



**MINUTES OF THE
CITY OF FRONTENAC
BOARD OF ALDERMEN
REGULAR MEETING
TUESDAY, NOVEMBER 20, 2007**



The November 20, 2007, 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; 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 Wynne motioned and Alderwoman Durbin seconded approval of tonight's agenda. All Aldermen present voted "Aye." The vote was unanimous. **MOTION PASSED.**

C. APPROVAL OF MINUTES: Tuesday, October 16, 2007, Public Hearing
Tuesday, October 16, 2007, Regular Meeting

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

MOTION: Alderman Wynne motioned and Alderwoman Martin seconded the approval of the minutes for the October 16, 2007 public hearing and regular meeting. All Aldermen present voted "Aye." The vote was unanimous. **MOTION PASSED.**

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

Mr. Rotter of Garibaldi stated he had a question regarding an agenda item but would wait until later in the meeting to address the issue. Mayor Murray stated he could address the issue at any time.

E. MAYOR'S COMMENTS

Mayor Murray stated she had appointments for the vacancies due to Jeanne Fister's resignation from the Ways & Means Committee and Nancy Sauerhoff's resignation from the Planning & Zoning Commission.

Mayor Murray appointed Rose O'Brien of Capitol Place to the Ways & Means Committee. She stated Ms. O'Brien is a graduate of the University of Illinois and is a CPA. Ms. O'Brien worked previously at Price Waterhouse, and currently is the assistant controller at CPI. Mayor Murray asked for a motion for approval.

MOTION: Alderwoman Martin motioned and Alderwoman Durbin seconded the appointment of Ms. O'Brien to the Ways & Means Committee. All Aldermen present voted "Aye." The vote was unanimous. **MOTION PASSED.**

Mayor Murray appointed Elizabeth Barbieri to the Planning & Zoning Commission for the balance of Ms. Sauerhoff's term, through June 2008. Mayor Murray stated Ms. Barbieri grew up on Spoeede Road and lived in Santa Fe, New Mexico for 20 years. She currently resides on Conway Road and is an art dealer and real estate broker. Mayor Murray asked for a motion for approval.

MOTION: Alderwoman Martin motioned and Alderman Wynne seconded the appointment of Ms. Barbieri to the Planning & Zoning Commission. All Aldermen present voted "Aye." The vote was unanimous. **MOTION PASSED.**

Mayor Murray stated this year the City is providing a \$100 gift card to all employees, which will be handed out at the holiday party. She stated that she wanted to personally express her appreciation and gratitude to all City employees, and that the City is fortunate to have such a wonderful staff.

F. COMMENTS BY BOARD OF ALDERMEN MEMBERS

Alderman Krieg stated he is proud to have such good employees, and stated while the Board recognizes employees for extraordinary events, it is also important to recognize how well all the employees of the City work together and for the residents every day. Alderman Levis stated he would like to echo Alderman Krieg's comments. He also stated Mr. Shelton has exceeded expectations. Alderwoman Martin stated she wanted to thank the staff, including Ms. Ross. She also stated she would like to give further consideration to the City's tree code. Alderwoman Durbin stated she would like to ditto the earlier comments about the City's fine staff, and Aldermen Wynne and Hizar agreed.

G. REPORTS OF OFFICERS AND COMMITTEES AND APPROVED MINUTES

1. Planning & Zoning Commission: None
2. Ways & Means Committee: October 9, 2007
3. Public Works Commission: None
4. Financial Report: September & October 2007

Alderman Krieg stated the packet includes an executive summary of the financials, as a work in progress. Alderman Hizar stated this summary seems to be a good start as a management tool. Mayor Murray explained the Ways & Means Committee has also requested adding a variance column to the financials once the new software is in place, and stated that she thought the variance column would prove very helpful. Alderman Levis stated he would like to see a chart showing growth patterns of expenses alongside income, a more micro approach. Ms. O'Guinn stated this is normally shown via a trend line, and that she would be glad to add it to the summary. Alderman Wynne stated the summary is a fine idea, but emphasized that it not replace the full financial statements, which he wanted to continue to receive and review as a Board member. Mr. Shelton stated he will assume that everyone else on the Board would want the detailed financial statements as well.

Mayor Murray stated the reports will stand as submitted.

6. City Administrator's Report:

Mr. Shelton concurred with the Board and the Mayor that the City has an excellent staff, and he stated his appreciation for the recognition and the gift cards on behalf of the entire staff. He stated the Holiday Party will be held on Friday, December 21st at City Hall or an alternate location, with more information to follow.

Mr. Shelton stated the sound wall votes have been tallied, and sound walls were overwhelmingly approved through Frontenac along I-64, on each side. He said the City will work with MoDOT to save trees.

Mr. Shelton stated again that I-64 will close on January 2nd and stated the program for mitigating the effects of the closure was discussed extensively yesterday at a subdivision trustee meeting hosted by the Mayor.

Mr. Shelton stated later on the agenda there will be a resolution for approval of a storm water project on Holiday Lane. The City is currently proceeding with the Lynnbrook project which will be advertised and for which bid packets are available this week. A grant has been awarded through MSD for this project. Mr. Shelton further stated City storm water grant information has been mailed out to all residents.

Mr. Shelton announced the new website has been launched with a lot of work from Ms. Shari Cooper, Ms. Ross, all department heads, and Mayor Murray. He thanked everyone for their help getting the professional look and greater utility onto the website.

Mr. Shelton stated leaf vacuuming is well underway, and there will be multiple crews in the City as the leaves were late falling this year.

Alderwoman Martin stated with MoDOT trying to save as many trees as possible when the sound walls are installed, what happens if the roots are damaged and the trees die later; whose responsibility will it be to remove the trees. Mr. O'Keefe stated it would be the homeowner's responsibility.

Alderman Levis asked if the City has gotten permission to enhance the landscaping with the I-64 project. Mr. Shelton stated yes we have, and we will do so at the Spoede Road interchange.

Alderman Wynne asked about the timetable for dealing with nuisances. Mr. Shelton stated nuisances are on the tonight's agenda for further discussion. Mr. O'Keefe stated he will have proposed legislation ready by the next meeting based on tonight's discussion.

H. OLD BUSINESS:

1. **Bill No. 2007-1580:** An Ordinance implementing the 2007 Video Services Providers Act and the 2001 Public Rights of Way Law by establishing regulations for the provision of video services and for the placement of utility and similar facilities in the Public Rights of Way and on private property.

Mayor Murray asked for a motion to remove from table, Bill No. 2007-1580.

MOTION: Alderman Hizar motioned and Alderman Krieg seconded to remove from table, Bill No. 2007-1580. All Aldermen present voted "Aye". The vote was unanimous.

MOTION PASSED.

Mr. O'Keefe stated the new bill circulated in the packets incorporates some changes discussed at the last meeting. One change requires the video service provider to submit a site plan showing easements, and extends the notice to nearby property owners to five days. He also identified the conflict in the specific legislation and the City's general right of way code, and stated the specific legislation will trump the general legislation.

Mayor Murray asked for a motion to amend Bill No. 2007-1580.

MOTION: Alderman Levis motioned and Alderwoman Durbin seconded to amend Bill No. 2007-1580. All Aldermen present voted "Aye". The vote was unanimous. **MOTION**

PASSED.

Mayor Murray asked Ms. Ross to give the second reading of Bill No. 2007-1580.

MOTION: Alderman Wynne motioned and Alderwoman Martin seconded approval of the second reading of Bill No. 2007-1580 as amended. All Aldermen present voted "Aye".

The vote was unanimous. **MOTION PASSED.**

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Mayor Murray asked for a motion to approve Bill No. 2007-1580 as amended.

MOTION: Alderman Levis motioned and Alderman Wynne seconded approval of Bill No. 2007-1580 as amended.

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

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

Bill No. 2007-1580 became Ordinance No. 2007-1557.

I. NEW BUSINESS:

1. **Resolution No. 2007-180:** A Resolution authorizing the Mayor, on behalf of the City of Frontenac, Missouri, to enter into a contract for the Holiday Lane Storm Water Improvement Project.

Mr. Shelton stated there is information in the packet and a memo from the Public Works Commission on the subject of this legislation. The lowest bid was from On Point, the contractor which also completed the Arthur Avenue project. The cost of \$168,300 was below budget and will be paid out of the storm water fund.

MOTION: Alderman Levis motioned and Alderman Wynne seconded approval of Resolution 2007-180. All Aldermen present voted "Aye". The vote was unanimous.
MOTION PASSED.

Mr. Rotter of Garibaldi asked where does the money come from, and asked why the residents of Holiday Lane are not required to reimburse the City for the project.

Mayor Murray explained the funds come from a storm water tax approved by the residents of the City. Mayor Murray stated this project and the related expenditures are features of the Storm Water Master Plan, which is intended to address abatement of problems over the next 30 years, with an elaborate priority system based on a MSD point system. Mr. O'Keefe added the tax was passed by the voters of the City, in order to address public health and property damage.

2. **Resolution No. 2007-181:** A Resolution authorizing the Mayor to enter into an agreement to conduct a Fire and EMS Service Enhancement Study for the City of Frontenac, Missouri.

Mr. Shelton stated this matter has been discussed at previous meetings. The agreement will allow the City to bring on board a consultant to look at operations in a cooperative effort with the City of Ladue, which adopted a similar agreement last night at its Council meeting. Mr. Levis stated he was on the committee along with Mayor Murray, Alderman Krieg, and Mr. Shelton, who interviewed several consultants and the one chosen was overwhelming selected. The consultant is a well qualified resource.

MOTION: Alderman Krieg motioned and Alderwoman Martin seconded approval of Resolution 2007-181. All Aldermen present voted "Aye". The vote was unanimous.

MOTION PASSED.

3. Discussion Only: Nuisances.

Mr. O'Keefe stated at the last meeting, three issues of concern to the Board regarding nuisances were addressed: adult businesses; tarped vehicles and on-street parking; and dangerous animals.

Mr. O'Keefe stated three years ago, the City of Clayton adopted an ordinance pertaining to dangerous animals. The ordinance carries a presumption that a pit bull is a dangerous animal. The ordinance mandates insurance, leashing requirements and caging for dangerous animals.

The Board discussed articles circulated by Alderwoman Martin. Mr. O'Keefe stated the decision whether to follow Clayton's ordinance is up to the Board, although the law supports making the presumption on pit bulls and stated there is evidence to support it. He added that the issue has, in fact, been challenged in court and has withstood the challenge.

Alderwoman Martin stated this is a very emotional issue for her, and that she has strong feelings about dogs and discrimination against breeds of dogs. She stated she is concerned that the legislation would create a further bias against pit bulls, and added the general population does not own and breed pit bulls for dog fighting. Alderman Wynne suggested taking the presumption that pit bulls are dangerous out of the legislation, and instead allow a pit bull, like every other dog, to get one bite before being considered dangerous. Alderman Levis suggested the legislation should cover all dogs the same way.

Mayor Murray recommended that Mr. O'Keefe draft a bill that would enhance the City's existing ordinances relating to nuisances and dangerous animals without differentiating breeds.

Mr. Shelton stated there is appropriate legislation in our existing Code of Ordinances regarding nuisances on trash. There are some nuisances that Chief Becker would like to better define, as well as code enforcement procedures that Mr. Wappelhorst would like enhanced. More specific recommendations will be presented at the next meeting.

J. APPROVAL OF WARRANT LISTS: October 12, 2007 through November 15, 2007

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: 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.**

K. EXECUTIVE SESSION FOR R.S. MO 610.021 (1) LEGAL

Mayor Murray asked for a motion and a second to close the open meeting and go into closed session.

MOTION: Alderman Krieg motioned and Alderwoman Martin seconded to close the open session.

ROLL CALL VOTE: Alderwoman Durbin, "Aye;" Alderwoman Martin, "Aye;" Alderman Levis, "Aye;" Alderman Hizar, "Aye"; Alderman Krieg, "Aye"; and Alderman Wynne, "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 public portion of the meeting prior to the closed session.

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

The open session closed at 8:07 pm and the closed session began at 8:12 p.m.

The closed session adjourned at 8:42 p.m.

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