

REGULAR MEETING OF THE BOARD OF ALDERMEN  
August 18, 2009

The Regular Meeting of the Board of Aldermen of the City of Warson Woods was held on Tuesday, August 18, 2009 at the City Hall, 10015 Manchester Road. The following members of the Board were present:

Mayor E. William Bergfeld, Jr.  
Gordon Gosh  
Mark Wittich  
David Aitken  
Larry Howe  
Mike Andrews  
Judith Pohl  
Mike Dell'Orco  
George Bruenning

Absent:

Also present were City Attorney, Paul Rost, Treasurer, Bill O'Neil, Chief, Robert Stanczak, City Clerk/Collector, Kathy Mahany, and Building Commissioner, Dan Wilson. The Mayor called the Meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING—Setting the 2009 Real Estate Tax Rate  
Mayor Bergfeld opened the Public Hearing by asking those present if they had any comment about the proposed Real Estate Tax Rate for 2009. Hearing no comment from the audience, he closed the Public Hearing at 7:01 P.M.

MINUTES

REGULAR BOARD MEETING—July 21, 2009

Alderman Gosh moved, seconded by Alderman Pohl, that the Minutes be accepted as submitted. On Voice Vote, the motion was unanimously approved.

EXECUTIVE SESSION—July 21, 2009

Alderman Pohl moved, seconded by Alderman Gosh, that the Minutes be accepted as submitted. On Voice Vote, the motion was unanimously approved.

POLICE FUND MEETING—August 10, 2009

Alderman Andrews moved, seconded by Alderman Gosh, that the Minutes be accepted as submitted. On Voice Vote, the motion was unanimously approved.

REGULAR BOARD MEETING—August 18, 2009

ADHOC MEETING—August 14, 2009

Alderman Howe moved, seconded by Alderman Pohl, that the Minutes be accepted as submitted. On Voice Vote, the motion was unanimously approved.

TREASURER'S REPORT—June 2009

Alderman Gosh moved, seconded by Alderman Pohl that the Treasurer's report be received as submitted. On Voice Vote, the motion was unanimously approved.

BILLS AND RECURRING DISBURSEMENTS TO BE APPROVED

Alderman Andrews moved, seconded by Alderman Pohl, that the Bills with the Addendum be approved as submitted. On Voice Vote, the motion was unanimously approved.

GLENDALE FIRE REPORT—No action required.

WARSON WOODS POLICE REPORT—No action required.

PETITIONS, REQUESTS AND COMPLAINTS- Mr. Schneider, 514 Flanders Dr., discussed the complaint which was made regarding the number of dogs that he has at his home. He went on to explain that he and his wife own 3 dogs and they are keeping his son's dog while he is in Afghanistan on military duty. He also informed the Board that periodically his wife boards rescue dogs from the Humane Society. A discussion and question and answer period followed with the outcome being the City Attorney have an ordinance to address these concerns and issues for the September Regular Board meeting.

COLLECTOR—Kathy Mahany nothing to report.

BUILDING COMMISSIONER—Dan Wilson nothing to report

PARK COMMISSIONER—Alderman Gosh informed the Board that the tree work has been completed. Trees which were dead have been removed and hazardous limbs have been trimmed. He continued that there are more trees which need limbs trimmed but they are not hazardous at this time. Alderman Howe asked if he is concerned about the Ash trees dying because of bores as is happening in the more northern states. He answered no he is not concerned that this area would have much devastation. Alderman Wittich then asked if the large branch which hung over the equipment in Royal Oaks Park was still there. Mr. Gosh said no it had been trimmed.

TENNIS COMMISSIONER- Mark Boland, absent.

CITY ENGINEER—Ken Lichtenheld, absent.

REGULAR BOARD MEETING—August 18, 2009

CITY ATTORNEY—Paul Rost stated regarding the dog issue which was discussed previously and anticipating the pending ordinance development, it is his impression that no enforcement will be taken at this time regarding the “situation” at 514 Flanders Dr. The Mayor answered no, not at this time.

Next he explained the need for passing the up Bill No. 1502 regarding the settlement with AT&T. He explained that this has nothing to do with cell phones this has to do with the land lines and the City should expect to recoup approximately \$56,000.00 in business license tax and an additional \$2,500.00 in reimbursed attorney fees.

TREASURER—Bill O’Neil-- Regarding Paul’s last comment, he asked if that is part of the same AT&T escrow on the balance sheet. He was told no the balance sheet is actually T-Mobil protest money and it is totally separate from the general funds. The name just needs to be changed on the balance sheet.

MAYOR— E. William Bergfeld, Jr., discussed a draft of a letter for Ward 1 residents’ which he would like to send, a copy was enclosed in the packet, regarding placement of leaves on the lawn at the curb not in the curb. Alderman Howe moved, seconded by Alderman Andrews to have the City send the letter to Ward 1 residents.

OLD BUSINESS

Alderman Andrews read the Resolution Establishing a Policy for Reserving Funds for Certain Public Use and Creating a Line Item for same. Alderman Howe moved, seconded by Alderman Andrews to accept the Resolution. On Voice Vote, the motion was unanimously approved.

Next a discussion was held regarding the recommendations for the ADT Select Link program. The recommendations are as follows; Emergency use only; Community advisory for weather related issues; P&Z and Board of Adjustment Board Member notification; Disaster response notification and the Board of Alderman notification of upcoming meetings. Alderman Wittich moved seconded by Alderman Aitken to approve the recommendations for the ADT Select Link program. On Voice Vote, the motion was unanimously approved.

MISC. OLD BUSINESS—Nothing to report.

NEW BUSINESS

Ordinance Approving a Settlement Agreement and Binding Unilateral Agreement with Southwestern Bell Telephone Company Related Entities Relating to Payment of Business License Tax. Alderman Andrews moved, seconded by Alderman Gosh, that Bill No. 1502 was read two times, becomes Ordinance No. 1447. By Roll Call the Vote was as follows:

REGULAR BOARD MEETING—August 18, 2009

Bill No. 1502 Cont.

	Ayes	Nays	Abstain	Not Present
Aitken	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Andrews	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Gosh	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Bruenning	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Pohl	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Howe	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Wittich	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Dell’Orco	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

The Ordinance was announced passed. 8- 0.

Ordinance Authorizing the Establishment of a Procedure to Disclose Potential Conflict of Interest and Substantial Personal Interest of Certain Municipal Officials. Alderman Gosh moved, seconded by Alderman Wittich, that Bill No. 1503 was read two times, becomes Ordinance No. 1448.

By Roll Call the Vote was as follows:

	Ayes	Nays	Abstain	Not Present
Andrews	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Gosh	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Bruenning	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Pohl	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Howe	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Wittich	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Dell’Orco	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Aitken	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

The Ordinance was announced passed. 8- 0.

Ordinance Establishing the Rate of Taxes to be Levied and Collected for the year 2009. Alderman Andrews moved, seconded by Alderman Gosh, that Bill No. 1504 was read two times, After a short discussion about correcting the typing error Bill No. 1504 becomes Ordinance No. 1449.

By Roll Call the Vote was as follows:

	Ayes	Nays	Abstain	Not Present
Gosh	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Bruenning	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Pohl	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

REGULAR BOARD MEETING –August 18, 2009

Bill No. 1504 Cont.

Howe	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Wittich	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Dell’Orco	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Aitken	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Andrews	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

The Ordinance was announced passed. 8- 0.

Ordinance Amending the 2008-2009 fiscal Budget Alderman Andrews moved, seconded by Alderman Wittich, that Bill No. 1505 was read two times, after a short discussion about amending the budget because it is state law Bill 1505 becomes Ordinance No. 1450.

By Roll Call the Vote was as follows:

	Ayes	Nays	Abstain	Not Present
Bruenning	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Pohl	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Howe	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Wittich	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Dell’Orco	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Aitken	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Andrews	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Gosh	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

The Ordinance was announced passed. 8- 0.

Ordinance Entering into a Contract with the City of Glendale for Fire Protection Services and Certain Law Enforcement Services. Alderman Gosh moved, seconded by Alderman Pohl, that Bill No. 1506 was read two times, becomes Ordinance No. 1451.

By Roll Call the Vote was as follows:

	Ayes	Nays	Abstain	Not Present
Pohl	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Howe	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Wittich	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Dell’Orco	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Aitken	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Andrews	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Gosh	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Bruenning	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

The Ordinance was announced passed. 8- 0.

REGULAR BOARD MEETING—August 18, 2009

Ordinance Entering into a Contract with Kirkwood Material for Snow and Ice Removal from October 1, 2009 through May 1, 2010. Alderman Wittich moved, seconded by Alderman Pohl, that Bill No. 1507 was read two times, becomes Ordinance No. 1452. By Roll Call the Vote was as follows:

	Ayes	Nays	Abstain	Not Present
Howe	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Wittich	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Dell’Orco	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Aitken	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Andrews	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Gosh	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Bruenning	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Pohl	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

The Ordinance was announced passed 8 – 0

MISC. NEW BUSINESS

Alderman Gosh stated that Floor Trader will hold its Grand Opening over Labor Day and they are requesting a ribbon cutting ceremony and that the Kirkwood Webster times has agreed to send a photographer.

Alderman Wittich informed everyone that he thinks the band that we have had in the past for the Fall Festival is no longer together. He asked if he could hire a DJ for this year.

Alderman Andrews stated he knows of a DJ that would most likely do it for a reasonable price.

Alderman Howe requested an inspection be done at 857 Rolfe. The Building Commissioner stated he has already done an inspection and a letter will be sent to the property owner shortly.

He then asked the Police Chief if Golf Carts are allowed to be driven on the streets in the City. The Chief answered no they are not considered a legal vehicle without extensive modification.

Alderman Wittich moved seconded by Alderman Howe to Adjourn into Executive Session. By Roll Call the Vote was as follows:

	Ayes	Nays	Abstain	Not Present
Aitken	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Andrews	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Gosh	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Bruenning	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Pohl	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Howe	<u>  X  </u>	<u>      </u>	<u>      </u>	<u>      </u>

REGULAR BOARD MEETING—August 18, 2009

Adjourn into Executive Session Cont.

Wittich	<u>  X  </u>	_____	_____	_____
Dell’Orco	<u>  X  </u>	_____	_____	_____

Adjournment

Alderman Wittich, seconded by Alderman Howe, the meeting is adjourned. On Voice Vote, the motion was unanimously approved. The meeting closed at 8:33 P.M.

Respectfully submitted,

Kathy Mahany, City Clerk

E. William Bergfeld, Jr., Mayor

