



MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING
OF MONDAY, MARCH 18, 2013
AT 200 HIGHLANDS BOULEVARD DRIVE

1. CALL TO ORDER

Mayor David L. Willson called the Regular Board of Aldermen meeting to order at 7:00 p.m.

2. ROLL CALL AND STATEMENT OF QUORUM

Roll call showed those present were: Alderman Clement, Alderman Stevens, Alderman Hamill, Alderman Ottenad, Alderman Schrader, Alderman Diehl, Mayor Willson and Attorney Gunn. A quorum was present.

3. APPROVAL OF THE MINUTES

- a. Minutes of the March 4, 2013 Continued Public Hearing of February 4, 2013 regarding a request for outdoor storage of goods and merchandise at 14444 Manchester Road

Alderman Clement made the motion to approve the Minutes of the March 4, 2013 Public Hearing continued from February 4, 2013 regarding a request for outdoor storage of goods and merchandise at 14444 Manchester Road. The motion was seconded by Alderman Diehl and carried unanimously, without objection.

- b. Minutes of the March 4, 2013 Regular Board of Aldermen meeting

Alderman Hamill made the motion to approve the Minutes of the March 4, 2013 Regular Board of Aldermen meeting. The motion was seconded by Alderman Ottenad and carried unanimously, without objection.

4. ESTABLISHMENT OF ORDER OF ITEMS ON THE AGENDA

Alderman Hamill made the motion to approve the Order of Items on the Agenda. The motion was seconded by Alderman Clement and carried unanimously, without objection.

5. CONSIDERATION OF PETITIONS AND COMMENTS FROM THE PUBLIC

a. Introduction of Police Officer Jonathan Weiss

Chief of Police Timothy Walsh introduced Police Officer Jonathan Weiss, and stated that Officer Weiss grew up in northern Jefferson County, was active in Boy Scouts and earned the rank of Eagle Scout. Officer Weiss graduated from Northwest High School in 2008, then received an Associate's Degree from Jefferson College and continued his education at the University of Central Missouri where he completed two internships, one with the St. Louis County Police Department and one with the Missouri State Highway Patrol. He graduated from the University in December, 2011 with a bachelor's degree in criminal justice. He then enrolled in the Eastern Missouri Police Academy and graduated last summer.

b. Comments from the Public

Mr. Bill Vivrett, # 3 Great Knight Court, Saxony Estates, expressed thanks for the City's interest and ongoing encouragement of Manchester Arts, and as part of their ongoing support, he urged that the elected officials help promote many of the events the group has going on this year. He spoke about the photo contest which will be on May 17-19. He also asked about the display of art in the meeting room at the Police Facility.

Ms. Laura Burge, spoke about the ecosystem, including the trees, birds, and animals. Ms. Burge indicated that the trees, birds, and animals are scheduled by a proposed project to be destroyed. She said she is completely against this project, and the reason for going forward hasn't been completely established in her view, and the project has gone forward in a strange way, not really announced. She said it was news to her when she found out recently that there is a stormwater tax. Ms. Burge said this is not the best project; perhaps there is another area where there is a bigger need. She said the stormwater does not reach anyone's backyard in the stretch where she lives, but she understands that there is a problem down the street. She suggested having a representative from the Department of Conservation come to speak before the members of the Board of Aldermen. Ms. Burge said if the City would invite her, the Department of Conservation representative could come and speak about other remediation, restoration and stabilization of creek beds throughout the City of Manchester.

6. REPORTS FROM THE MAYOR

a. Mayoral Report

Mayor Willson stated that City Administrator Andy Hixson and he attended the March 5, Citizens Police Academy graduation.

On March 6, Mayor Willson and City Administrator Hixson attended the Open House in Wildwood and toured the new City Hall.

During the evening of March 6, Mayor Willson and City Administrator Hixson attended the Board of Adjustment dinner hosted by Director Kraitz.

Mayor Willson stated that on March 9, City Administrator Hixson and he attended the Lafayette Area Mayors' Organization breakfast where there were state legislators in attendance.

On March 9, Mayor Willson attended the St. Louis County Municipal League meeting which was held in Clayton.

On Sunday, Mayor Willson attended a Boy Scout Court of Honor which was held at the Police Facility, and he presented Proclamations to two scouts who have attained the rank of Eagle.

March 13 was the first Homecoming meeting for this year; Mayor Willson was in attendance.

Mayor Willson discussed a brochure of Parkway School District which shows locations of the District's schools. He stated that some of the schools that are actually in Manchester are shown as being in Ballwin, and he has brought this to the attention of the Administration Office of Parkway.

7. REPORTS FROM THE CITY ADMINISTRATOR

a. List of Paid Bills (Warrant dates of March 1 – March 15, 2013)

There were no questions.

8. REPORTS FROM COMMITTEES

a. Planning and Zoning Commission/Manchester Arts

Alderman Clement advised that the Planning and Zoning Commission met last week in a closed session, and there will be an open meeting a week from tonight, because there are a couple items on the agenda.

b. Historic Review Commission

Alderman Diehl informed the attendees that the Historic Review Commission met tonight at City Hall before the Board of Aldermen meeting. He said they are working on a planned Historic Review Commission website, possibly with a list of historic properties. Alderman Diehl announced that the next meeting of the Historic Review Commission will be on April 1 at City Hall.

c. Homecoming meeting

Alderman Ottenad announced that the Homecoming Committee met at the Legion Hall. There was a discussion about increasing prices on booths at Homecoming, and that was passed for 2014. Again this year, Alderman John Schrader will handle the car show, and the parade will be south of Manchester. Ms. Jean Muehlendyck was chosen to be the Grand Marshal.

9. ACTION ON OLD BILLS

- a. There were none.

10. INTRODUCTION OF NEW BILLS

- a. RESOLUTION APPROVING SUBMISSION OF GRANT APPLICATION FOR ENFORCEMENT OF DRIVING WHILE INTOXICATED VIOLATIONS

Alderman Stevens read Proposed Resolution # 13-0434, entitled: "A RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION FOR A HIGHWAY SAFETY TRAFFIC ENFORCEMENT GRANT FROM THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR FUNDING IN AN AMOUNT NOT TO EXCEED FIVE THOUSAND SEVENTY-FIVE DOLLARS (\$5,075.00) FOR ENFORCEMENT OF DRIVING WHILE INTOXICATED VIOLATIONS IN THE CITY OF MANCHESTER", by title only.

Alderman Ottenad asked when the City will learn if the Police Department receives this grant. She also questioned the deadline date for submission.

Chief of Police Tim Walsh answered that the City will learn this summer if the grant was received. Chief Walsh stated that the deadline date has been met.

There being no further questions or comments, Alderman Stevens made the motion for approval of Resolution # 13-0434. The motion was seconded by Alderman Hamill and carried unanimously, without objection.

- b. RESOLUTION APPROVING SUBMISSION OF GRANT APPLICATION FOR ENFORCEMENT OF HAZARDOUS MOVING VIOLATIONS

Alderman Schrader read Proposed Resolution # 13-0435, entitled: "A RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION FOR A HIGHWAY SAFETY TRAFFIC ENFORCEMENT GRANT FROM THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION FOR FUNDING IN AN AMOUNT NOT TO EXCEED FIVE THOUSAND SEVENTY-FIVE DOLLARS (\$5,075.00) FOR ENFORCEMENT OF HAZARDOUS MOVING VIOLATIONS IN THE CITY OF MANCHESTER", by title only.

Alderman Schrader made the motion for approval of Resolution # 13-0435. The motion was seconded by Alderman Hamill and carried unanimously, without objection.

- c. RESOLUTION AUTHORIZING PURCHASE OF INVESTIGATIVE EQUIPMENT, SAFETY ITEMS, AND MOBILE VIDEO RECORDER ITEMS FROM ASSET FORFEITURE FUNDS FOR THE POLICE DEPARTMENT

Alderman Ottenad read Proposed Resolution # 13-0436, entitled: "A RESOLUTION

AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO EXPEND AN AMOUNT NOT TO EXCEED THIRTEEN THOUSAND FIVE HUNDRED DOLLARS (\$13,500.00) INCLUDING ANY SHIPPING CHARGES OR UNKNOWN PRICE INCREASES FROM ASSET FORFEITURE FUNDS FOR THE PURCHASE OF UPGRADED MVR (MOBILE VIDEO RECORDER) WIRELESS MICROPHONES, RECHARGABLE LED FLASHLIGHTS, REPLACEMENT RADAR UNITS AND REPLACEMENT PORTABLE BLOOD ALCOHOL MEASURING DEVICES FOR THE POLICE DEPARTMENT, AND TO ISSUE A PURCHASE ORDER TO APPROPRIATE VENDORS THEREFOR”, by title only.

Alderman Ottenad asked about the amount of money in this fund; Chief Walsh answered that before this purchase, there is \$39,385.31.

Alderman Ottenad made the motion for approval of Resolution # 13-0436. The motion was seconded by Alderman Hamill and carried unanimously, without objection.

d. RESOLUTION ACCEPTING BID FOR THE NORTH CHANNEL B STORMWATER IMPROVEMENTS

Alderman Clement read Proposed Resolution #13-0437, entitled: “A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF MANCHESTER TO ENTER INTO A CONTRACT WITH IDEAL LANDSCAPE CONSTRUCTION, INC. IN AN AMOUNT NOT TO EXCEED SIX HUNDRED EIGHTY-SEVEN THOUSAND NINE HUNDRED THIRTY-TWO DOLLARS (\$687,932.00), INCLUDING A TEN PERCENT (10%) CHANGE ORDER IN THE AMOUNT OF SIXTY-TWO THOUSAND FIVE HUNDRED THIRTY-NINE DOLLARS (\$62,539.00) IN THE EVENT OF UNFORESEEN CONDITIONS, FOR CONSTRUCTION OF STORMWATER IMPROVEMENTS IN THE AREA KNOWN AND REFERRED TO AS THE NORTH CHANNEL B STORMWATER IMPROVEMENTS PROJECT”, by title only.

Mr. John Willems, Jr., Professional Engineer for Stock & Associates, advised that in October, 2010 the process of initially photographing the Channel B area first started.

Alderman Clement stated that the trustees supported this project, and at a resident meeting, several homeowners acknowledged the flooding problems. Alderman Clement said he thinks this channel was identified in 2000 as being the second or third worst in the City, with Channel A being the worst. He said it is a very difficult, deep channel. He asked about completing the channel with rock and uniform plantings.

Mr. Willems stated that the channel will be very uniform with some boulder retaining walls where the channel is in-sized. He said where they cannot go into the common ground, they will go vertical, and the area will be replanted and will go back to uniform flows. There will be small tree plantings and shrubs, along with wildflowers mixed with natural grasses. He said there are at least 1600 sprigs that will be within the limestone rock lining itself and there are additional small tree plantings and shrubs planned. The entire area that will be disturbed will be replanted with natural grasses and wildflowers. He said the downstream water will be much cleaner. Between the Passows and the other two neighbors, straight down from LeManns, there will be some walls there. Where the storm pipe empties, there is a six-foot hole where water has been dumping over the

years, and there are some 10-20 feet before the channel has been able to re-establish itself.

Mr. Willems continued, saying that since there was such a grave concern with the Channel A Project which had an issue with poor quality rock, they wrote a specification that had a lot of teeth in it, and it required testing of actual aggregate beyond routine construction, not even required by the Metropolitan Sewer District or the Missouri Department of Transportation. He said when Channel A had the rock problem, another quarry's rock was put in; the bad rock was removed and the new rock was installed. The new quarry that provided the good quality durable rock is the one that Ideal Landscape wants to use. He discussed the larger aggregate rocks and the mixture of smaller and larger rock, and said that Ideal Landscape will meet the gradation table that is on the drawings. They will do a visual of the rock and have a sample of the mixture. He said that a couple City representatives and he went to Bussen Quarry and looked at the rock and believe it is good solid rock that meets the gradations.

Alderman Clement asked if the Channel A area is better and healthier than it was three years ago.

Mr. Willems said they are under contract to get a new five-year permit from the Army Corps of Engineers and two representatives wanted to tour channels, and Channel A was one of them. He said that the two representatives from the Army Corps of Engineers were extremely impressed how Channel A has reestablished with the plantings. They said very rarely is the success rate so good with the sprigs that are planted into the rock lining to block it in and to make it natural again. He said they were very impressed with the Channel A Project, and it looks good. He said this undertaking will be an improvement over the Channel A project.

City Administrator Hixson advised that it appears the project will come in about \$150,000 under budget.

Alderman Clement made the motion for approval of Resolution # 13-0437. The motion was seconded by Alderman Ottenad and carried unanimously, without objection.

e. **RESOLUTION CONSENTING TO RETAINER WITH COUNSEL IN REGARD TO LITIGATION AGAINST THE CITY AND OTHERS**

Alderman Hamill stated that this is basically a lawsuit that came out of a prior settlement with AT&T. As part of that settlement, AT&T started paying taxes which also included Internet usage for which there should be no charge. As result of the prior settlement, the City got money two to three years ago, and part of that money was given to the Municipal League. In regard to what is being read tonight, the Municipal League agreed to take the money from the municipalities to hire an attorney to represent the cities, so it will not cost the City any money for the defense.

Mayor Willson added that there are 233 cities involved in this lawsuit, and the St. Louis County Municipal League and the Missouri Municipal League are also involved.

Then, Alderman Hamill read Proposed Resolution # 13-0438, entitled: "A RESOLUTION CONSENTING TO DEFENSE OF THE CITY OF MANCHESTER PURSUANT TO A

RETAINER AGREEMENT BETWEEN CURTIS, HEINZ, GARRETT & O'KEEFE, P.C., JOHN F. MULLIGAN, JR. AND HOWARD PAPERNER AS COUNSEL AND THE ST. LOUIS COUNTY MUNICIPAL LEAGUE IN CONNECTION WITH LITIGATION BROUGHT AGAINST THE CITY OF MANCHESTER AND OTHERS BY BERT KIMBLE AND OTHERS", by title only.

Alderman Hamill made the motion for approval of Resolution # 13-0438. The motion was seconded by Alderman Clement and carried unanimously, without objection.

11. MISCELLANEOUS

a. Comments from the Public

Mayor Willson recognized a Boy Scout in the audience.

Master John Sander with Boy Scout Troop 751, sponsored by St. Joseph's Catholic Church stated his Eagle Scout Project is called "Friends of the Flag". He said the scouts will go around and collect damaged flags from businesses. Volunteers will repair the flags and then the boy scouts will return the flags to the appropriate businesses and have a flag raising ceremony at the businesses. If flags cannot be repaired, they will have a flag retiring ceremony for flags that are beyond repair.

Master Sander said after Manchester's flags are taken care of, he is going to try spread this effort to other boy scout troops; his goal to get it spread nationwide so there are no damaged flags around the nation.

Alderman Stevens volunteered to help repair the flags, saying this project is a fine example of good patriotic duty.

12. EXECUTIVE SESSION

a. Closed Session: Pursuant to Section 610.021 (1) of the Revised Statutes of Missouri pertaining to legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys.

Alderman Hamill made the motion to go into Closed Session: Pursuant to Section 610.021 (1) of the Revised Statutes of Missouri pertaining to legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. The motion was seconded by Alderman Clement.

A poll of the Board showed:

Alderman Ottenad – aye
Alderman Clement – aye
Alderman Stevens – aye

Alderman Hamill – aye
Alderman Diehl – aye
Alderman Schrader – aye

Mayor Willson announced the vote passed 6 to 0, with no objection.

13. ADJOURNMENT

At 8:30 p.m., after the Executive Session, there being no further business, Alderman Hamill made the motion to adjourn. The motion was seconded by Alderman Stevens and carried unanimously, without objection. The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Ruth E. Baker, CMC/MRCC
City Clerk

Note: This is a journal of the Board of Aldermen meeting held March 18, 2013 (summary); not a verbatim transcript.