MINUTES
CITY OF CREVE COEUR
CITY COUNCIL
300 NORTH NEW BALLAS RD
JUNE 13, 2016
7:00 PM

CALL TO ORDER

A regular meeting of the City Council of the City of Creve Coeur was called to order by Mayor Glantz at the Creve Coeur Government Center, 300 N. New Ballas Road on Monday, June 13, 2016 at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Glantz led the Pledge of Allegiance.

INVOCATION

Mayor Glantz gave the invocation.

ROLL CALL

Mr. Glantz	Mayor
Mr. Faron	Council Member Ward I
Ms. Kramer	Council Member Ward I
Mr. Ruzicka	Council Member Ward II
Mrs. Lawrence	Council Member Ward II
Mr. Hoffman	Council Member Ward III
Mrs. Baseley	Council Member Ward IV

Absent: Council Members Charlotte D'Alfonso, Ward III and Scott Saunders, Ward IV

COMMENTS FROM THE GENERAL PUBLIC

(Citizens are asked to limit comments to three minutes and to complete a speaker card)

No one requested to speak.

ACCEPTANCE OF THE AGENDA

Council Member Hoffman moved, seconded by Council Member Kramer to accept the agenda as presented.

Mark Perkins requested that Item 14, Review of IMS Pavement Projections be deferred until June 27.

Mayor Glantz requested the addition of Item 11.A – Proclamations.

Council Member Hoffman moved, seconded by Council Member Faron to accept the agenda as amended, with the vote upon such motion as follows, to-wit:

Council Member Ruzicka – Aye
Council Member Faron – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye

Council Member Baseley – Aye
Council Member Kramer – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried.

ANNOUNCEMENTS

The City Council meets the 2nd and 4th Monday of each month
6:00 p.m. - 7:00 p.m. - Work Session
7:00 p.m. - Regular Meeting of the City Council

PUBLIC HEARING - FY 2017 ANNUAL BUDGET

A presentation was made by Mark Perkins, City Administrator regarding the FY 2017 Annual Budget. Finance Director Dan Smith discussed his proposed final amendment exhibit.

There being no further comments, the City Attorney presented exhibits for the record and the public hearing was closed.

1. CONSENT AGENDA

Council Member Hoffman moved, seconded by Council Member Kramer to approve the consent agenda as presented.

a. Council Minutes Dated May 23, 2016
b. Annual Records Destruction

Mayor Glantz called the question to approve the consent agenda as presented, with the vote upon such motion as follows, to-wit:

Council Member Kramer – Aye
Council Member Baseley – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye
Council Member Faro – Aye
Council Member Ruzicka – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried.

BILLS PAYABLE REPORT

For Information Only

Summary: Attached is a bills payable listing dated June 6, 2016 in the amount of $182,347.00 for Council review. No vote is required.

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UNFINISHED BUSINESS

None

NEW BUSINESS

2. **Bill No. 5599 - an Ordinance Amending the Adopted FY 2016 General, Capital, Retirement and Municipal Enterprise Funds Budgets of the City of Creve Coeur by Authorizing Additional Appropriations and Unappropriations from Operating Departments. First Reading**

City Clerk read Bill No. 5599 for the first time.

Dan Smith reviewed items as listed in the bill.

3. **Bill No. 5600 - an Ordinance Adopting the Annual Budget of the City of Creve Coeur for the Fiscal Year 2017 Commencing July 1, 2016 and Appropriating Funds Pursuant Thereto. First Reading**

City Clerk read Bill No. 5600 for the first time.

4. **Substitute Bill No. 5572 - an Ordinance Entering into an Agreement with Saint Louis County and Accepting the Dedication of the Westerly Portion of Woodfield Lane as a Public Street Upon Completion of the Terms of the Related City-County Agreement. First Reading.**

City Clerk read Bill No. 5572 for the first time.

Mark Perkins stated St. Louis County put together a program to repair a road that is in poor condition. The agreement is that the city will accept the donation of the road along with any future maintenance once the street is brought up to city standards. Council will need to accept as a substitution.

Council Member Lawrence moved, seconded by Council Member Hoffman to bring the matter back from the table and accept Substitute Bill No. 5572 as presented, with the vote upon such motion being as follows, to-wit:

Council Member Ruzicka – Aye
Council Member Faron – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Baseley – Aye
Council Member Kramer – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried.

5. Bill No. 5601 - an Ordinance Amending Chapter 215 of the Code of Ordinances of the City of Creve Coeur Regarding Smoking in Public Places. First Reading

City Clerk read Bill No. 5601 for the first time.

Council Member Hoffman stated he brought this issue up several weeks ago to address the issue of smoking in outdoor dining and seating areas and proposes amending the current smoking ordinance. The problems with second hand smoke are well documented and there isn't any question as to the number of deaths and illnesses because of second hand smoke. The American Lung Association website shows the CDC numbers on how many people are affected by secondhand smoke. With that information in mind this is a proposed change to Chapter 215 and this does include electric cigarettes.

Council Member Ruzicka asked if any other municipalities that have made this change.

Council Member Hoffman asked City Clerk for information regarding other cities.

City Clerk stated city of O'Fallon is the only other municipality that has this restriction; however, it is only enforced if a customer of an establishment complains, the establishment contacts the PD and the Officers will ask if the complainant wishes to file formal charges. If the customer does not then nothing is done, if they do then the person will be required to appear in court.

Council Member Ruzicka asked how is the city going to handle it if a customer or establishment doesn't follow the amendment.

Council Member Hoffman stated the same as it is handled indoors and if they continue then the PD will be called.

Chief Eidman stated that is how all ordinance violations are handled.

Council Member Faron asked for those establishments that are going to have a difficult time conforming to the new ordinance, how will that be handled.

Carl Lumley stated if there is seating in the area that is in question, if the establishment removes the public seats, then it wouldn't be a violation. If it is an employee or resident only area then it wouldn't be subject to it.

Council Member Hoffman stated he has not received any opposition from area restaurants.

Mayor Glantz asked if the Chamber of Commerce made any comments.

Mark Perkins stated they have not, but did tell the Chamber that a final vote wouldn't be taken until the 27th.

6. Bill No. 5602 - an Ordinance Amending Title III of the Code of Ordinances, Schedule III, Table III-A, to Reflect a Reduction in Speed Limit from 35 MPH to 30 MPH for a Segment of Conway Road from Laduemont Drive to the West City Limit. First Reading

City Clerk read Bill No. 5602 for the first time.

Mark Perkins stated for clarification per the PD memo, with this Conway Road will have a uniform speed limit the entire length of the road in the code book to match current signage.

7. **Resolution No. 1223 - a Resolution of the City Council of the City of Creve Coeur, Missouri, Authorizing the Creve Coeur Police Department to Participate in the Missouri Highway Safety Program.**

City Clerk read Resolution No. 1223.

Mark Perkins stated this is an annual resolution to allow the PD to continue participating in the program.

Council Member Hoffman moved, seconded by Council Member Kramer to approve Resolution No. 1223, with the vote upon such motion being as follows, to-wit:

Council Member Kramer – Aye
Council Member Baseley – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye
Council Member Faro – Aye
Council Member Ruzicka – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried.

8. **Resolution No. 1224 - a Resolution Authorizing the City Administrator of the City of Creve Coeur to Enter into an Agreement with Winning Technologies for the Purchase of Information Technology Management Services.**

City Clerk read Resolution No. 1224.

Council Member Faron moved, seconded by Council Member Kramer to approve Resolution No. 1224, with the vote upon such motion being as follows, to-wit:

Council Member Ruzicka – Aye
Council Member Faron – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Baseley – Aye
Council Member Kramer – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried.

APPOINTMENTS

9. **Planning and Zoning Commission Appointments**

Mayor Glantz stated the Planning and Zoning Nominating Committee members were Beth Kistner, P & Z Chair; Council President Ellen Lawrence and the Mayor. The Nominating Committee met on May 23, 2016 and reviewed interested applicants and selected applicants to interview. Committee met again on June 6, 2016 to hold interviews and met immediately after to discuss and make recommendation to Council. Vacancies on the P & Z were created by James Faron being elected to Council and Charles Pullium announcing he will be moving out of the city and will not be reappointed for another term. Nominating Committee recommends Council appoint Heather Silverman to fill the unexpired term, which will expire June 30, 2017 and appoint Matt Schuh to fill a three year term which will begin July 1, 2016 and expire June 30, 2019.

Council Member Hoffman moved, seconded by Council Beasley to approve the Nominating Committee's recommendations for appointments to the Planning and Zoning Commission as stated, with the vote upon such motion being as follows, to-wit:

Council Member Kramer – Aye
Council Member Baseley – Aye
Council Member Hoffman – Aye
Council Member Lawrence – Aye
Council Member Faro – Aye
Council Member Ruzicka – Aye

The vote on the motion being 6 ayes and 0 nays, motion carried.

BUSINESS FROM MAYOR AND CITY COUNCIL

10. Council Liaison Reports

Council Member Hoffman stated the HEB committee met on Wednesday, June 18, 2016 and had a field trip. The Committee chose the winners of the Beatification Contest held by the city. Winners have been chosen and will be announced soon.

Council Member Faron stated the Storm Water Committee met and heard through staff and reviewed a packet from a concerned resident in Sunswept about creek conditions in their neighborhood. Committee also discussed the residential storm water update, which included discussion of a few driveway bridge issues, as well as backyard drainage issues. Captial Improvement Project update included discussion of a few street culverts at Alden and MeadowBrook. Discussed the dam stabilization at the golf course and finally a discussion on the residential storm water regulation which mimics much of the MSD regulations leading to difficult interpretation and enforcement of our ongoing storm water management plan.

Council Member Ruzicka stated he introduced himself at the Finance Committee meeting as well as to staff.

Council Member Baseley asked if the Storm Water Tax was discussed at the meeting.

Council Member Faron stated no discussion at the last meeting as they had a full agenda but will be discussed at a near future meeting.

Mayor Glantz stated he meets with Mayors from various surrounding communities and he asked them who has the storm water tax in place and all of the neighboring communities currently have this tax as well.

11. Exterior Property Maintenance

Mayor Glantz stated he requested this item to be placed on the agenda. At the last two or three Coffee with the Mayor events there have been extensive discussions regarding concern of exterior property maintenance of some homes in various subdivisions. There are only a few in Creve Coeur but they are becoming an increased concern to neighbors. Thought it would be appropriate to discuss and address it collaboratively as the City Council.

Steve Unser, Chief Building Official stated approximately 96 to 98% of the violations notices that are sent out get complied within the time frame. Rarely will we get an address where a second and final notice is issued. If the property still doesn't comply then it will go to municipal court for action. Usually by the time the issue reaches court, a lot of the cases are resolved prior to the court date and the case gets dismissed. The city does have a code enforcement process for the city's property maintenance and nuisance code. We have a full time code enforcement officer, whose primary duty is enforcing property maintenance code and the nuisance code. A complaint is normally responded to within a day or two and people take the appropriate action.

Council Member Hoffman asked in the city's court system, is there a limit as to what the city can fine residents who don't comply and it that increased in time.

Steve Unser stated there is a maximum penalty the city can assess and that is $500 per count. Usually, a property maintenance violation the city will file a single complaint which is one count and access a penalty based on how long it took for the property to come into compliance. There have been some problem cases where staff has filed additional counts to increase the penalty, but not often.

Mayor Glantz stated his goal in bringing this up is not to generate revenue but rather to get compliance. Troublesome properties become very noticeable very quickly and we are very fortunate in our community that a vast majority of people take good care of their property. The goal is to have all properties in compliance and not to raise revenue. Mayor Glantz stated at the Coffee with the Mayor some of the complaints are that the process seems to bog down and take excessive time. Could the city step in and do some of the maintenance and charge the property owners or is that something the city wants to do.

Council Member Ruzicka stated there are plenty of students in the area that need service hours and suggested that they could help with clean up in some of these cases.

Carl Lumley stated one of the current properties that have issues is a property on St. Paul and the problem with the recent recession is that the lenders don't record the changes in mortgages any longer. Even though it says it is Bank of America loan they haven't been the lender for years. There is a law that states that some lenders are exempt from local laws as they are under the umbrella of the Federal Government and we have to depend on the Federal Government to want to preserve their collateral. The property owner walked away. So the city may not be able to do anything on some of these particular properties until the correct entity

takes responsibility and authority to bring a property into compliance. It appears that the property on St. Paul is set for foreclosure sale on June 23, 2016 and hoping that it is a positive direction. The city does have the authority to correct issues like health, safety and welfare issues but there are processes and procedures that are required to be followed.

11a. – Proclamations

Mayor Glantz stated he would like to let Council know that he has written and presented the following proclamations:

- Malachi Owen – Cantorial Soloist at Temple Emanuel
- Two boys that were Mayors for the Day
- Annual Poppy Queen
- Annual Arbor Day

Going forward the Council will receive notification when proclamations are written and presented if they will not be coming to a Council meeting.

BUSINESS FROM CITY ADMINISTRATOR

12. Owner's Representative for Government Center Projects

Mark Perkins stated we have continued to move forward with the facilities planning and we have been focusing on a November ballot issue, although no definite decision has been made. Staff is looking to hire an owner's representative/construction manager on board to keep close review of the project, budget, daily review of quality once construction beings. This person will handle bidding, selection of architect as well as construction. Essentially an expert extension of city staff to run the project. Looking to have this person come on board before the item is even put on the ballot and they can assist in the education process of the ballot issue as well. If it doesn't end up on the ballot or it doesn't pass then we would only pay for those hours worked, if it did pass then they would continue to work throughout the project.

Council Member Ruzicka asked if other municipalities are doing similar hirings.

Mark Perkins stated other municipalities as well as school districts use contract employees that do this type of work.

Council Member Baseley asked what the ballpark cost is for a contract employee like this. Will they get paid a flat rate or a percentage of the project.

Mark Perkins stated he has seen a range of different ways proposed in the cost of a contract employee like this. Definitely in the range of six figures but would set a not to exceed amount.

Jim Heines stated fee usually based on a percentage of overall project, by the hours and not to exceed. That is something that could be negotiated as the project progresses.

Council Member Lawrence stated she would be more comfortable with hourly or flat rate.

Carl Lumley stated one feature that you will see in the documentation in the packet is that it is made clear that they don't have legal authority for the owners, the city in this instance. So they

may be a party to the negotiation, this contract employee would not be able to make binding decisions.

Mark Perkins stated staff will plan to work to finalize an RFP and get it out. Planning to involve a couple members from the facilities task force to help review submittals.

13. Emergency Purchase - Ice Compressor

Jason Valvero stated June 4, 2016 the compressor went down at the ice arena and he was notified right after the start of the Heart to Heart Run. The compressor assists in keeping the ice cold, the set point of 20 degrees. If the temperature falls below that the ice will become soft and not playable. Called Murphy Company and they came and diagnosed that all oil pressure had been lost. They do not build compressors on site to that scale. A rebuilt compressor was ordered and purchased out of Chicago. Compressor arrived last Wednesday, it was installed and when they went to start the compressor the new one wasn't working. Murphy Company called the manufacturer, they sent a new one. The new one was received and installed today and the ice is getting better. Lost some rentals and some will be recouped by rescheduling practices. Staff will continue to work with the renters that were displaced.

14. Review of IMS Pavement Projections

This item has been deferred until the June 27, 2016 scheduled Council meeting.

Council Member Hoffman moved, seconded by Council Member Kramer to adjourn at 8:49 p.m., with the vote upon such motion being as follows, to-wit:

Council Member Ruzicka – Aye
Council Member Faron – Aye
Council Member Lawrence – Aye
Council Member Hoffman – Aye
Council Member Baseley – Aye
Council Member Kramer – Aye

The vote on the motion being 6 ayes and 0 nays, motioned carried.

Submitted by:

Deborah Ryan
City Clerk

Barry Glantz
Mayor