

Keith Krieg
Mayor



Bob Shelton
City Administrator

Dear West End Park Residents:

We're writing to follow up on issues raised at the two meetings held at the Frontenac Racquet Club, to comments from residents, and to written information that was distributed to you by a West End Park resident expressing his opinion as to the City's role in the repair of your streets. While we acknowledge the sincerity of his opinion and those of other residents with similar views, we believe it would be unfortunate if the proposed financing of street repairs through the establishment of a Community Improvement District (CID) was not pursued as a result of their comments.

Q: Why isn't the City paying for the street repairs?

A: The issue of responsibility for the repair of streets in West End Park went unresolved for many years. However, in 2005 a group of West End Park residents filed a lawsuit seeking a summary judgment from the court as to whether the street repairs were the City's responsibility. The judgment rendered was that the City was not responsible. The residents subsequently appealed that decision, and lost again on appeal, upholding the finding of the lower court. The Court of Appeals opinion is posted on the City's website www.cityoffrontenac.org for your examination.

Given these rulings, the Board of Aldermen cannot justify using funds gathered through taxes levied on ALL City residents to repair the streets of a limited portion of our population when we don't do so for anyone else. To use City resources for that purpose would violate our fiduciary responsibility to the residents of Frontenac.

Q: Does the City have to bring the streets to "Grade"?

A: Interestingly, "Grade" is not even mentioned in the court's decision; this issue was not even raised in the case. Clearly, there has been no finding or ruling that the City is required to make any changes to the streets before the residents are charged for street repairs. Furthermore, the City's legal counsel interprets the term "Grade" to be "elevation" of streets – it does not relate to the condition of the street. The City is not required to change the elevation of the streets before the residents are charged for street repairs.

Q: Is the CID intended as a way for the City to avoid its responsibility for repairing the streets?

A: Despite assertions to the contrary, the CID is not an attempt to avoid responsibility, but an entity created to enable West End Park residents to contract for the work, finance the project cost through a bank loan, and collect funds from the residents and businesses to repay the loan. The CID represents the closest approximation to the trust indentures under which all other neighborhoods in Frontenac are governed.

Q: Is the Community Improvement District (CID) the only option to get the streets repaired?

A: It appears to be the most viable alternative. We also explored subdivision indentures, a transportation development district and a neighborhood improvement district, as well as funding opportunities via grants. None of those alternatives proved viable. The CID enables the project to be financed, provides for businesses in West End Park to pay approximately 40% of the project cost through the implementation of a ¼% sales tax, and provides for community representation through the CID board of directors.

Most important, to our knowledge, no one else has come forward to propose ANY alternative for funding the cost of street repairs. The argument has persisted that it's the City's responsibility despite the ruling of the courts, and so to date nothing has been accomplished. To continue this argument is unproductive. City funds cannot and will not be contributed for the reasons outlined above.

Q: Should we wait for a better time to begin the project, to give residents more time to think about it?

A: The real question is; are there any benefits to be gained from waiting? Given the current condition of the streets and the limited alternatives for repairing and financing them, we don't believe waiting is prudent.

Q: What is the recommended paving project?

A: The resident committee reviewed proposals for a traditional mill and overlay, and has recommended Perma Flex. Additional information is on the web site. The committee determined it is much more cost effective, (nearly half the cost of a traditional mill and overlay) and it is a good application for the condition of the roads which have a solid base, but deteriorated surface pavement.

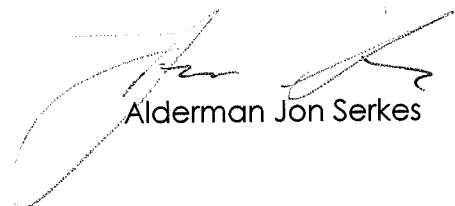
We have also heard from residents and had petitions signed by those who realize this will enhance their property values, and will resolve possible disclosure issues for those who plan to sell their property. The CID will save residents \$1,000 because of the business participation and will stop the deterioration before the cost of repairs and materials increases. For the project to proceed, we need signatures by June 11th, to create the district by July and pave in August.



Mayor Keith Krieg



Alderwoman Margot Martin



Alderman Jon Serkes