



**MINUTES OF THE  
CITY OF FRONTENAC  
BOARD OF ALDERMEN  
JUNE 15, 2010**

The June 15, 2010, regular meeting of the Board of Aldermen of the City of Frontenac was called to order at 7:00 p.m. with Mayor Keith Krieg, presiding. The Aldermen present were John Wynne, Jon Serkes, Tom Hizar, Susan Durbin, Margot Martin and John Levis.

Also in attendance were City Administrator, Bob Shelton; City Clerk, Leesa Ross; City Attorney, Lee Curtis; Fire Chief, John Trout; Police Chief, Tom Becker; Building Commissioner and Zoning Administrator, John Morgan; Public Works Director, Jeff Wappelhorst and Finance Officer, Julie O'Guinn.

After the Pledge of Allegiance, Mayor Krieg called the meeting to order.

**A. MOTION TO APPROVE AGENDA**

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

**B. VOTE TO APPROVE MINUTES:** May 18, 2010, Public Hearing  
May 18, 2010, Regular Meeting

Mayor Krieg asked for a motion to approve the minutes.

**MOTION:** Alderman Wynne motioned and Alderman Levis seconded the approval of both sets of meeting minutes for May 18, 2010. All Aldermen present voted "Aye." The vote was unanimous. **MOTION PASSED.**

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

Mr. Brad Green addressed the Board and stated he is a representative for 24<sup>th</sup> District State Senate Candidate, John Lamping. He stated he was asked to see if any of the City's residents had any questions of Mr. Lamping.

## **D. MAYOR'S COMMENTS**

1. Recognition of Bruce Higginbotham for 21 years of service as the City's Design Review Commissioner

Mayor Krieg presented Mr. Bruce Higginbotham with a plaque recognizing 21 years of service as the City's Design Review Commissioner and his service as a member of the Board of Adjustment. Mr. Higginbotham thanked Mayor Krieg for the plaque and said he was appointed by Mayor Al Steinman. He ended by stating the City of Frontenac is a community with fine houses and he hopes it continues that way. Mayor Krieg stated Mr. Higginbotham has set a great standard for us.

2. West End Park CID Proposal

Mayor Krieg stated he and Alderwoman Martin and Alderman Serkes initiated a structure and process to help residents improve the streets in West End Park. He said the documentation to establish a Community Improvement District (CID) was drafted and financing for the CID was arranged with cooperation from a local bank. He stated the CID had not been approved by the residents as of the deadline of June 11, 2010. He said it was a disappointment, not just because of the time and resources committed over the past ten months to develop the CID and negotiate with the banks and businesses involved, but also that the CID would have enabled the residents to finance the street improvements over time. Mayor Krieg stated he has sent a memo to the Board of Aldermen bringing them up to date on the results of the City's efforts, and making three recommendations for steps to be taken now that the proposal has been rejected by the residents.

First, Mayor Krieg stated a lot of work and information has been accumulated during this process that could be valuable for future use. He would like all the information put into a file and also referenced in the Strategic Plan.

Second, Mayor Krieg stated that our current ordinance complies with State law and enables the City to improve or repair the streets at its discretion, but provides that the City can bill the residents for the cost of those improvements or repairs. He said he does not believe the City would ever move forward to improve the streets of West End Park if the only way to recover the costs would be by placing liens on the homes of residents. The cost of improvements would be at least \$500,000, and those costs may not be collected until all the homes were sold to satisfy the liens. He said no bank would make a loan under those terms and that he could not imagine the City exposing itself to fiduciary liability by using the tax dollars collected from all residents to pay the cost of improvements for a few without a source for immediate repayment. This is particularly true in West End Park where lawsuits filed by residents seeking a summary judgment that the streets are the City's responsibility to repair and improve have not been successful either initially or on appeal. With the issue now clarified by the courts, the probability of any future Board of Aldermen making a decision to pay to improve the streets is highly unlikely.

Mayor Krieg stated that there is the possibility that some residents could approach the City asking for the City to make improvements to their streets. In that case, he believes they should be offered access to the file with information on the formation of a CID. The City could also choose to help by obtaining bids, etc. but should only enter into a contractual commitment to improve the streets if there was a source of immediate payment.

Therefore, Mayor Krieg asked the City's legal counsel to draft an amendment to the current ordinance requiring that no street improvements be undertaken by the City until funds for repayment have been gathered in advance from the residents benefitting from those improvements and placed in an escrow account or some other mechanism to assure payment to the City.

Third, Mayor Krieg stated that presently the City does minor repairs to the streets, and provides snow removal, and other services which are billed to the residents under the current ordinance. If the bills are unpaid, the ordinance provides that the City can file a lien against the property to recover its cost. Therefore, he asked the City Administrator to establish a policy for filing a lien, perhaps within 30 days of the bill being past due.

Mayor Krieg also thanked the business community, which was led by Mr. Joe Forshaw who were willing to approve a ¼ cent sales tax which would have paid for 40% of the repairs of the streets in West End Park.

Mayor Krieg stated this is his statement for the record, and he would ask the Board of Aldermen to address the proposed amendment and policy at a future Board meeting.

## **E. EMPLOYEE RECOGNITIONS**

### **1) Fire Department Commendations**

Mayor Krieg asked Chief Trout to come forward and explain the award which will be given out. Chief Trout stated there was a clinical save of a female resident last month. He stated this award will be presented to the fire department employees for a clinical save.

Mayor Keith Krieg presented DaNae Juhlin, Dean Everett, Ron Bontz, Rob Judd and James Brooks with this commendation.

Mayor Krieg also presented a certificate of commendation to Captain/Medical Officer Craig Smith for all the work he completed on the implementation of ambulance transport service for the City of Frontenac.

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

Alderman Levis stated he was proud of the efforts Mayor Krieg, Alderwoman Martin and Alderman Serkes as well as Mr. Shelton and Mr. Wappelhorst did on behalf of the residents of West End Park.

Alderwoman Martin thanked the committee who put together the CID for West End Park. She said she wanted to thank them for all their commitment and time and especially wanted to give a special thank you to Mayor Krieg for all his work.

Alderwoman Martin also thanked all the staff and both police and fire departments for all the work they completed on the Frontenac Festival. She stated everyone did a great job.

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

- |  |              |
|--|--------------|
| 1. Planning & Zoning Commission:                   | None         |
| 2. Ways & Means Committee:                         | May 11, 2010 |
| 3. Public Works Commission:                        | May 12, 2010 |
| 4. Building Commissioner<br>& Zoning Administrator | None         |

Mayor Krieg stated the above reports will stand as submitted.

## **H. CITY ADMINISTRATOR'S REPORT**

1. Finance Report

Ms. O'Guinn stated revenues were down for the month by \$33,000 however expenses were down \$97,000. She stated year to date revenues are down .2%, however expenses are down 13%. She said the June sales tax was approximately \$40,000 above last month and that revenues are almost 6% above budget year to date for all sales taxes combined. Also, the one cent sales tax was up 8% year to date from the budget and 19% above budget for the month of June. Ms. O'Guinn stated the City will see a net income at year-end of \$400,000, however much of it is defined Capital Improvements.

Ms. O'Guinn stated the City started receiving credit card payments this month however will be charged a 2% processing fee for all payments accepted. She stated she would supply a report at the end of six months.

Ms. O'Guinn mentioned the Employee Benefit Fair on Thursday, June 17<sup>th</sup> from 7:00 am to 10:00 am. The event will be held at the Church of the Latter Day Saints, and there will be benefit representatives from many companies. There will be a presentation from United Healthcare on the health insurance changes and a question and answer period at the end. Items have been donated to help encourage attendance.

## 2. City Facility Report

Mr. Shelton stated he will delay the report to later in the agenda and allow Mr. Warner to give a construction status report.

## 3. West End Park CID Proposal Update

Mr. Shelton stated he will meet with the City's legal counsel regarding Mayor Krieg's request and stated he would also include or create internal policies the City would follow regarding the collection of unpaid reimbursements.

Mr. Shelton stated the City has received a check in the amount of \$6,716 from the Missouri Department of Conservation for the planting of trees at Spoede Road and I-64. He said this is a cooperative agreement and that the City of Frontenac is the first City to work with MoDOT on the grant.

Mr. Shelton asked Chief Becker to come forward and give a report to the Mayor and Board of Aldermen regarding the recent reports in the media on racial profiling. Chief Becker stated the Missouri Attorney General's Office requires information on every traffic stop made by police departments across the state. He said the information required is the reason for the stop; the person's race, sex, age, and whether a citation was issued. Chief Becker stated the City is doing great in all categories except when referencing demographics of the City because this is a predominately white community and others come into and through the City on a daily basis. He stated countywide the statistics are that whites are stopped 77% of the time and blacks 19% of the time. He stated in Frontenac the numbers are that whites are stopped 81% of the time and blacks 15% of the time.

Alderman Serkes stated regarding West End Park, the City should be retroactive on residents who have not paid. Mr. Shelton stated all ordinances are now in place but in the past the City paid for the work and was reimbursed but now some residents are challenging the billing or just not paying.

### I. UNFINISHED BUSINESS:

None

### J. NEW BUSINESS:

1. **Bill No. 2010-1660:** An ordinance approving the salaries and pay schedules for fiscal year 2010-2011, for City of Frontenac, Missouri employees in permanent positions as listed in this ordinance.

Ms. Ross gave the first reading of Bill No. 2010-1660.

Mr. Shelton stated under the fire department, the six most recently hired firefighter/paramedics were hired and a grant applied for. He said they are still classified under a temporary position. Mr. Shelton stated Chief Trout would like the City to look at making them permanent positions and bringing them in line with the other fire department employees in the future.

Mayor Krieg asked for a second reading of Bill No. 2010-1660.

**MOTION:** Alderman Levis motioned and Alderwoman Martin seconded approval of a second reading of Bill No. 2010-1660. All Aldermen present voted "Aye". The vote was unanimous. **MOTION PASSED.**

Mayor Krieg asked Ms. Ross to give the second reading of Bill No. 2010-1660.

**Bill No. 2010-1660:** An ordinance approving the salaries and pay schedules for fiscal year 2010-2011, for City of Frontenac, Missouri employees in permanent positions as listed in this ordinance.

Mayor Krieg asked for a motion to approve Bill No. 2010-1660.

**MOTION:** Alderwoman Martin motioned and Alderwoman Durbin seconded approval of Bill No. 2010-1660.

Mayor Krieg asked Ms. Ross for a poll vote.

**ROLL CALL VOTE:** Alderman Serkes, "Aye"; Alderman Wynne, "Nay"; Alderwoman Durbin, "Aye"; Alderwoman Martin, "Aye"; Alderman Levis, "Aye"; and Alderman Hizar, "Aye". Five Aldermen present voted "Aye", one voted "Nay". The vote was not unanimous. **MOTION PASSED.**

**Bill No. 2010-1660 became Ordinance No. 2010-1626.**

2. **Bill No. 2010-1661:** An ordinance authorizing the Mayor to enter into an agreement to provide a program of health insurance benefits for employees of the City of Frontenac, Missouri. .

Ms. Ross gave the first reading of Bill No. 2010-1661.

Mr. Shelton stated the City has elected to renew with SLAIT (St. Louis Area Insurance Trust) and the cooperative self-insured program. He said there was a plan change where all employees will be required to pay 10% of the cost for their insurance. He said that the City has also elected to go with a \$1,000 individual and \$2,000 family deductible, which will be reimbursed by the City.

Alderman Serkes stated he read a recent newspaper article which stated there is new legislation which will allow employers to grandfather some health insurance policies. Mr. Shelton stated he had not seen the article and was not provided any information

from our broker or carrier. He said if there is a concern, he would suggest we approve this bill and hold off obtaining the Mayor's signature until verifying the information Alderman Serkes provided. Mayor Krieg suggested we take action, then not sign the document until everything is verified.

Mayor Krieg asked for a second reading of Bill No. 2010-1661.

**MOTION:** Alderman Levis motioned and Alderman Wynne seconded a second reading of Bill No. 2010-1661 subject to checking with Daniel & Henry regarding new legislation referencing the grandfathering of our health insurance policy. All Aldermen present voted "Aye". The vote was unanimous. **MOTION PASSED.**

Mayor Krieg asked Ms. Ross to give the second reading of Bill No. 2010-1661.

**Bill No. 2010-1661:** An ordinance authorizing the Mayor to enter into an agreement to provide a program of health insurance benefits for employees of the City of Frontenac, Missouri.

Mayor Krieg asked for a motion to approve Bill No. 2010-1661.

**MOTION:** Alderman Levis motioned and Alderman Serkes seconded approval of Bill No. 2010-1661.

Mayor Krieg asked Ms. Ross for a poll vote.

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

**Bill No. 2010-1661 became Ordinance No. 2010-1627.**

3. **Bill No. 2010-1662:** An ordinance authorizing the Mayor to enter into an agreement to provide property, public official liability and commercial insurance policies for the City of Frontenac, Missouri.

Ms. Ross gave the first reading of Bill No. 2010-1662.

Mr. Shelton stated the bill was sent out with some tentative numbers as all the final quotes were not received by Daniel & Henry regarding premium costs for insurance. He stated the City budgeted an across the board 5% increase. Ms. O'Guinn stated she had actual numbers on some of the coverage and provided the information. The public officials liability insurance actual rate is \$7,614.00, the general liability, commercial automobile, professional liability, excess liability/commercial umbrella and equipment coverage cost is \$36,925.00 and the workers compensation actual costs is \$98,690.00.

Mr. Shelton stated the workers compensation remains fairly low compared to peer cities because we have low claims and that all departments focus on safety.

Mayor Krieg asked for a second reading of Bill No. 2010-1662.

**MOTION:** Alderman Levis motioned and Alderman Serkes seconded approval of a second reading of Bill No. 2010-1662.

All Aldermen present voted "Aye". The vote was unanimous. **MOTION PASSED.**

Mayor Krieg asked Ms. Ross to give the second reading of Bill No. 2010-1662.

**Bill No. 2010-1662:** An ordinance authorizing the Mayor to enter into an agreement to provide property, public official liability and commercial insurance policies for the City of Frontenac, Missouri.

Mayor Krieg asked for a motion to approve Bill No. 2010-1662.

**MOTION:** Alderman Levis motioned and Alderman Martin seconded approval of Bill No. 2010-1662 as amended.

Mayor Krieg asked Ms. Ross for a poll vote.

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

**Bill No. 2010-1662 became Ordinance No. 2010-1628.**

4. **Resolution No. 2010-245:** A resolution authorizing change orders for the Frontenac Municipal Complex.

Mr. Rob Warner of SM Wilson went over each change order request in the resolution. He stated the City is still within their reserves and stated change orders for design errors should not exceed 2% which would be \$170,000. He stated we currently are at \$155,000. An alderman asked if we were still withholding \$80,000 from Arcturis. Mr. Warner stated yes. He also said there are things that Bric, Arcturis and Larson admittedly made mistakes on, and said we could go back and ask them to pay.

Mr. Warner gave an update and stated they currently are hanging drywall on the first floor and on the ceiling of the second floor. He said the entire project is ahead by a week. He said next week the metal decking will continue to be installed and that the slate will begin to be installed in two weeks and that the installation should take eight weeks. He also stated the masonry is going up and that both the cast stone and windows are in place.

Mayor Krieg asked for a motion to approve Resolution No. 2010-245.

**MOTION:** Alderman Wynne motioned and Alderwoman Martin seconded to approve Resolution No. 2010-245. All Aldermen voted “Aye”. The vote was unanimous. **MOTION PASSED.**

## **L. LIQUOR LICENSE APPROVALS**

### Approval of Year 2010-2011 Liquor Licenses for the City of Frontenac.

1. William Cardwell, c/o Cardwell’s at the Plaza, 94 Plaza Frontenac.
2. Lorene Samson, c/o Cinema Beverages Holding Co., LLC, d/b/a The Plaza Frontenac Lounge, 1701 S. Lindbergh Blvd.
3. Cecily Hoffius, c/o Foodworks, Inc., d/b/a Ces & Judy’s Catering, 10405 Clayton Rd.
4. Terry Ward, c/o Frontenac Racquet Club Refreshment Corp., 10450 German Blvd.
5. Lorene Samson, c/o Canyon Café, 2 Plaza Frontenac.
6. Gerald Witte, c/o Brio Tuscan Grille, 1601 S. Lindbergh Blvd.
7. Saffet Kacar, c/o Trattoria Branica, 10411 Clayton Road.
8. Barbara Brodsky Kantrovitz, c/o Hilton St. Louis Frontenac, 1335 S. Lindbergh Blvd.
9. George Tompras, c/o Kries’ Restaurant, 535 S. Lindbergh Blvd.
10. Roger Barber, c/o Neiman Marcus, 100 Plaza Frontenac.
11. Glen Pariani, c/o GP & TC Inc. d/b/a Grassi’s West, 10460 German Blvd.
12. Michael Del Pietro, c/o Sugo’s Spaghetteria, 10423 Clayton Road.
13. James Martin, Flemings Prime Steakhouse & Wine Bar, 1855 S. Lindbergh Blvd.

**MOTION:** Alderman Levis motioned and Alderman Durbin seconded the approval of the above listed liquor licenses.

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

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

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

## **M. APPROVAL OF WARRANT LISTS: May 1, 2010 through May 31, 2010**

Mayor Krieg asked for consideration and approval of the warrant list.

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

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

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

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

**N. EXECUTIVE SESSION FOR R.S. MO 610.021 (3) PERSONNEL**

Mayor Krieg asked for a motion and a second to go into executive session.

**MOTION:** Alderman Levis motioned and Alderman Hizar seconded to close the open session.

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

**O. ADJOURNMENT**

Mayor Krieg asked for a motion to adjourn the meeting.

**MOTION:** Alderman Wynne motioned and Alderman Levis seconded to adjourn the meeting. All Aldermen present voted “Aye”. The vote was unanimous. **MOTION PASSED.**

The meeting adjourned at 8:10 p.m.