



**MINUTES OF THE  
CITY OF FRONTENAC  
BOARD OF ALDERMEN  
REGULAR MEETING  
TUESDAY, JANUARY 15, 2008**



The January 15, 2008, regular meeting of the Board of Aldermen of the City of Frontenac was called to order at 7:00 p.m. with Mayor Lee Murray presiding. The Aldermen present were Tom Hizar, Keith Krieg, John Wynne, Susan Durbin, Margot Martin, and John Levis.

Also in attendance were City Administrator, Bob Shelton; City Clerk, Leesa Ross; City Attorney, Kevin O'Keefe; Fire Chief, John Trout; Police Chief, Tom Becker; Building Commissioner & Zoning Commissioner, Jeff Wappelhorst; and Finance Officer, Julie O'Guinn.

**A. PLEDGE OF ALLEGIANCE**

After the pledge of allegiance, the meeting was called to order.

**B. APPROVAL OF AGENDA**

Mayor Murray asked for a motion to approve tonight's agenda.

**MOTION:** Alderman Krieg motioned and Alderwoman Martin seconded approval of tonight's agenda. All Aldermen present voted "Aye." The vote was unanimous. **MOTION PASSED.**

**C. APPROVAL OF MINUTES:** December 18, 2007, Public Hearing  
December 18, 2007, Regular Meeting

Mayor Murray asked for a motion for approval of, or corrections to, the minutes.

Alderman Hizar requested two corrections. One, on page 2, first paragraph, tenth sentence, where it states "brick", it should state "stone". Also, on page 3, last paragraph, second to last sentence, Alderman Hizar wanted to add to the sentence "when a developer may be asked to bury utility lines and have sidewalks". Alderwoman Martin stated she wanted to clarify her statement on page 7, first paragraph, fourth sentence, to add the words "in case the dog has bitten or attacked someone". Ms. Ross stated she would make the corrections.

**MOTION:** Alderman Levis motioned and Alderman Krieg seconded the approval of both the public hearing and regular meeting minutes for the December 18, 2007 meetings with the corrections as noted. All Aldermen present voted "Aye." The vote was unanimous. **MOTION PASSED.**

**D. PUBLIC FORUM (PRESENTATION OF REMARKS AND/OR PETITIONS)**

Mr. John Moffat of Savannah voiced concerns regarding traffic issues. His first concern related to eastbound Clayton Road at Plaza Frontenac, where the road expands from one to two lanes with only one light. He also said at the Clayton and Lindbergh intersection there are cars constantly running through the yellow lights. Lastly, he stated the area at Lindbergh and German Boulevard is very dark at night and drivers are unable to see the center divider; he asked if the City would consider some type of lights or reflectors.

Mr. Moffat also stated he is upset with the City over his neighbor's construction debris and alteration of water runoff on the Dwyer side. He stated he has spoken with Mr. Wappelhorst and Mr. Shelton and stated he wants to see the City ordinances enforced to abate these conditions.

**E. MAYOR'S COMMENTS**

Mayor Murray presented Fire Chief Jack Trout with a clock plaque commemorating his 30<sup>th</sup> anniversary with the City. Mr. Trout stated it has been a privilege and delight serving Frontenac and its citizens.

**F. COMMENTS BY BOARD OF ALDERMEN MEMBERS**

Alderman Hizar stated he would like to make comments regarding the crafting of future ordinances. Alderman Hizar stated "need" is an important component of good legislation and stated future ordinances should expressly identify either the problem that needs to be solved or the risk that needs to be eliminated. Alderman Hizar's full statement is attached to the minutes.

Alderman Levis asked if the Strategic Plan had been signed by everyone. Mayor Murray stated no, she still had to look it over, but that it was on her agenda for review and consideration. Alderman Levis stated until the Strategic Plan is signed by all parties, he will vote against all future projects and all tactical items.

**G. REPORTS OF OFFICERS AND COMMITTEES AND APPROVED MINUTES**

- 1. Planning & Zoning Commission: None
- 2. Ways & Means Committee: December 11, 2007
- 3. Public Works Commission: None
- 4. Financial Report: December 2007
- 5. Building Commissioner  
& Zoning Administrator December 2007

Mayor Murray stated Ms. O'Guinn would give a short summary of December's financial report.

Ms. O'Guinn stated sales taxes are up from between 7.67% to 9.95% this year and revenues are up 4% overall. She stated property tax revenues are coming in and PILOTS and alarms fees will be billed shortly. She said the City's income is stable.

Ms. O'Guinn stated she sent a revised budget schedule to the Ways & Means Committee this week and that the committee plans to update the five year plan. She added the City is in a strong financial position.

Alderman Levis asked if the expense side is exceeding budget. Ms. O'Guinn stated expenses are within 3% of budget. She also pointed out revenues are higher than last year and 4% over budget. Alderman Levis stated he would like to see budget projections of future revenues and expenses, including when the lines might catch up with one another and cross.

Mayor Murray explained that when looking at the budget it was worth noting that while the expense side is off slightly, this should be considered in the context of a \$20,000 FEMA reimbursement which results in expenses effectively only being off by \$10,000, which is 1/10 of 1% of the entire budget. She said the cell phone settlement revenues the City will be receiving will put the City over budget in revenues by \$180,000.

Alderman Krieg stated the Ways & Means Committee will soon be looking at revenues from the first three months of the year in order to make a decision regarding the municipal complex. He stated any feedback from the Board is welcome. Alderman Krieg asked how the highway shutdown has affected business. Mr. Shelton stated he spoke to a representative from Plaza Frontenac who stated traffic is what they expected for this time of the year, with no appreciable change so far. Alderman Hizar stated there was a report over the weekend from several stores in Plaza Frontenac that their business was down. Mr. Shelton stated those statements came from individual store managers who were referring only to the weekend when the Lindbergh Bridge was demolished. Mr. Levis stated he heard business is down 80% at the Ladue Starbucks located in the Schneithorst complex.

Hearing no further comments or questions, Mayor Murray stated the reports will stand as submitted.

#### 6. City Administrator's Report:

Mr. Shelton stated signal work has begun at the Conway and Spoeede intersection, and the signal should be operational by mid February. He also stated the staff is continually monitoring traffic and there has been wonderful coordination between the County, MoDOT and Gateway Constructors. He said the message Board on Clayton Road was put up within an hour of the County being made aware of the traffic issues at the Clayton and Spoeede intersection. He stated he welcomes everyone's input.

Mr. Shelton stated the fire study consultants were here last week and met with the Mayor, all of the Aldermen and Chief Trout. He stated they will be back in February to meet and

talk with all the crews. Mr. Shelton said the stormwater project on Holiday Lane is nearing completion, and the survey work is underway on Lynnbrook.

Mr. Shelton stated with regard to the police and fire overtime issue arising out of Proposition B which was taken to trial by Mr. O'Keefe and Paul Martin, there had been a favorable outcome for municipalities. He asked Mr. O'Keefe to explain the decision. Mr. O'Keefe stated the judge ruled that the Missouri Division of Labor was in error regarding political subdivisions and that the overtime requirements were inapplicable.

Mr. Shelton stated a postcard was mailed to residents by Veolia, which will start picking up trash at 7:00 am during the I-64 closure. He reminded all residents to place their trash out by 7:00 am.

#### **H. OLD BUSINESS:**

1. **Bill No. 2008-1587:** An Ordinance amending Chapter 215 of the Code of Ordinances of the City of Frontenac, Missouri, relating to dangerous animals, tethering of animals, kennels, and penalties for violations.

Mayor Murray asked if anyone wanted to make a motion to remove from table, Bill No. 2008-1587. No motion was made.

#### **Bill No. 2008-1587 remained tabled.**

#### **I. NEW BUSINESS:**

1. **Bill No. 2008-1588:** An Ordinance of the City of Frontenac, Missouri, approving a settlement agreement with AT&T Mobility.

Ms. Ross gave the first reading of Bill No. 2008-1588.

Mr. Shelton stated this bill involves a cell phone settlement for back fees in the amount of \$62,017.44. Alderman Wynne asked whether the municipal league requested a 5% payment as a contribution for its efforts reaching the settlements. Mr. Shelton stated yes, the municipal league had requested 5% of each settlement. The City did pass the Verizon settlement with the 5% payment to the St. Louis County Municipal League. Mr. Shelton stated it would be the Board's decision if the same 5% were to be paid on other settlements. Mr. O'Keefe stated the City of Frontenac was not an original party to the lawsuit, and that the settlement agreement included attorney's fees, which will be paid by the cell phone carriers. He added that the contribution is being requested to fund future lobbying efforts. Mr. O'Keefe stated he wanted to disclose that he does provide services to the municipal league. He stated the league is sustained by fees from cities.

**MOTION:** Alderman Wynne motioned and Alderman Krieg seconded to amend Bill No. 2008-1588 to include a deduction of 5% of the settlement to be contributed to the St. Louis County Municipal League. All Aldermen present voted "Aye". The vote was unanimous.

#### **MOTION PASSED.**

Mayor Murray asked for a motion for a second reading as amended.

**MOTION:** Alderman Krieg motioned and Alderwoman Martin seconded approval of the second reading of Bill No. 2008-1588 as amended. All Aldermen present voted "Aye". The vote was unanimous. **MOTION PASSED.**

Mayor Murray asked Ms. Ross to give the second reading of Bill No. 2008-1588 as amended.

**Bill No. 2008-1588:** An Ordinance of the City of Frontenac, Missouri, approving a settlement agreement with AT&T Mobility and awarding a portion of the settlement to the St. Louis County Municipal League.

Mayor Murray asked for a motion to approve Bill No. 2008-1588 as amended.

**MOTION:** Alderman Wynne motioned and Alderwoman Durbin seconded approval of Bill No. 2008-1588 as amended.

Mayor Murray asked Ms. Ross for a poll vote.

**ROLL CALL VOTE:** Alderman Krieg, "Aye"; Alderman Wynne, "Aye"; Alderwoman Durbin, "Aye;" Alderwoman Martin, "Aye"; Alderman Levis, "Nay"; and Alderman Hizar, "Aye". The vote was five "Aye" votes and one "Nay" vote. The vote was not unanimous. **MOTION PASSED.**

**Bill No. 2008-1588 became Ordinance No. 2008-1561.**

- 2. Bill No. 2008-1589:** An Ordinance of the City of Frontenac, Missouri, approving a settlement agreement with Sprint Nextel Corporation and awarding a portion of the settlement to the St. Louis County Municipal League.

Ms. Ross gave the first reading of Bill No. 2008-1589.

Mayor Murray asked for a motion for a second reading.

**MOTION:** Alderman Krieg motioned and Alderwoman Martin seconded approval of the second reading of Bill No. 2008-1589. All Aldermen present voted "Aye". The vote was unanimous. **MOTION PASSED.**

Mayor Murray asked Ms. Ross to give the second reading of Bill No. 2008-1589.

**Bill No. 2008-1589:** An Ordinance of the City of Frontenac, Missouri, approving a settlement agreement with U.S. Cellular and awarding a portion of the settlement to the St. Louis County Municipal League.

Mayor Murray asked for a motion to approve Bill No. 2008-1589.

**MOTION:** Alderman Wynne motioned and Alderwoman Durbin seconded approval of Bill No. 2008-1589.

Mayor Murray asked Ms. Ross for a poll vote.

**ROLL CALL VOTE:** Alderman Wynne, "Aye"; Alderwoman Durbin, "Aye"; Alderwoman Martin, "Aye;" Alderman Levis, "Nay"; Alderman Hizar, "Aye"; and Alderman Krieg, "Aye". The vote was five "Aye" votes and one "Nay" vote. The vote was not unanimous. **MOTION PASSED.**

**Bill No. 2008-1589 became Ordinance No. 2008-1562.**

Alderman Levis stated he did not vote in favor of the last two bills because he does not support the 5% bonus payment to the St. Louis County Municipal League, since the municipal league received reimbursement of all its attorney fees and receives dues from cities to handle efforts like these claims against the cell phone carriers.

- 3. Bill No. 2008-1590:** An Ordinance to approve mid-year modifications and revisions to the budget of the City of Frontenac, Missouri for the fiscal year 2007-2008.

Ms. Ross gave the first reading of Bill No. 2008-1590.

Ms. O'Guinn stated the budget adjustments are due to cost modifications. A modification, for example, was made to reflect the actual purchase price of the server. She also stated the telephone settlement provides extra revenue to the City in the amount of approximately \$180,000. She further said the City is in an excellent financial shape, and the budget adjustments were within normal tolerances and were recommended for approval by the Ways & Means Committee.

Mr. Shelton explained the server was expressly approved by a resolution of the Board of Aldermen. The installation was completed by a professional firm approved by the Board. Mr. Shelton said in regard to the City facilities, some of the costs for design included the cost reduction study, soil study and other work.

Alderman Hizar asked what the net difference is regarding budgeted revenues and expenses. Ms. O'Guinn stated the expense difference amounted to \$31,000, however with the FEMA reimbursement, the actual difference was effectively only \$11,000.

Mayor Murray explained there are no revenue adjustments to the budget, only expense adjustments.

Alderman Levis stated he has requested and would like to see a report showing the rate of spending increases and the rate of revenue increases, as projected, including when expenses might exceed revenues. He said he is looking for macros and long term trends. Alderman Wynne stated when this report is prepared he would like to see it without the

storm water fund. Ms. O'Guinn stated the report will be prepared for the General Revenue Fund. Alderman Levis stated he would like to see the report perhaps quarterly or at least every six months.

Alderman Hizar asked about the expense for \$12,000 for irrigation sleeves. Ms. O'Guinn stated this is a prepaid expense for capital expenditures related to the Spoede interchange landscaping. Mr. Shelton explained the expenditure had also been approved by resolution by the Board of Aldermen.

Mayor Murray asked for a motion for a second reading.

**MOTION:** Alderman Krieg motioned and Alderwoman Durbin seconded approval of the second reading of Bill No. 2008-1590. All Aldermen present voted "Aye". The vote was unanimous. **MOTION PASSED.**

Mayor Murray asked Ms. Ross to give the second reading of Bill No. 2008-1590.

**Bill No. 2008-1590:** An Ordinance to approve mid-year modifications and revisions to the budget of the City of Frontenac, Missouri for the fiscal year 2007-2008.

Mayor Murray asked for a motion to approve Bill No. 2008-1590.

**MOTION:** Alderman Krieg motioned and Alderwoman Martin seconded approval of Bill No. 2008-1590.

Mayor Murray asked Ms. Ross for a poll vote.

**ROLL CALL VOTE:** Alderman Wynne, "Aye"; Alderwoman Durbin, "Aye"; Alderwoman Martin, "Aye;" Alderman Levis, "Aye"; Alderman Hizar, "Aye"; and Alderman Krieg, "Aye". All Aldermen present voted "Aye". The vote was unanimous. **MOTION PASSED.**

**Bill No. 2008-1590 became Ordinance No. 2008-1563.**

4. **Bill No. 2008-1591:** An Ordinance amending the Code of Ordinances of the City of Frontenac, Missouri, to establish a tree preservation program and standards for tree removal during demolition and new construction.

Ms. Ross gave the first reading of Bill No. 2008-1591.

Mr. Shelton stated this is being brought up again at the request of Alderwoman Martin. The proposed bill limits application of tree preservation guidelines basically to new construction or substantial renovations and demolitions involving more than 50% of the current building's footprint.

Alderwoman Martin stated she would like an explanation regarding the R-2 District and the 20% tree canopy within the setback. Mr. Shelton stated the lower percentage was to accommodate the smaller lot sizes.

Alderman Levis stated the tree preservation bill is tactical legislation and he would vote no. He also asked what the need is for this ordinance.

Alderwoman Martin stated there had been instances of unnecessary damage to trees. She said she has pictures of a house that was built on Lynnbrook, where most of the trees were simply knocked down except around the edge. There was a large tree that had heavy equipment and a Port-A-Potty parked over its roots, likely causing long-term damage to the tree. She stated she is afraid eventually the tree will have to be taken down. Alderman Levis stated we don't know yet if the tree has been harmed or not. Alderwoman Martin stated this ordinance is a way of protecting those trees from harm, without an unreasonable burden on developers.

Alderman Hizar stated he was not ready to support this ordinance without a need statement included at the beginning.

Mayor Murray explained that the Planning and Zoning Commission had recommended in favor of tree preservation guidelines after the residents had overwhelmingly asked the City to preserve trees in the Comp Plan survey, involving input of over 50% of the City's residents.

Alderman Krieg suggested making modification to the beginning of the bill as suggested by Alderman Hizar. He also stated the biggest risk comes from developers who don't live in town and don't care, and that the problems seem to result from the large construction projects targeted by this bill. He said he feels this bill is appropriate. Alderman Levis stated the bill should reflect a needs assessment. Alderman Krieg stated there is a need, so the bill should be revised to identify the need.

Alderwoman Martin asked what other communities do. Mayor Murray stated that as discussed in prior meetings, upscale communities have adopted the preservation guidelines, many more restrictive than this bill. Alderwoman Martin said it seemed helpful to have the protections of this ordinance. Alderwoman Martin stated these issues came up because of problems with tree loss. Mayor Murray stated you can drive around and see the problems throughout the community, including in neighborhoods like Twin Fawns.

Alderman Krieg stated he agreed, but if modifications to the text to explain the need would be helpful, he suggested that Mr. Shelton first make the modifications. Alderman Hizar stated the modifications were needed to add discipline to the process of approving legislation. Alderman Levis stated that a needs assessment, stating the purpose, needs to be added and that the strategic plan needs to be signed by everyone before he will support this bill.

**MOTION:** Alderwoman Martin motioned for a second reading of Bill No. 2008-1591. No second. **MOTION FAILED.**

**MOTION:** Alderman Levis motioned and Alderman Hizar seconded that Bill No. 2008-1591 be tabled. All Aldermen present voted “Aye”. The vote was unanimous. **MOTION PASSED.**

**Bill No. 2008-1591 was tabled.**

5. **Bill No. 2008-1592:** An Ordinance amending Chapter 355 of the Code of Ordinances of the City of Frontenac, Missouri, relating to stopping, standing or parking prohibited in specified places.

Mr. Shelton passed out a modification to the existing bill and stated Mr. O’Keefe had clarified Section 355.155, #1, A & B. Alderman Hizar stated he has a problem with the word “or” not the word “and”. Mr. O’Keefe stated the changes modified both A & B. Alderwoman Martin asked how, as required in 1B, residents in the R-2 Zoning District can get the covered cars behind the building line. Mr. O’Keefe stated the covered vehicles are not to be visible, and if there is no land area the vehicles cannot be parked on the street; instead, those residents would have to rent space or leave the vehicles uncovered.

Mr. Rotter of Garibaldi asked if this bill applies to residential and commercial properties, and asked about the cars at Huey’s Honda. Mayor Murray stated this bill only refers to covered vehicles.

Alderman Wynne stated he agrees with the intent of the bill, however it is not written in second grade English. He stated this bill does not go far enough to simplify the language. Mr. Shelton stated the changes were based on aldermanic comments at the last meeting. Alderman Levis asked Mr. Shelton to draft the bill again and bring it back next month.

**MOTION:** Alderman Levis motioned and Alderman Wynne seconded that Bill No. 2008-1592 is tabled. All Aldermen present voted “Aye”. The vote was unanimous. **MOTION PASSED.**

**Bill No. 2008-1592 was tabled.**

6. **Discussion Only:** Parking regulations for estate/garage sales.

Alderman Hizar stated he suggested some regulations due to his difficulty in driving down his street during an estate sale, and said he thought there was a lack of room for emergency vehicles when cars were parked on the street. Alderwoman Martin asked if a need has been established. Alderman Wynne stated he agrees that estate sales are particularly likely to cause congestion. He also asked about the changes. Mr. Shelton stated on page four, the bill addresses signs, and he changed this section to comply with our current sign ordinance. On page 2, #6, the bill requires estate sale approval by the Chief of Police or his designee, and clarifies “no parking” signs should be on one side of a street so that parking would be limited to allow emergency vehicles to pass. On page 3, Mr. Shelton stated the entire top portion through the end of the section states off premise parking may be required.

Mayor Murray asked Chief Trout if the City's residential streets were wide enough to get the pumper through when cars are parked on one side. Chief Trout stated there are no wide enough residential streets within the City. Mayor Murray asked what the difference is between parking on one side for an estate sale, as compared with parking on one side for a party, a gathering or a coffee; in any event, the pumper will have to drive around the parked cars in an emergency. Alderman Wynne stated the problem with an estate sale is the volume and the in and out flow. Alderman Hizar suggested the regulations state that if the road can't accommodate you, you can't park there. Mayor Murray stated some parties have larger volumes than some estate sales. She stated she would like to see continuation of a good neighbor philosophy, allowing neighbors to have parties or estate sales, so long as they enforce parking on one side of the street as a reasonable compromise. She said estate sales seem especially important for people moving out of the community into condos or after a death in a family. Mayor Murray stated she wants to make sure the City is fair to everyone, and hopes that everyone can make adjustments occasionally and can be considerate of their neighbors' needs.

Alderman Wynne stated he has a possible solution and suggested the cars park intermittently on the other side of the street, to allow cars to get through, or require they hire an off-duty officer to assist with parking.

Alderman Hizar mentioned directional signs at the entrance to the subdivisions. Mr. O'Keefe stated these are not allowed under the sign ordinance. He stated when the sign ordinance was changed per the settlement with the ACLU, only three signs per lot were allowed. Mr. Rotter stated he believes the directional signs are important and are needed.

Mr. O'Keefe stated the City cannot differentiate between various signs. If some signs were permitted at entrances, all signs would be allowed; political and others including directional signs, as well as signs selling goods. If the sign code were changed, it would open door to all forms of speech and would result in a proliferation of signage that is considered inappropriate, in terms of safety and aesthetics, by like communities.

**J. APPROVAL OF WARRANT LISTS:** December 14, 2007 through January 10, 2008

**MOTION:** Alderman Hizar motioned and Alderman Levis seconded the above warrant lists be approved.

Mayor Murray asked if there was any discussion. There was none.

Mayor Murray asked Ms. Ross for a roll call vote.

**ROLL CALL VOTE:** Alderwoman Martin, "Aye"; Alderman Levis, "Aye"; Alderman Hizar, "Aye"; Alderman Krieg, "Aye"; Alderman Wynne, "Aye"; and Alderwoman Durbin, "Aye". All Aldermen present voted "Aye". The vote was unanimous. **MOTION PASSED.**

## L. ADJOURNMENT

Mayor Murray asked for a motion and second to adjourn the meeting.

**MOTION:** Alderman Krieg motioned and Alderwoman Martin seconded to adjourn the meeting. All Aldermen present voted "Aye". The vote was unanimous. **MOTION PASSED.**

The meeting adjourned at 8:34 p.m.

The Board of Aldermen approved the minutes at their regular meeting held on February 19, 2008. I hereby certify that these are the original minutes of the regular meeting of the Board of Aldermen held on January 15, 2008.

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Leesa Ross  
City Clerk