due a specific amount from the State, adding that the Municipal League was also reviewing how the funds could be used. Mr. DeClue stated that there were some rules placed on the funding by the Senate, adding that there were direct payments earmarked for hotels, etc. Mr. DeClue stated that the City should see some clarification from the Treasury adding that the funds should come from the State of

Missouri instead of St. Louis County noting that there would be no holds and possibly released in May or June. Mr. DeClue stated that he was looking forward to how best to utilize the money adding that St. Louis County would receive approximately \$190,000,000.

Alderwoman Capshaw Cushing

None

Alderman Nauman

Alderman Nauman suggested that Ms. Carr set up a meeting with Alderwoman Lane, Mr. DeClue and Alderman Nauman to discuss details related to the tentative October, 2021 Jazzfest. Alderman Nauman stated that as code restrictions ease, the group can talk more seriously about the event.

Ms. Carr noted that Columbus Day was months away but had begun looking at bands.

Alderman Nauman stated that it was generally agreed that after last year's cancellation, the scheduled bands would have the first opportunity to schedule their performance.

Mayor Wilcox stated that he was very optimistic adding that there was momentum for an October event.

Alderman Nauman stated that he was cautiously optimistic adding that something different for the event would be good following the cancellation in 2020.

Alderman Schuster

Alderman Schuster stated that he was glad Glendale was out of the pension business which had been his goal for the last 30 years. Alderman Schuster thanked Alderman Roettger for his service.

Jim Hetlage

None

Mayor Wilcox

Mayor Wilcox thanked Judge Burnet for his 40 years of service as Provisional Judge and Judge and also thank Prosecuting Attorney McSweeney. Mayor Wilcox welcomed Judge Glassier and Prosecuting Attorney Malone and looked forward to their upcoming service to the City.

Mayor Wilcox stated his recognition of Alderman Roettger for the phenomenal job he did as Chairman of the Pension Board for many years, leading the City out of the self-funded program and transitioning to the LAGERS program.

Alderman Roettger noted that the hardest period was in 2008 adding that the Board held the line during the period. Alderman Roettger thanked everyone on the Board for their service.

ADJOURNMENT

Alderman Schuster moved to adjourn the meeting, seconded by Alderman Nauman. The motion was unanimously approved.

These minutes are approved as amended this 5th of April, 2021.

Joanne Carr
Deputy City Clerk