

# CITY OF FRONTENAC



## MINUTES OF THE CITY OF FRONTENAC BOARD OF ALDERPERSON MAY 16, 2017

The May 16, 2017 regular meeting of the Board of Alderpersons of the City of Frontenac was called to order at 7:00 p.m. with Mayor Margot Martin, presiding. The Alderpersons present were David Bray, Nalini Mahadevan, Brian Warner, Dan Kemper, Jamie Griesedieck and Tom O'Brien.

Also in attendance was City Administrator, Bob Shelton; City Clerk, Leesa Ross; City Attorney, Kevin O'Keefe; Fire Chief, Jack Trout; Police Chief, Tom Becker; Public Works Director, Jeff Wappelhorst and Finance Officer, Lea Ann Layden.

After the Pledge of Allegiance, Mayor Martin asked for a motion to approve tonight's agenda.

### **A. MOTION TO APPROVE AGENDA**

Mayor Martin stated there would be no executive session. She asked for a motion to approve the amended agenda.

**MOTION:** Alderperson Bray motioned and Alderperson Warner seconded the approval of tonight's agenda. All Alderpersons present voted "Aye". The vote was unanimous. **MOTION PASSED.**

### **B. VOTE TO APPROVE MINUTES: Tuesday, April 18, 2017**

Mayor Martin asked for a motion to approve the minutes.

Alderperson O'Brien stated he said he would like the following comments added to the top of page 5, "I would like Mayor Martin to appoint an Alderperson from Ward 3 to be the representative on the Planning and Zoning Commission. I view Ward 3 as the economic engine of the City and a Ward 3 has not had an elected official on Planning and Zoning for at least prior to June 2007, so far almost ten years we have not had an elected official on Planning and Zoning from Ward 3. The next major developments such as the Shriners Site and the LECC are located in Ward 3. Currently Ward 3 has no elected officials on any of the city Boards or Commissions."

Alderperson O'Brien and Alderperson Bray recalled a vote to break up the appointments and vote on each individually. In the City Clerk's written minutes from the meeting, there was no vote.

Mayor Martin asked for a motion to approve the amended minutes.

**MOTION:** Alderperson O'Brien motioned and Alderperson Bray seconded the approval of the minutes. All Alderpersons present voted "Aye." The vote was unanimous. **MOTION PASSED.**

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

There were no public comments at this time.

**D. MAYOR’S COMMENTS**

Mayor Martin asked for a motion to approve Keith Cheung as the City of Frontenac Prosecuting Attorney. She said Mr. Cheung has been our Prosecuting Attorney for over ten years and works with the firm, Curtin, Heinz, Garrett & O’Keefe.

**MOTION:** Alderperson Warner motioned and Alderperson O’Brien seconded to approve Keith Cheung as the City of Frontenac, Prosecuting Attorney. All Alderpersons present voted “Aye.” The vote was unanimous. **MOTION PASSED.**

Mayor Martin asked for a motion to approve Amy Boltzman as City Treasurer. She stated Ms. Boltzman is an attorney.

**MOTION:** Alderperson Griesedieck motioned and Alderperson O’Brien seconded the appointment of Amy Boltzman to serve as City Treasurer. All Alderpersons present voted “Aye.” The vote was unanimous. **MOTION PASSED.**

Mayor Martin asked for a motion to approve

Alderman O’Brien asked if the new treasurer would be sworn in. Ms. Ross stated no, she will be shown in before the next Ways & Means Committee meeting.

**E. COMMENTS BY BOARD OF ALDERPERSON MEMBERS**

Alderman O’Brien asked Mr. O’Keefe to give an update regarding the court-reform law. Mr. O’Keefe stated the Missouri Supreme Court agreed with the trial court, which restricted cities to a max of 12.5% of operating revenue derived from fines and court costs, was found to be unconstitutional. He said he is unsure what they have done with the police standards. He said it is a win for cities and the constitution. Alderman Bray asked what the new percentage is. Mr. O’Keefe stated it is 20%.

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

- |    |   |                |
|----|---|----------------|
| 1. | Planning & Zoning Commission:                   | March 30, 2017 |
| 2. | Ways & Means Committee:                         | April 2017     |
| 3. | Public Works Commission:                        | None           |
| 5. | Building Commissioner<br>& Zoning Administrator | None           |

Mayor Martin stated the above reports will stand as submitted.

## G. CITY ADMINISTRATOR'S REPORT

### 1. Finance Report

Ms. Layden stated revenue and expenses were down in April, year to date. She said revenues were down due to sales tax, utility tax and court fines. She said expense savings have been reduced by the department heads, who are all holding down on their spending. She said regarding sales taxes, they are down by 16% this month, and down 11.5% year to date.

### 2. City Administrator's Report

#### a. Retainer Agreement Cell Phone Taxes

Mr. Shelton stated this is a retainer agreement regarding mobile cell phones, which we are entered in. He said it does provide the ability to inform attorneys representing the city, if there are insinuating circumstances, how cell phone revenues are reported. The City's rate for cell phones is 8%, and accounting firms seem to have a challenge calculating the revenue. They will add to this filing to find irregularities.

Aldersperson Mahadevan asked if this was only for AT&T or for other carriers, as the filing stated both. Mr. O'Keefe stated in the first paragraph is referencing the retainer and the obligation to pursue settlement with AT&T, with an option for them to be able to pursue other carriers. He said regarding the fees, the attorneys will be paid out of the recovery for AT&T and other carriers.

**MOTION:** Aldersperson Kemper motioned and Aldersperson O'Brien seconded the city enter a retainer agreement. Alderspersons present voted "Aye." The vote was unanimous. **MOTION PASSED.**

#### b. Central County Fire and EMS Dispatch Agreement

Mr. Shelton stated this is for Fire and EMS Dispatch with Central County Fire Emergency 911 Dispatch. He said the areas of concern in the agreement are the way the contract is billed; the change in fee structure; five year time frame of the agreement; and the indemnity clause. He said he and Chief Trout met with the board to try to discuss contract negotiations, but they stated, they have a standard contract. The city is currently are paying the higher fee, but are not operating with a contract.

Mr. O'Keefe explained the indemnification clause and the reason why he does not like it. Mr. Shelton stated they offer a very good service, where they dispatch medical and fire equipment. He said the only other department around which dispatches for fire services, is Kirkwood and they are at capacity. He said we don't have any other options at this time. Alderman Warner asked if we could become an additional insurer under their insurance policy. Aldersperson Mahadevan asked what other cities are doing. Mr. O'Keefe said other cities have accepted the clause. He said we are not an owner. Aldersperson Kemper asked Mr. O'Keefe if he represented any other cities that have passed

the contract.. Mr. O'Keefe said he represented Des Peres but they opted out. They are being dispatched by the City of Kirkwood for Fire and EMS. The City of Des Peres has its own police dispatchers. Mr. O'Keefe stated the service is good and there are not many alternatives. Mr. Shelton stated our fees have risen from \$30,000 annually to \$86,000 annually. Chief Trout stated 36 of 43 fire departments in the County use Central County E911. He said they are owned by five fire districts. He said they have seven full time dispatchers on at all times and nine during peak hours. He said they are a not for profit operation. He said all of their money goes back into their operation costs. He said they provide laptop computers, software, modems and Wi-Fi. The fire department personnel have the ability to send EKG's directly to the hospitals.

Chief Trout stated other municipalities are paying much more for dispatch services. He said Ladue is paying \$240,000 a year, Creve Coeur is paying one million a year and Monarch is paying \$1.5 million a year.

Mr. Shelton stated this will be on the June meeting agenda for discussion and possible passage.

Mr. Shelton stated information was sent out regarding NIMS training. He said all department heads, other staff members and all elected officials must attend the training. Alderman O'Brien asked for additional information. Mr. Shelton stated he would follow up and send it out.

Mr. Shelton stated a Frontenac Festival postcard was mailed out today. The festival will be on Saturday, May 20 from 11:00 am to 2:00 pm, rain or shine.

Alderman Kemper asked about the AT&T Mobility dispute, and asked was there any feedback. Mr. Shelton stated there is no clear amount of the tax amount they are collecting. Ms. Layden said AT&T sends the accounting firm, KPMG taxes collected, and KPMG backs into the gross receipt numbers. She said they are asking for details of their sales. Alderperson Kemper asked if we are the only city with this problem. Ms. Layden said we are one of a few cities that have different residential and commercial rates.

#### **H. UNFINISHED BUSINESS**

None

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

None

#### **J. APPROVAL OF WARRANT LISTS: April 1, 2017 through April 30, 2017**

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

**MOTION:** Alderperson O'Brien motioned and Alderperson Griesedieck seconded the above warrant lists be approved.

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

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

**ROLL CALL VOTE:** Alderperson Mahadevan, “Aye”; Alderperson Warner, “Aye”; Alderperson Kemper, “Aye”; Alderperson Griesedieck, “Aye”; Alderperson O’Brien, “Aye”; and Alderperson Bray, “Aye”. All Alderperson present voted “Aye”. The vote was unanimous. **MOTION PASSED.**

#### **K. ADJOURNMENT**

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

**MOTION:** Alderperson Bray motioned and Alderperson O’Brien seconded the meeting be adjourned. All Alderpersons present voted “Aye”. The vote was unanimous. **MOTION PASSED.**

The meeting adjourned at 7:42 pm.