

**CITY OF BRENTWOOD, MISSOURI
BOARD OF ALDERMAN REGULAR MEETING
APRIL 16, 2012**

MEETING CALLED TO ORDER

Mayor Pat Kelly called the regular meeting to order at 7:00pm, in the Brentwood Council Room located at 2348 S. Brentwood Blvd. and immediately led the Pledge of Allegiance.

Roll Call

Deputy Clerk Pittman performed roll:

Alderwoman Clements	Present	Alderman Robertson	Present
Alderman Marshall	Present	Alderman Wynn	Present
Alderman Leahy	Present	Alderman Harper	Present
Alderwoman Krewson	Absent	Mayor Kelly	Present
Alderman Kramer	Present		

Members present constituted a quorum. Also present were City Clerk/Administrator Bola Akande, City Attorney Frank Albrecht, City Treasurer Gregory Reynders, and Deputy City Clerk Octavia Pittman.

CONSIDERATION AND APPROVAL OF THE AGENDA

As requested, Alderman Leahy made a motion to amend the agenda, moving Bill #5666 to Item 13A. Motion seconded by Alderwoman Clements. Unanimous vote in favor taken; **MOTION PASSED.**

Alderman Leahy made a motion to approve the **Board of Alderman April 16, 2012** as amended. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED.**

CONSIDERATION AND APPROVAL OF MINUTES

Alderman Leahy announced the need for additional corrections to the **Board of Aldermen Special Meeting Minutes March 14, 2012** and made a motion to continue the hold until the next meeting. Motion seconded by Alderman Marshall. Unanimous vote in favor taken; **MOTION PASSED.**

Aldermen noted corrections needed to the April 2, 2012 Regular Meeting Minutes; Alderman Leahy voted in the negative in regards to parks staff compensation, and Alderman Kramer was referenced as "Attorney" several times. Alderman Leahy made a motion to approve the **Board of Aldermen Regular Meeting Minutes April 2, 2012**, with corrections. Motion seconded by Alderwoman Clements. Unanimous vote in favor taken; **MOTION PASSED.**

CERTIFICATION OF ELECTION RESULTS AND INSTALLATION OF NEWLY ELECTED OR RE-ELECTED OFFICIALS

Administrator Akande announced the election results of the **April 3, 2012 General Municipal Election** as certified by St. Louis County Board of Election Commissioners:

Aldersperson Ward 1

Maureen Saunders Votes 366
Jim Bischoff Votes 186

Aldersperson Ward 2

Cindy Manestar Votes 97
Invalid Write-In Votes 1

Invalid Write-In Votes 2

Aldersperson Ward 3

Andrew G. Leahy Votes 132
Invalid Write-In Votes 10

Aldersperson Ward 4

Lorraine Krewson Votes 56
Gary S. Bierman Votes 42
Patrick Toohey Votes 69
Invalid Write-In Votes 0

Alderman Wynn made a motion to accept the **April 3, 2012 General Municipal Election** results. Motion seconded by Alderman Marshall. Unanimous vote in favor taken; **MOTION PASSED.**

Recognition of Retiring Aldermen

Mayor Kelly presented plaques to the retiring Aldermen and Alderwomen in recognition of their service and dedication to the City of Brentwood.

- Alderwoman Ward 1 - Barb Clements (6 years of service)
- Alderman Ward 2 - Mike K. Marshall (11 years of Service)
- Alderwoman Ward 4 - Lorraine Krewson (6 years of service)

Swearing In Election Officials

Administrator Akande performed the Oaths of Office to the newly and re-elected Aldermen and Alderwomen:

- Ward 1 Maureen Saunders
- Ward 2 Cindy Manestar
- Ward 3 Andrew Leahy
- Ward 4 Patrick Toohey

The newly and re-elected Aldermen and Alderwomen were welcomed aboard; everyone was also invited to enjoy light refreshments while paying respects. Alderman Leahy made a motion for a seven (7) minute recess at 7:15pm. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED.**

The meeting reconvened at 7:22pm with the following members present; Alderwoman Saunders, Alderwoman Manestar, Alderman Leahy, Alderman Toohey, Alderman Kramer, Alderman Robertson, Alderman Wynn, Alderman Harper, and Mayor Kelly.

BIDS

None

HEARING OF ANY MATTER OF PUBLIC INTEREST UPON REQUEST OF ANY PERSON PRESENT

Patrick Cantwell 32 York Drive (York Village Association President), addressed the Board in response to conversations stemmed from the 2/8/12 Public Works Committee Meeting with regards to removing the stop sign on McKnight @ York that were initiated by a Ladue resident. He reminded the Board of previous interactions with MoDOT during the I-64 redesign; engineers were ordered to review the I-64 and McKnight interchange and reported that the stop sign serves a public safety purpose and allows for the main purpose of the Brentwood/I-64 Interchange which directs commuter traffic off McKnight to Brentwood Blvd; as well as the Board's action to adopt Resolution #876 commending the engineers and MoDOT for their work on the traffic study. He stated his opposition to the removal of the stop sign and asked the Board to consider safety ramifications, both vehicular and pedestrian; his statements will be followed by a formal letter.

Matt Saunders, 2326 Parkridge Ave asked for the City's help in identifying the author of the hate mail that was distributed during the election campaign. He complained that the City provided Glenn Jamboretz (the City's PR person) with resident information, which he used to distribute campaign information for Candidate Jim Bischoff; he questioned the City's reasoning for this action.

Barry Williams, 9001 Pine Ave, followed up on the previous complaint by adding that the "Robocall" on March 10th used the term administrative issues to reference various issues the city has seen in the last year. He stated that the concern should be not just about actual improprieties and illegality but also the perception of the same. He asked that the city consider terminating the contract with Mr. Jamboretz for the perception of improprieties.

Denise Soebbing, 2612 Porter, addressed the board with comments of the campaign letter distributed in Ward 1 and complaints that the Mayor and City Administrator are blocking resident's emails. She reminded the board of her complaint from the March 14th meeting in regards to the sound study and again asked the Board to consider conducting the study while the noise is at its highest level, not May 16th as approved, the noise will not be as loud at that time and the test will be irrelevant.

Karen Smith, 8930 Harrison, welcomed the new board. She readdressed the public parking issue in the Drury lease agreement. She questioned its reasoning as she did not see any reference to the need in any of the related documents and why the City would provide parking for a commercial industry; if this parking would be public; who authored the agreements and if the board has had an opportunity to review the documents thoroughly. She added that this may be an example of passing legislation without proper scrutiny and questioned if someone is receiving personal gain.

Mayor Kelly closed Public Comment.

He added a comment with respect to the stop sign removal for the Public Safety Committee to consider when discussing further, that conversations were also held with St. Louis County and York Wood Association in regards to the stop sign being needed for the ability to enter and exit the subdivision safely; though other intersections were considered, this was determined the best location for the sign. He responded to comments regarding Glen Jamboretz; although he has done some consulting over the past couple of years, he is not currently under contract with the City of Brentwood. Mayor Kelly learned of the letter while out of town and immediately called the candidate to find out what was going on; he feels confident that the candidate was not involved and provided assurance that the City was not involved. He also announced receipt of emails regarding the parking spaces and attempted to provide the best explanation and will attempt to answer any future questions. After clarification from Alderman Kramer, Mayor Kelly stated that it is a difficult situation and admitted that emails have been blocked from a specific individual; the goal of the city was to do the sound study

Administrator Akande replied that the sounds are sporadic and there is no way to track/time when the noise will start. Per McClure Engineers, the sound study is required to be monitored for a period of 7 days to hold up in court, if in fact it does violate the City's sound ordinance. A report will be presented to the Board for consideration in May.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Alderman Leahy made a motion for the 1st and 2nd readings of Bill #5667. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED.**

Bill #5667 – An Ordinance Authorizing A Cooperative Fire Training Officer Agreement Between The Cities Of Brentwood, Glendale, Maplewood And Rock Hill – 1st & 2nd Reading

Attorney Albrecht read Bill #5667 by title only. Alderman Kramer provided the synopsis of Bill #5667. Attorney Albrecht read Bill #5667 by title only. Alderman Leahy clarified that the annual cost does include employee benefits and the annual increase percentage is divided by the cities included. Alderman Leahy made a motion to perfect Bill #5667 into ordinance form. Motion seconded by Alderman Wynn. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – yes; **MOTION PASSED.**
BILL #5667 IS HEREBY PASSED AND ORDINANCE #4342 IS ASSIGNED TO SAID BILL.

ACCOUNTS AGAINST THE CITY

Alderman Kramer made a motion to approve warrants against the city in the amount of \$57,047.83. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

REPORTS OF COMMITTEES AND DEPARTMENT HEADS;

Mayor Kelly announced an executive session for the Meridian contract will follow this meeting. He also expressed appreciation to those that participated in the success of the retirement party for Chief Niemeyer after 50+ years of service to the City.

Public Safety Committee,

No new report.

Public Works Committee

Public Works Superintendent Nahmensen provided an update of Helen Ave; MSD will attempt to begin repairs Friday night at 9pm with estimated completion of Saturday Afternoon. There may be partial closures of 1 – 2 lanes.

Ways and Means Committee

No new report.

City Attorney

No new report.

City Clerk/Administrator

Approval – St. Mary Magdalen Band Wagon Request

Administrator Akande announced discussion during the previous Public Works Committee meeting and stated that St. Mary Magdalen has requested, for the past 2 years, donation of the city's bandwagon for use at their annual Parish picnic; such donation had been approved. This practice has since been reviewed and unrealized costs have been recognized. Total rental fee is \$1,400 which includes \$700 for 2 staff members to deliver, monitor and maintain the bandwagon. Public Works Committee recommended approval of the request with the payment to cover the 2 maintenance employees. Alderwoman Saunders announced her attendance to the Public Works Committee meeting and agreed the city should cover its cost. She also stated that it should be best practices that the City does not donate its time and money to another organization. She asked that we convey to St. Mary Magdalen that this is not punitive and will be a matter of policy for all other organizations. Alderwoman Saunders made a motion to allow St. Mary Magdalen the use of the bandwagon as long as they cover the actual cost of the bandwagon and the employees who have to monitor it. Motion seconded by Alderman Robertson. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman

Leahy – abstain; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – yes; **MOTION PASSED.**

Approval – Reach Digital Media

Brad Barbeau, Parks Staff, explained the proposal to contract with Reach Digital Media to expand the City’s broadcasting efforts in the Ice Rink and Community Center. Reach would provide live feeds from facebook pages; internet, and current business advertisements in place of the current outdated marketing system; similar to the systems used by Olivette, Clayton, Richmond Heights and Maryland Heights. Funds are available in the parks budget for the \$69 monthly subscription and purchase of equipment and set-up estimated at \$3600 (50” monitor in ice rink and 42” monitor in rec center; both with all cabling and other set-up hardware). As requested by Alderwoman Saunders, Barbeau stated both TVs would be transferrable in the event of a remodel but it would be necessary to budget for new cables. Alderwoman Saunders announced her thoughts after the meeting of placing a TV in the library or advertising recreational events. Barbeau replied there was some thought of expanding placement of TV monitors after reviewing any impact they may have in the rink and rec center. Alderman Leahy made a motion to approve. Motion seconded by Alderman Wynn. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – yes; **MOTION PASSED.**

Approval – Friends of the Park Campaign

Administrator Akande announced the “Friends of the Park Campaign” developed by Tracey Whitaker and other parks staff. The purpose of the campaign is to educate the community of the advantages in participating in different programs offered through the parks department. Participants will receive monthly emails and literature including program facts, car decals and an annual barbeque. Funds are available in the current budget to cover the estimated cost of \$1400 for 2012 and \$2,000 will be budgeted for 2013. Alderman Leahy made a motion to approve the campaign. Motion seconded by Alderman Robertson. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – yes; **MOTION PASSED.**

Excise Commissioner

No new report.

Library

No new report. After request, Alderman Wynn replied that repairs have been made after the recent water damage.

Municipal League

Mayor Kelly updated that the petitions for the creation of fair tax (the elimination of the state income tax) and the conversion of the state wide sales tax has recently been thrown out by a judge in out-state Missouri. There are only 3 weeks left to come up with new language and gather 100,000 signatures to get it on the November ballot. He also updated that a complaint filed with the Missouri Supreme Court and has overturned, what has become common practice in Missouri to collect local sales taxes on automobiles. Residents that buy a new car out of state would get (based on the amount of the car) a percentage of the sales, this has been eliminated, an exemption would be those cities that have a “Use” tax.

Communication

No new report.

Historical Society

No new report.

UNFINISHED BUSINESS

None

NEW BUSINESS

Alderman Leahy reminded that the Ward 3 meeting is cancelled; he will be out of town.

PUBLIC COMMENTS – HEARING OF ANY MATTERS OF PUBLIC INTEREST UPON REQUEST OF ANY PERSON PRESENT

Denise Soebbing, 2612 Porter stated opposition to performing the sound test on the date given. She asked the Board to consider waiting until the sound is at its highest level to not waste the city's money.

Karen Smith, 8930 Harrison, questioned the reason the Meridian Bill will be discussed in executive session. Mayor Kelly announced that a stipulation of the agreement was not to have any discussion in open session. She was informed that the documents are available for review.

Closed Session

Alderman Robertson made a motion to enter into closed session at 8:10pm to discuss legal matters pursuant to the litigation, acquisition of land, and personnel exemption in RSMo. 620.021. Motion seconded by Alderman Leahy. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – yes; **MOTION PASSED.**

Mayor Kelly called the closed session to order by Mayor Kelly at 8:14pm, with the following members present: Alderwoman Saunders; Alderwoman Manestar; Alderman Leahy; Alderman Toohey; Alderman Kramer; Alderman Robertson; Alderman Wynn; Alderman Harper; Mayor Kelly. Also present were City Clerk/Administrator Akande; City Attorney Albrecht, Finance Director Jarvis, Bond Counsel Mark Grimm, financial Advisor Jim Lahay and Deputy Clerk Pittman.

Closed session included discussion of legal matters; no action was taken.

Alderman Harper made a motion to adjourn the closed session at 9:40pm. Motion seconded by Alderman Wynn. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – yes; **MOTION PASSED.**

Re-convene to Regular Session

The regular session reconvened at 9:45pm with the following members present; Alderwoman Saunders, Alderwoman Manestar, Alderman Leahy, Alderman Toohey, Alderman Kramer, Alderman Robertson, Alderman Wynn, Alderman Harper, and Mayor Kelly.

Alderman Robertson made a motion to have the 1st and 2nd title only readings of Bill #5666. Motion seconded by Alderman Harper. Unanimous vote in favor taken; **MOTION PASSED.**

Bill #5666 – An Ordinance Authorizing The Issuance Of Variable Rate Demand Tax Increment Refunding Revenue Bonds, Series 2012A (8300 Eager Road Project – Phase 1) And Variable Rate Demand Tax Increment Refunding Revenue Bonds, Series 2012b (8300 Eager Road Project – Phase 2) Of The City Of Brentwood, Missouri, For The Purpose Of Refunding Certain Prior Obligations And Paying Costs Of Issuance Of The Bonds, And

Authorizing The Issuance Of Taxable Subordinate Tax Increment Revenue Notes, Series 2012c (8300 Eager Road Project – Phase 2) For The Purpose Of Reimbursing The Developer For Previously-Incurred Redevelopment Project Cost And Paying The Costs Of Issuance Of The Notes; Authorizing The Execution Of An Eighth Amendment To And Restatement Of Redevelopment Agreement And Other Documents; And Authorizing Certain Other Actions In Connection With The Execution And Delivery Of The Bonds And The Notes – 1st & 2nd Reading

Attorney Albrecht read Bill #5666 by title only. Alderman Kramer provided the synopsis. Attorney Albrecht read Bill #5666 by title only. Alderman Robertson made a motion to perfect Bill #5666 into ordinance form. Motion seconded by Alderman Kramer. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – no; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – yes; **MOTION PASSED.**

BILL #5666 IS HEREBY PASSED AND ORDINANCE #4343 IS ASSIGNED TO SAID BILL.

Mayor Kelly announced his discomfort with photographers and others standing behind the dais while the meeting is in session. The Board agreed and asked staff to review security measures for the Council Room.

ADJOURNMENT

Alderman Leahy made a motion to adjourn the meeting at 9:50pm. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED.**

Approved as submitted the 21st day of May, 2012

Mayor Pat Kelly

Attest:

Bola Akande, City Clerk/Administrator