



**MINUTES OF THE
CITY OF FRONTENAC
BOARD OF ALDERMEN
REGULAR MEETING
TUESDAY, FEBRUARY 19, 2008**



The February 19, 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 Administrator, 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.

Alderman Wynne stated he believes the aldermen are not ready to discuss Bill No. 2008-1591 or Bill No. 2008-1592, and would like to delete both from tonight's agenda.

MOTION: Alderman Wynne motioned and Alderman Levis seconded that Bill No. 2008-1591 and Bill No. 2008-1592 be removed from tonight's agenda. All Aldermen present voted "Aye." The vote was unanimous. **MOTION PASSED.**

Alderman Hizar stated he would also like to remove Bill No. 2008-1593 from tonight's agenda.

MOTION: Alderman Hizar motioned and Alderman Levis seconded that Bill No. 2008-1593 be removed from tonight's agenda. All Aldermen present voted "Aye." The vote was unanimous. **MOTION PASSED.**

Mayor Murray asked for a motion to approve the amended agenda.

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

C. APPROVAL OF MINUTES: January 15, 2008, Regular Meeting

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

MOTION: Alderman Krieg motioned and Alderwoman Durbin seconded the approval of the meeting minutes for the January 15, 2008 regular meeting. All Aldermen present voted "Aye." The vote was unanimous. **MOTION PASSED.**

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

Bill Wolf, the union shop steward for the fire department addressed the Mayor and Board of Aldermen. Mr. Wolf stated he wanted to discuss the enhancement study being completed by McGrath Consulting. He asked that the Board of Aldermen allow the fire department to take a more active role throughout the remainder of the process. He stated this study was first brought to the fire department's attention on April 21, 2007.

Mayor Murray confirmed the consultants have interviewed everyone in the fire department. Mr. Wolf stated personnel of the department did not meet with the consultants until February 10, 2008, even though the department originally heard about the study on April 21, 2007. Mr. Shelton stated the process was outlined publicly, and an RFP was issued. Time was given for committee review and to schedule interviews. The committee decided January was a good time to start the interviews. He said regular updates are provided at Board of Aldermen meetings.

Alderman Levis stated the subcommittee, which consisted of himself, Alderman Krieg, Mayor Murray and Mr. Shelton, had looked at issues of policy, not personnel. The first charge for the elected officials of the two cities was to find a common ground to engage in the study. They then had to report back to the Board of Aldermen. He stated he is not sure what the role of the fire department would have been until now. He stated the selection of the consultant has been made, along with the decision that an independent study is the way to go, so now is the time to involve the fire department personnel.

Mr. Wolf stated the fire department personnel would like to see the draft copies of the report when it is due out in May as well as the final draft report which is due out in June. He again stated they would like to be informed and take on a more active role.

Alderman Krieg stated he is happy the fire department personnel are pleased with the process so far. Mr. Wolf stated they were not pleased, and that they felt excluded so far. He stated he looked forward to better communications going forward.

Mr. John Moffat of Savannah stated he wanted to thank the Board of Aldermen for looking into his situation with his neighbor. He also stated he would like the Board of Aldermen to put together a committee to address road issues in West End Park, which include green space, drainage, water issues, and exposed culvert pipes.

E. MAYOR'S COMMENTS

Mayor Murray stated in light of the horrible tragedy that happened in the City of Kirkwood, on her own behalf and on behalf of all of Frontenac she wanted to send out heartfelt condolences to the families of Connie Karr, Mike Lynch, Ken Yost, Bill Biggs, and Tom Ballman, and she wanted to extend best wishes to Mayor Mike Swoboda for a full and speedy recovery.

She said the City is currently taking a look at security at meetings, so that the City can do its best to assure that all staff, committee members, elected officials and the public are safe and feel secure. Chief Becker in particular is assessing security throughout the campus, and will report back to her and each member of the Board of Alderman personally. She further stated for the immediate future there will be a police officer at all evening meetings, and she said meetings at the City will be managed in a disciplined, orderly manner, including by means of having only one speaker at a time, with that speaker coming to the podium when making remarks.

Mayor Murray stated there have been some aldermen who have asked about the motion practice at our meetings, specifically with respect to the motion to table. She said her understanding has been that a motion to table is strictly and most properly used to postpone a matter for discussion until later in the same meeting. She often hears this Board, as well as other boards on which she sits, request a motion to table when intending to postpone a matter to a subsequent meeting or even indefinitely, which she said she understood should more properly be requested by a motion to postpone. Mayor Murray stated, however, that she does not find the need to be so strict when everyone understands how a motion is being used, so she is comfortable continuing to accept a motion to table as the equivalent of a motion to postpone. She asked Mr. O'Keefe for his views.

Mr. O'Keefe stated the Mayor was correct, that the City was conducting its meetings and using the motion to table like many cities and many other boards, as well as consistent with past practice of this City, and that the City was within its discretion to continue to do so.

Alderwoman Martin asked if people might be confused. She said she had heard a motion to table required a 2/3 vote and could not be untabled until the next meeting. Mr. O'Keefe stated he has considerable experience in municipal procedures and Roberts Rules of Order. He said that the only people that matter for Frontenac's purposes are the Mayor and sitting members of the Board, and that so long as the seven of them have an understanding that a tabled motion can be brought up later or at a subsequent meeting, then that procedure works. Mr. O'Keefe explained that strictly speaking under Roberts Rules of Order, the motion to table is a motion to temporarily set aside a matter during a meeting. He said that contrary to what Alderwoman Martin had heard, in order to "take off table" a matter put on the table there is no requirement of a motion to set aside the matter to the next meeting, and there is no requirement for a 2/3 vote to remove a matter "put on the table" from the table, only a majority vote is needed. Mr. O'Keefe explained in detail the background regarding the motion to table, and the difference between cities, where

less formal procedures are the rule and are acceptable, as compared with the Missouri House and Senate and the U.S. House and Senate, where more formal rules are required because of the greater members of legislators.

Alderman Martin stated the questions about the motion to table had come from a resident. Alderman Wynne stated he thought the questions had been adequately addressed and clarified by Mr. O'Keefe. He asked Mr. O'Keefe if he would conduct a working session on parliamentary rules sometime.

Alderman Levis stated he had received a letter from a resident with a complaint that the draft minutes of the previous meetings are not posted to the City's website before approval by the Board. He asked Mr. O'Keefe if we could change the practice and post draft minutes of the Board of Aldermen.

Mr. O'Keefe stated such a procedure would be out of the ordinary for a city. He said circulating unapproved minutes tends to make people believe the minutes are correct, which could be confusing. He stated the public has ample opportunity to ask questions and make inquiries in any public meeting, however it is the City Clerk's legal responsibility to prepare a journal including minutes and he believes there is some risk making the minutes available in advance as a draft.

Alderman Levis asked if there can be a preliminary report posted on the City's website of what action took place on agenda items at the prior meeting. Mr. O'Keefe suggested anyone who has any questions about items that were on the agenda at the prior meeting could simply call City Hall and inquire about the action that was taken.

Mayor Murray stated in regard to the Board's draft strategic plan that she supports and shares the Board's vision of what's best for Frontenac. She said that in terms of tactics for implementing the plan and the action items associated with those tactics, in some cases she has different priorities and in some cases she would like more data or more input from the Planning and Zoning Commission or the citizens. She further stated she would like to see some additional topics included, like a policy against TIFs financing and eminent domain for private development. She stated she is prepared to use the plan as a guide to the tactics and the tasks on which the Board wants the Mayor and the City staff to focus.

Mayor Murray thanked Alderman Hizar and the Board of Aldermen for the work they have done on the strategic plan, and said again that she was delighted to concur with the strategic vision for Frontenac. The full text of the Mayor's comments is attached to the minutes.

F. COMMENTS BY BOARD OF ALDERMEN MEMBERS

Alderman Hizar stated he wanted to acknowledge Mr. O'Keefe who was recently recognized by his peers as being one of the best attorneys in the field of municipal law.

Alderman Hizar also stated there are three driveways often blocked near the police and fire exits on Clayton Road and suggested striping the roadway and posting signs stating

“do not block intersection”. Mr. Trout stated the fire department has experienced delays getting out, and he thought the suggestion of striping the driveway with zigzag stripes would be very helpful and grab the attention of motorists. Chief Becker stated there is also a traffic issue regarding improper lane usage at the Clayton and Spoede intersection. He stated the addition of striped lines in front of the fire department would help.

Alderman Levis stated he would like to acknowledge the work of Mr. Shelton, Chief Becker and Chief Trout regarding a letter written by the City to inform residents regarding the Highway 40 shutdown and safety procedures. He stated the letter was put together well and explained the safety plans developed by the Chiefs. He also wanted to thank Ms. Cooper, who helped with the preparation of the letter. He further stated information will need to be mailed out regarding the destruction of the Spoede Road overpass.

Alderman Wynne stated the events last week in Kirkwood brought to mind how fortunate we are with the police and fire services we have in the City. He wanted to express more than casual appreciation for what the Police & Fire Departments do and that they are here for us. Both Chief Trout and Chief Becker thanked Alderman Wynne for his comments. Alderman Wynne stated he also supports reviewing security in all City buildings to keep staff and visitors safe.

Alderwoman Martin asked if the German Boulevard traffic island had been changed after Mr. Moffat’s comments at the last meeting. Mr. Wappelhorst stated his department added a reflector to the island and will paint the island with reflective paint when the weather permits.

Alderwoman Martin stated regarding the strategic plan, that she respects Mayor Murray’s position, but asked if the Mayor would sign a strategic plan if the Board of Aldermen would change the document to include only the strategic vision, without the action items. Alderwoman Martin said that without the Mayor’s signature, she thought the strategic plan might seem to be less than the priority it should be for the City. Mayor Murray stated yes, she would be happy to consider a document boiled down to just strategy, with tactics and action plans separated for further and future discussion. Mayor Murray said she wanted to state again that she concurred with the general strategy in the plan and she was confident that with some clarification she would agree with and could sign a statement of the strategic components in the plan.

G. REPORTS OF OFFICERS AND COMMITTEES AND APPROVED MINUTES

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|----|---|-----------------|
| 1. | Planning & Zoning Commission: | None |
| 2. | Ways & Means Committee: | January 8, 2008 |
| 3. | Public Works Commission: | None |
| 4. | Financial Report: | January 2008 |
| 5. | Building Commissioner
& Zoning Administrator | January 2008 |

Alderman Hizar noted several typographical errors in the Ways & Means Committee minutes. Ms. Ross noted the errors and stated she would advise Ms. Cooper to make the corrections.

Mayor Murray asked Ms. O'Guinn to give a short summary of January's financial report.

Ms. O'Guinn stated building permits revenues are currently behind budget because of the slowdown in new home projects. Ms. O'Guinn stated the Ways & Means Committee recommended a review of the fees in surrounding cities, and that the City may need to consider restructuring our fees to correspond to the market. She also stated the business license and PILOT fees are currently behind budget, however PILOT fees are due in within the month and more business license fees are expected to be paid. Sales tax revenue year to date has increased by almost 3% and is meeting or exceeding budget. There is no data yet on sales tax since the Highway 40 closure, however business owners have been contacted and their views seem positive.

Ms. O'Guinn stated the trend line on the final page shows historical data since 1999. The annual increase in revenue has been 7%, and expenditures have increased by 7%. Alderman Wynne asked that the major assumptions be included with the trend line. Ms. O'Guinn agreed to do so. She stated at the last Ways & Means Committee meeting there was a thorough software review. The committee overwhelmingly supported internal control measures as part of the software package. She stated there will be a recommendation on software from the Ways & Means Committee in March, and she will explain it then to the Board of Aldermen.

Mayor Murray stated she wanted to thank the Ways & Means Committee members Mark Kiehl and Henry Dubinsky for spending literally days at City Hall reviewing the software presentations. She encouraged members of the Board of Aldermen to say a word of thanks to them as well.

6. City Administrator's Report:

Mr. Shelton stated he wanted to echo Mayor Murray's comments regarding the Kirkwood victims, and added he wanted to thank the City Staff, especially the police department who sent five officers to assist in Kirkwood the night of the shooting. He stated police, fire and some City Hall employees participated in a procession for one of the officers. He also said the Frontenac/Town & Country Chamber of Commerce is asking everyone to donate items to send to the Kirkwood Police Department and City Hall. Items can be dropped off at City Hall anytime before Thursday, at 9:00 am.

Mr. Shelton stated that regarding the Fire and EMS Enhancement Study, McGrath Consulting will be at the City on Monday to go over the City and the fire department budgets.

Mr. Shelton stated recently the City has had a few code enforcement concerns and problems when it comes to property maintenance. He stated later, after his comments, he would ask Mr. O'Keefe to address the issue of an administrative search warrant.

Mr. Shelton stated with regard to Mr. Moffat's request to look at the median on German Boulevard, the City has placed reflector stickers on the median and will do more in the spring as the weather permits. He stated with regard to the traffic signals at Clayton and Plaza Frontenac, he would like Chief Becker to address this issue.

Chief Becker passed out a diagram of the intersection and stated there have been no accidents. He also said at this time he is not inclined to request from MoDOT and the County any additional improvements.

Mr. Shelton stated the Spoede Road interchange landscaping plan has been prepared by Gateway Constructors. He showed the plans to the Board and the public. He stated the City is pleased with the landscaping plan, and that our agreement with MoDOT allows the City to supplement the plantings. Mr. Shelton also stated that at the Lindbergh Boulevard interchange the City would like to enhance the light standards.

Mr. Shelton said the price for MoDOT adding extra stormwater detention at Spoede Road came in double of what was budgeted, with the benefits to the City and its residents much less than expected. He stated he would prefer to spend the budgeted funds elsewhere on stormwater, subject to discussion with the Public Works Commission.

Mr. Shelton stated the City will start reviewing applications for Storm water grants. Seven residents have applied for the grants and their requests will be referred to the Public Works Commission. Mr. Shelton stated regarding ongoing storm water projects, the Holiday Lane project is almost complete, the Lynnbrook project is close to beginning, and the design work has begun on the Anzeiger storm water project in West End Park. Alderwoman Martin asked if there was a storm water project in Clayton Terrace. Mr. Wappelhorst stated the activity at Clayton Terrace involved a MSD project to replace the storm water pipes.

Mr. Shelton stated the billing of West End Park is currently being done on an annual basis. He stated he would suggest delaying the billing until January 2009 for 2007 and 2008, so that the annual \$15.00 processing fee will be saved for one year by the residents.

Alderwoman Martin inquired about the plantings for the new I-64 project. Mr. Shelton stated at the Spoede intersection there will be a low level green grass that does not need to be mowed. At the Lindbergh interchange, there will be more natural types of planting, with taller grasses.

Mr. O'Keefe addressed administrative search warrants. He stated cities encounter problems when trying to enforce health and safety codes, and he recommended those problems be addressed through a process providing for the issuance of a warrant for a search and seizure. Mr. O'Keefe presented background information on several cases in St. Louis City and St. Louis County on the subject. He stated he has developed ordinances for municipalities wishing to establish and use these warrants, and he encourages passage of these ordinances for cities planning to enforce health and safety codes with searches and seizures, especially because those activities without the

warrants, if determined to be in violation of constitutional rights, might subject the cities to section 1983 liability. Mr. O'Keefe stated the process would work as follows under the ordinances: an affidavit identifying a violation and need for code enforcement; an application for the prosecuting attorney; issuance of the warrant by the judge; service of the warrant by the Police Department; and enforcement, enabling the City to abate the nuisance.

Alderman Levis asked where the request for administrative search warrants is coming from. Mr. Shelton stated he had asked for advice because there are a couple of ongoing code enforcement problems, especially where items are left outside and spread across property.

Alderman Krieg asked if Mr. O'Keefe's ordinances have been challenged. Mr. O'Keefe stated they have been challenged but not litigated. He said there have been ordinances on this issue that have been adopted by cities across Missouri, and he believes these ordinances should be enforceable. Alderwomen Martin and Alderwoman Durbin stated they both support Mr. O'Keefe drafting a bill.

H. OLD BUSINESS:

None

I. NEW BUSINESS:

1. **Resolution No. 2008-183:** A Resolution authorizing the Mayor to enter into an agreement to provide refuse, recycling and yard waste collection services to the City of Frontenac, Missouri.

Mr. Shelton introduced Jennifer Estes, Municipal Account Representative for Veolia Environmental Services. Mr. Shelton stated Ms. Estes has been very helpful by assisting the City with a grant application for recycling bins to the St. Louis/Jefferson Solid Waste District. This resolution would approve a one year extension to the contract at the existing price. He further stated the City is very pleased with Veolia and asked if anyone had any questions of Ms. Estes.

Alderwoman Martin stated she had some corrugated boxes which were broken down that were not taken by the recycling truck. Ms. Estes stated she would look into that matter and later respond to Alderwoman Martin.

MOTION: Alderman Wynne motioned and Alderman Krieg seconded approval of Resolution 2008-183. All Aldermen present voted "Aye". The vote was unanimous.

MOTION PASSED.

2. Discussion Only: Parking regulations for estate/garage sales.

Alderman Hizar stated he feels there is limited enthusiasm for a new ordinance. Alderman Levis stated the redlining of the changes is a great idea and hopes to see the redlining function used in the future.

Alderman Wynne stated with regard to the changes, he feels limiting parking to one side of the street is not always the answer. Chief Becker stated he previously spoke about requiring shuttle buses and allowing no parking on either side of the streets when merited. Alderman Hizar stated he would support that idea. Mr. Shelton also said most estate sales are run by professionals and he would notify them of any new regulations. Mayor Murray stated she does not want to see rules so difficult or cost prohibitive that the residents moving out of Frontenac or families of deceased residents cannot hold estate sales. She said she thought the Board could craft appropriate procedures for passage of emergency vehicles and parking. Alderman Wynne stated he hates to see traffic fiascos. Chief Trout stated the blocking of the roadways does create a risk, but stated the risk can be handled on a case by case basis. Alderman Wynne asked if it would be impractical to require a permit so that City Hall would be notified of any estate sale.

Mayor Murray asked Mr. Shelton to bring this issue back to the Board of Aldermen with rules requiring a permit to host a sale; notice to the other residents on the street; and submission of a parking plan.

J. APPROVAL OF WARRANT LISTS: January 11, 2008 through February 14, 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: 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**

K. ADJOURNMENT

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

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

The meeting adjourned at 8:42 p.m.

MAYOR'S COMMENTS FEBRUARY 19, 2008

On the subject of the Strategic Plan, since this is a matter about which some of the Aldermen seem quite concerned, I want to make my views -- and my basic support for the shared vision of what's best for Frontenac -- very clear.

At the outset, I'd like to confirm my concurrence with the strategic vision of the Board.

Alderman Hizar, with support from other Aldermen and our City Administrator, has produced a 32 page document signed by the members of the Board, covering not just strategic planning for the City, but also ideas for tactical implementation of the strategy and a "to do" list of legislative and administrative initiatives for this Board and future boards.

The plan is thoughtful, and will serve as a helpful statement of what this Board considers to be in the best interest of the City, as well as where this Board wishes to see our City Administrator, department heads and staff concentrate their efforts. I appreciate what Alderman Hizar and others have done, particularly the strategic views in the 3-page Branding Statement within the plan.

As Mayor, I share the essence of the strategic vision of the Board as outlined in the plan. In fact, if the plan were boiled down to strategy only, I'd be surprised if I had any significant differences with the Board's views on the general direction of Frontenac.

In terms of tactics for implementing the strategic direction, and in terms of the action plans and the legislative and administrative tasks associated with those tactics, I have a slightly different perspective. In some cases, how I would prioritize tactics may be different. In some cases, how I would state my position may vary from what's in the plan. In some cases, I may like to have more data before committing to a particular task. In some cases, I may need more input of the Planning and Zoning Commission or feedback from our citizens. In some cases, I may want to see additional topics included -- for example, policies against using TIF financing or against using eminent domain to assemble land for private development.

What I can do, is affirm that I concur with the Board on the strategy for Frontenac. We all seem to be moving in the same general direction, and that's a positive. Everyone may not think alike when it comes to the path we take to get there, but that's OK. Consideration of different viewpoints and open-mindedness to different solutions is how our government works best. Diversity of opinions and ideas is the strength of our democratic traditions.

I'm prepared to use the portions of the plan that go beyond strategic vision as a guide to the specific tactics and specific tasks where the Board wants the City staff and me to focus. If I have questions or concerns, or if there are other matters not included in the plan or different from the plan that I think deserve due consideration, I'll discuss my views in a thoughtful, open and inclusive manner, consulting with Board members and staff and listening to our residents and our businesses, consistent with the way in which I've conducted myself and discharged my responsibilities as Mayor over the last 3 years.

I respect the rights of others to have their own opinions on the best path to achieving our strategic vision. I'm sure others, in turn, will respect my rights to have my own opinions as well.