

**CITY OF BRENTWOOD, MISSOURI
BOARD OF ALDERMAN SPECIAL MEETING
JULY 16, 2012**

MEETING CALLED TO ORDER

Mayor Pat Kelly called the regular meeting to order at 6:02 pm, in the Council Room at Brentwood City Hall located at 2348 S. Brentwood Blvd., Brentwood, MO 63144, and immediately led the Pledge of Allegiance.

Roll Call

Deputy Clerk Pittman performed roll:

Alderwoman Saunders	Present	Alderman Robertson	Present
Alderwoman Manestar	Present	Alderman Wynn	Present
Alderman Leahy	Present	Alderman Harper	6:13pm
Alderman Toohey	Present	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.

APPROVAL OF AGENDA

Administrator Akande announced late Friday afternoon she received notification that EastWest Gateway has grant funds available for the Great Streets Project with an application deadline of August 4th. If the board is interested in taking advantage of the opportunity, she proposed approval of the required resolution in support of the grant application and approval of a master agreement with a consultant who is experienced in drafting and implementing such grant applications for a fee not to exceed \$2,000. Alderwoman Saunders expressed interest in a more detailed review before moving forward and asked to receive future agenda amendments in advance. Mayor Kelly explained his interest in planning for improvements on Manchester Road. He added that this is a competitive grant process and the deadline required is before the next meeting on August 20th. There is no guarantee that the grant would be awarded in this competitive process and if the board is interested in moving forward action would need to be taken. Alderman Robertson made a motion to add Resolution #981 to the agenda. 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 – absent; **MOTION PASSED.** Alderman Kramer read the synopsis of Bill #5684. Director Rottjakob explained that she has also spoken with MoDOT's area engineer, Michelle Vogel, and they are interested in partnering with Brentwood on the Great Streets Project; they are already seeking funds to design and overlay sidewalk and drainage improvements to Manchester Road between Lindberg & Big Bend and this would help support that project. A discussion was held regarding the grant amount is \$300,000 with a 20% match. Alderman Wynn made a motion to add Bill #5684 to the agenda. Motion seconded by Alderman Kramer. **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.** Alderwoman Saunders also requested that closed session is held after the 2nd public comment. Alderman Leahy made a motion to accept the **Board of Alderman July 16, 2012 Agenda** as amended. 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.**

DISCUSSION OF COMMUNITY CENTER

Cannon Design, Reed Voorhees & GBA Engineers, Representatives (GBA Representatives were not in attendance).

Reed Voorhees gave a brief overview of his experience and qualifications as an architect with Canon Designs. He has been involved with designing recreation facilities for municipalities and higher education institutions for 20 years; Ballwin and other cities around the area. Ballard King was a part of this feasibility study, as done together in the past. Some of these studies can take about 3 months and this one took about 1 ½ years. There was also be some sort of an internal study done to consider the needs of the community. Work was done on a detailed plan and proven strategy of going through a needs assessment and market analysis of the community and surrounding areas looking at primary and secondary service areas of who might be drawn to the facility; conversations were held with Richmond Heights and other neighboring communities. The needs assessment undertook included a numerous amount of focus groups with the public, and with specific stakeholders (schools and different groups within the community) to discuss needs and thoughts about how they can be served. Discussions were also held about partnership opportunities to a degree and how others can be involved in one fashion or another. There was a strong steering committee that ran the stakeholder meetings to determine the needs of the community, from this they were able to define a questionnaire that became a communitywide survey led by ATC Leader Vision used in determining and assessing needs. The survey included 644 responses from community members (with a 3.5% deviation). The results were used in several other meetings and work sessions, where residents were encouraged to show up and discuss what they want to see and have in the building; this was the needs assessment. We did an analysis of the existing building, not details in great depth, but enough to understand structural and mechanical issues and issues with the ice, roofing and so forth. SWT (a local architectural firm) was also on the team and helped process different sites as potential locations for the facility based on the comprehensive plan, thinking of the core and connectivity. Ultimately, from the needs assessment of stakeholders, focus groups, and survey information, we developed a space program of spaces that the community seemed to desire and developed the program into phase 1 and 2. It was unknown of what the pinch point was or how much the community was willing to push forward if it was a new project or renovation, so we had different alternates; to be built as one or into two phases. In line with that, we looked and the properties and data showed that the existing community center site was the best location for this facility; it was smaller than the identified property limitation that we has set forth based on parking and drives and the building and the green space, etc. Given the proximity, the location, the fact that it is a safe property and the fact that there are businesses around that can been seen as overflow parking, that seem to be the best location. We did several diagrams has to how we can work to the site; a new building, either where the existing building is located or towards Brentwood; renovating the existing building and adding on to it. Given the program we developed, we discussed whether the ice had the ability to maintain itself as a function in the community or if it could become something else like a large gym or indoor turf facility. We went through the process of looking at the site and understanding the different options that might occur at this facility, or if it did not contain ice. We ran some cost numbers and in our final document we discussed the process of the needs assessment and the market analysis and the development program which was about 45,000 – 60,000 sq. ft. that included a mack (a staple of an indoor gym) we were looking for something with much more multi use that can be used basketball, volleyball, etc.; with shaping of the space and flooring you may have been able to consider soccer or banquets. We also had weight fitness space, multipurpose rooms, group exercise and track. The second phase was an indoor pool as there was much discussion of an indoor fitness/leisure type of aquatic facility that we described as an element that could be built all together but without know the cost, it could be used as an alternate project. And then showing that the recommendation was to remove the existing building and build a new facility towards the front of the property for more visibility and putting the parking on the back. So actually the building

can be built while the other is maintained and then the existing can be torn down after the building is completed. We thought there was a pretty strong direction based on the survey results from the community, the focus groups that we had that that was the desire and the direction that the community was looking to go for any facility, renovated or new. There were pretty vocal people supporting ice and on the website but not in these meetings. The fee structure needed to make the operation of the center sustainable was considered and suggested that using a rate based on Brentwood's market was more desirable than using surrounding community rates.

Alderwoman Saunders requested clarity on what Ballard King's role was in this process (operations, interviews and led the survey). She state her concern of whether there were actually focus groups conducted for this project as she wasn't contacted. She asked if we have material on the focus groups that are referenced in the report and requested to review the documentation from the Business Manager of the Recreation Center. She asked if there was reason why there wasn't a pinch point or if it was checked and if there was a follow-up with the residents (it was used to help gage priorities) She questioned if the survey's lack of support for keeping the ice. Alderwoman Saunders: wants to know if the conclusion was that we couldn't afford the gym and Mr. Vorhees said that it's not a matter of feasibility; it's a matter of usage and interest by residents and per the survey, residents were more interested in alternatives to the ice rink. Alderwoman Saunders wanted to know what equipment would be included in the gym if that was pursued as an option for the recreation center.

Mayor Kelly noted that the study showed that if there were new uses or location for the community center, then the residential rate for members of the community center would be in excess of what is currently being paid. He stated the City determined what's more reasonable given budget constraints and costs to residents. People from different areas participated like Glendale and Rock Hill. Rock Hill had an agreement with Richmond Heights. Mayor Kelly called for clarification on the type of gym.

Alderman Toohey wanted to know if there was a comparison between the rates of the community center and Clayton's community center. He wanted to know if the revenue projections included revenue from nonresidents.

Alderman Robertson stated that he has been engaged in the process of determining whether it was feasible to keep the ice and was a strong supporter of the ice. He stated that the ice rink is self-supporting and they were searching for alternatives like an aquatic center that would be cost-effective. He noted that moving city hall into the building was a discussion in the past and he feels that the ice is an asset and building on that without tearing it down is the most feasible option.

Alderwoman Saunders is fond of the ice rink and would prefer that the City would've gone back to the residents with a follow-up survey to ask about the ice rink and replacing it with the gym. She doesn't understand how the City can move forward with renovating the community center without making it fit into the visions of the comprehensive plan. She suggests that if the residents are willing to spend more money for more options, then the City should give them that. Alderwoman Saunders wants to see drawings that incorporate the courtyard and states that she wasn't aware that there was an emergency placed on satisfying conditions for the insurance company. She stated she did not want to go for a bond issue until she sees it. She added if we knew that the residents are for the ice rink, she would say that we make a motion saying we're committed to the ice rink and then have an architect do some drawing.

Alderman Kramer stated that the since of place but there is a speed issue; that the existing recreation center is falling apart and there are some liabilities issues as the insurance underwriters refuse to provide coverage of the building if changes are not made to its existing condition. Moving the building to another location was talked about previously but we don't

have that expandability in the currently location; but economically there is a more feasible possibility right now like the Cannon Design plan. For us to get a bond issue passed at all has become exceedingly clear that the benefits of having the skating rink attached, as well as getting the votes for a comprehensive facility with the ice skating rink give a better chance of having the town center now, rather than later.

Mayor Kelly brought the discussion to the board level to determine what the plan is going to be for the community center so that drawings are created for its future use. He stated that the City needs to create a plan that the community will support and if there needs to be a bond issue, they will be the people to vote on it. But the question needs to be answered of do we want to keep the ice rink. There was previous discussion of if we want to keep the library or renovate that facility but we need to start building the box and putting that together. In reference to the police department, we looked for years but there wasn't the room here to do it.

Alderwoman Saunders stated the city is abandoning their vision and that's how you get poor planning. She questioned where this building is going? She personally wants to know that the residents are on board with keeping the ice.

Alderman Robertson states that the City should present residents with a plan and not take a poll since time is an issue and a poll was already conducted.

CONSIDERATION AND APPROVAL OF THE MINUTES – 7:00PM

Board of Aldermen Retreat Minutes June 8, 2012

Alderwoman Saunders stated she did not remember there being a discussion where the presenter explained it was more appropriate to communicate personnel issues in executive session. She stated the minutes don't reflect her interest in going to meetings with the city administrator on negotiations with developers; we said there would be no eminent domain and she requested clarity of operations 3 vs. 6 for ways and means; Administrator Akande stated it should be corrected to list under reserves. Alderwoman Saunders made a motion that the minutes reflect the things that were discussed. Motion seconded by Alderman Kramer. Unanimous vote in favor taken; **MOTION PASSED.** Alderman Leahy made a motion to approve the **Board of Aldermen Retreat Minutes June 8, 2012** as amended. Motion seconded by Alderwoman Saunders. Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – abstained; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – abstained; **MOTION PASSED.**

Alderman Leahy made a motion to place the **Board of Aldermen Special Meeting Minutes June 11, 2012** on hold. Motion seconded by Alderwoman Saunders. Unanimous vote in favor taken; **MOTION PASSED.**

PUBLIC HEARING

A Petition To Amend Chapter 25, Division 8 Of The Brentwood Code Of Ordinances Pertaining To The Appeals Process For The Architectural Review Board (7:10 p.m.)

Director Rottjakob stated that the Planning & Zoning Commission is recommending approval of a text amendment that revises how people can appeal the decision of the ARB board. The text amendment would expand who can appeal from just an applicant to an owner or occupant of the subject property or an owner or occupant of an adjacent property as long as the property is in the City of Brentwood. Alderman Leahy questioned if the proposal limits the appeal to 10 days from the time that the ARB makes the recommendation to approve the plan. (correct) He stated the problem that we are facing with the current situation that it wasn't until they got to the build out stage that they realized that there were problems. (These problems arose when the addition was constructed outside the approved plans) Alderman Leahy stated his concern that the Board of Aldermen may not have the expertise that licensed architects have in making

decisions about the process. Director Rottjakob states that the amendments takes into consideration the fact that the Board of Aldermen are not licensed architects and only requires them to look at the facts of the case. The Board of Alderman will review the appeal by a selection of criteria included in the text amendment. It was also clarified that the petitioner could also file civil suit for the appeal.

Susan Ryan, Pine Avenue (is uncomfortable stating her address. Mayor Kelly commented that this is a growing concern with the uses of social media). Miss Ryan expressed her frustration with this process. She explained how she had been impacted by the property; spent thousands of dollars in appeals and made multiple contacts to staff to review this known violation. She feels that she cannot enjoy her home and asks that there be an opportunity for the City to review the site and decision by the ARB to allow the design and build of the adjacent property. She states that she has tried for years to get the City to review what she believes to be a violation of the Code and her property rights. She questioned the ARB's accountability and complained that she was told to put up a shade.

Kay Scott-Boyd, Moritz Ave questioned the ramifications are for a property owners that violate the agreement by the ARB and an adjacent property owner. She also questioned if it is the responsibility of the city and the board to protect residents from such abuse.

Karen Smith, Harrison Ave states that the amendment presents a wonderful opportunity for growth in the City. She wonders if the ARB process is broken and asked the city to review. She states that the city should respect the property owners in the city and says that she faced a similar issue as the previous speaker. She states that there were 1 story single family homes that had a greater height than other properties creating a design that didn't look nice with respect to adjacent properties and stated that she supports the text amendment because it's a step forward in the right process.

BIDS

None

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

Jennifer Wagon, VP of St. Louis Skating Club states that the future of the ice arena has been discussed since 2007 and she hopes that the rink will be updated and open for many years to come. The skating club's focus in on increasing the membership which would increase the population going through the ice arena. The skating club provides the rink with revenue of \$60,000 per annum and have formed a partnership for over 40 years. She asks that the skating club be able to use the two banners that were not approved at the Public Works meeting.

Jean Gina Mitten, states that she has been a Richmond Heights Councilwoman for 8 years is and running for state representative in the newly drawn 83rd district. She has been canvassing and knocking on the doors of Brentwood constituents and she looks forward to representative the residents of Brentwood.

Susan Ryan, Pine Ave, wants to thank Bola and Ellen for their help.

Jack Bock, 9 Strafford Lane, states that Alderman Saunders asked a question of the Board of how many employed members can receive insurance through their employer. He wants to know how many members of the Board can get insurance through their employer as no response was ever received. Alderman Leahy notified Mr. Bock that according to Roberts Rules of Order, he

cannot conduct a straw poll at any time. Mayor Kelly apologized for not responding and stated that he can.

Matt Saunders, 2326 Parkridge states that the City should not move forward with the ice rink without asking the citizens what they want. He stated that the City shouldn't consider the ice rink because 400 residents stated they wanted a gym or workout facility.

Julie Pozzo, 2211 St. Clair Ave, states that she has concerns about the ability of the Mayor to govern the City. She stated that when she read about the embezzlement of Chris Seemayer and the unauthorized overtime pay for firefighters, she began attending BOA meetings regularly and has witnessed lies and untruths. She states that the Mayor said that he did not know about the cash withdrawals from the City's credit cards by Chris Seemayer and that it was untrue. She stated that Tom Kramer said that he contacted the Mayor while on vacation about the petition for the audit and that the Mayor denied that he knew anything about it. She stated that the Mayor was untruthful about whether a legal opinion was obtained for the legality of medical benefits for part-time elected officials; the benefits were never approved by ordinance. She states that the new employee manual does not agree with the current code and how can this be legal She wants to know the legality of the recodification of the City's Code and drafting of a new employee manual. She states that she was shocked that Bola threw away an employee manual that was drafted by a previous employee and wants to know what was wrong with that manual. She asks the Mayor to step down from his position.

Chris Thorton, 9421 Tillis Drive, states that he wants to give the Board an update on 2301 S. Brentwood Blvd. gas station/print shop. He states that they were able to do drilling on the right of way on Patton and that was sufficient to define for the DNR the scope of the contamination. The contamination is limited. They have taken the data and prepared a comprehensive report and work plan that they submitted to the Petroleum tank insurance fund and the Missouri Department of Natural Resources. The preliminary feedback is that they are on their way to receive a no action letter which is what the DNR issues when they feel there is nothing else that can be done to clean up the contamination. He anticipates that work effectuating the cleanup plan will be in the August/September time frame and there will be no more than six months of construction. They are hopeful to open in March.

Mark Wilson, 2214 Haden, questioned where each member of the Board stands on whether Brentwood should provide health benefits to Board members and their justification for their decision. He wants to know if other part-time city employees are provided the same benefits in the same time frame as Board members. If not, he wants to know why they weren't they provided the same benefits. He states that the actions of the Mayor were unprofessional; the overall mismanaged the Seemayer investigation (a letter to the judge requesting no jail time is not what the citizens would want); the overtime pay of the fire department; the unseemingly attempt to justify tax payers saying the city has the money; and the appointment of Bob Kurtz as the building official for the City. He asks that the Mayor resign.

Kay Scott Boyd, Moritz Ave states that she came to the meeting to address the issue of the health care. She states that her problem with the Mayor is that he seems to put himself before the City. Residents should not have to ask if Board members are receiving benefits that they are unaware of and whether it is legal. She states that people will not approve a tax increase as long as the Mayor is in office and continued to complain of the unfair receipt of healthcare benefits. She asked the Mayor to resign.

Kathryn Boyd, Moritz Ave, states that she is in college and that her parents have to pay for her surgery. She states that it is unfair for Board members to get health insurance because she can't get it and has to sacrifice her college education. She accused the Mayor of sinking Brentwood and asked him to step down.

Barry Williams, 9001 Pine Ave, apologizes for his conduct at the last meeting. He states that he is not content with the current governance of the City. He states that he thinks that Board members deserve a salary, but not healthcare benefits as part-time workers. He states that he agrees the Mayor should step down. He stated that he thinks Lee Wynn will succeed him automatically. Alderman Wynn stated that he would not do that.

Jim Feat, 2201 Parkridge, questioned if the Board of Alderman voted on the insurance benefits that the Board members are receiving and wants to know when and how the benefits started.

Tom Martin, 78 York Ave, states that he doesn't believe that the audience will get the answers to how and when the benefits started and if it was supported by the budget. He stated if there was never an ordinance passed, in his opinion, there is no legal authority for the health care benefits and that they were illegally paid.

Karen Smith, Harrison Ave, states that she believes the discussion on the ice rink is healthy and that she cautions rushing things through. She believes that the City should get public support before going forward with the ice rink. She would like to know if there is a legal opinion on the healthcare benefits given to Board members and stated that if the City can't determine how the benefits began and whether they are legitimate then they need to stop. She wants to know if there are any benefits given to Board members that residents do not know about such as travel. She states that sales tax revenue was misallocated for the Missouri College in the amount of \$28,000 and wants to know if the City has paid that off. She states that she submitted a list of budget questions last year and wants to know the process of getting her questions answered during this upcoming year's budget.

Mayor Kelly responded to public comment stating that he is very proud of the service he has given to the community. He states that he did not know about Chris Seemayer's taking of money prior to the investigation. He states that Chris Seemayer came to him and said that money was withdrawn from the City's credit card and that he would investigate it. He states that he didn't say that Chris Seemayer shouldn't be prosecuted. He states that he wrote a letter of support because he was asked to write the letter to prevent him from going to jail as Chris Seemayer paid the City back, lost his career, and has a wife and children. With respect to the audits, he stated that no one asked him to sign a petition and he was asked what the process is for a state audit. Tom Kramer called him and said that there was a petition going around and that's when he found out about it. The healthcare benefits began before him, he was an elected official but did not know about it. He signed up for it in 2003 or 2004 because it was offered to him. He thinks that it is unfair to consider the Board members as criminals because they took something that was offered to them and that they thought was approved and appropriate. Mayor Kelly states that he is ready to get his own health insurance and the insurance is not the reason he took this job. He took the job because he grew up in Brentwood and cares about the City. He states that he is not resigning; he has too much respect for the city, the board and the citizens that elected him.

Alderman Wynn responded to public comment stating that he has been in Brentwood a very long time and is disappointed in a group of people who believes that they know the answers to know everything. He states that he began receiving benefits in 1996 when the form was brought to him by the administrator. He said that he didn't look up the ordinance because he trusted that the benefits were appropriate. Because he wanted to be honest he admitted that he also wrote a letter for Chris Seemayer because he was his friend but it didn't get it submitted in time. He states that he wouldn't stand for it if he thought that dishonesty was happening on the Board. He hopes that Mayor Kelly doesn't resign and thinks that he has done a good job. He states that the residents never contacted him and asked for clarification on the issues they had problems with; everyone just grouped up and made their own decisions. He

stated his discontent with people wanting to destroy the city and only wanting to know half truths.

Alderman Leahy responded to public comment stating that Alderman Harper requested research about when and how the benefits became available. Because of this, Alderwoman Saunders and Alderwoman Manestar withdrew their request to take action on that motion. The City Attorney stated that they have not been able to locate an ordinance or minutes that discuss the healthcare benefits. The records are limited as to how far back records can be researched. Staff is working with prior insurance companies to obtain this information. He states that one of the insurers has some questions about HIPAA and whether they can release the records. Mayor Kelly states that by state statute, records are only kept for five years.

Alderman Leahy stated that he half expected that to be the answer. He asked the question for the same reason he raised the issue from Roberts Rule of Order, on whether or not this board could even vote to terminate the benefits as the idea that you are now taking an action as a member for something that may financially benefit or subtract from you; under Robert's Rules of Order you should recuse yourselves from the voting. He stated after hearing from different concerned groups, he offered a suggestion as a plausible story; if the board didn't vote on this, when the SLAIT group formed their intention was to provide insurance benefits at a reasonable cost to all city; you get that cost by getting the largest group possible. If that was the case, as many bodies as possible were probably included, hence you may not find records/minutes to support this. He stated he was elected in 2001 and explained that he signed up for benefits in 2008. When Alderman Saunders came on board and questioned if we qualified. We found out from SLAIT that as of 2009, elected officials would not be renewable, so new Alderpersons could not receive the benefits. She questioned if she could not received the benefit to get that same amount in pay but even when that didn't work out, it's now a my way or the highway type of arrangement; that's not good government. He stated that for the last 90 days discussions were held with Maureen, but last week he got blackmailed into you are going to vote or I will tell the public. When you do that you've just destroyed the process of the whole democracy; the right answer is to not contaminate it, you take the time under Roberts Rules and recuse yourself or abstain. Doing this, you do not get to participate in the discussion, sit in your chair and my want to leave the room; the issue becomes dead if the majority of members take this action. An email was received, and even though attorneys have advised that an ethics complaint can be filed or a criminal complaint for blackmail, but maybe it's just a little overzealous or just some naiveness or newness of being a new alderman. Both Mr. Wynn and I were asked about writing a letter on Chris Seemayer's behalf; you look for a chance to find good in people and give the benefit of the doubt and that's all I'm doing. You have to have some give and take but just because the majority is not always right does not mean the minority is always wrong.

Alderwoman Saunders questioned if Alderman Leahy was accusing her of blackmail, and he replied that he believes that's how it was inferred to him and he took it to legal. Alderwoman Saunders stated it was a personal email and it was an agreement made in Jefferson City as one Magdalene Parishioner to another and she is appalled by the accusation. In Jefferson City it was asked if it was necessary to recuse yourself if you are going to decrease the benefits and the Attorney General replied no, there is no conflict of interest. At this time Alderman Leahy stated he was going to vote to end the benefits. She stated she had an email from an attorney saying a motion to end the policy to provide health insurance to elected officials would not provide a conflict. In such an instance, Board members are considering taking something away, and I cannot see any instance where a member would be specifically or financially benefited from that. While it is true that a negative vote on the motion would preserve the current health insurance coverage, the chance to vote in the negative does not pose a conflict. The health insurance coverage already exist and a negative vote is only to preserve the status quo; which is what received for the attorney that gave us our opinion and which is what we were told in Jefferson City. She stated I take exception to you bringing up blackmailing when

you told me you're going to recuse yourself as a game; so that there is an odd number of votes and the Mayor doesn't have to vote. She stated that she does not play games, she works on facts. She promised transparency and accountability, when elected she was not aware of the medical benefits but knew that it was on the report that went to the auditors. Through the audit process she heard many stories and she sent them to the auditor. Since on the board she has done nothing but asked questions, not make accusations or call names. She stated she does not appreciate the glares; her response to citizens is that she has to weigh all of the facts. She complained that this is a hostile work environment and she is receiving unfair treatment from the board. She commented that she has been playing by the rules, starting with the chain of command. She thought there was an agreement that the benefits would be phased out within a year but now it has become a legal issue.

Mayor Kelly noted that he couldn't answer the question of when the benefits started because he didn't know when they started. He also stated that the Mayor sets the agenda for the Board of Alderman meetings. He stated that the full Board has to vote on tabling agendas. Discussion between Alderwoman Saunders and Alderman Wynn ensued.

Alderman Harper stated his concern about whether other part-time employees receive the health care benefit and if not, he believes that the benefits should end. He also noted that Chris Seemayer shouldn't have received support from city administration.

Administrator Akande clarified that the health insurance benefit that alderman are receiving is the same benefit being received by full time employees; the new health care mandate requires that part-time employees be eligible to participate being 2014.

Alderwoman Saunders added that the Attorney General is willing to hold a town hall meeting to speak on the Sunshine Law; he commented that if you have to ask if it legal you may not want to take that road and you want to avoid loop holes. Alderman Leahy clarified that the gentleman that offered the opinion was a speaker from the Attorney General's office not the Attorney General. Attorney Albrecht also commented that his obligations are to the city, the entity itself acting through the board as a body. Though he is happy to answer legal questions, but he cannot act on the direction of each of the board members which is getting an opinion from the Attorney General; is it affirmative action against on the city. Notwithstanding that, he agreed that there is no reason to abstain from the vote. He has previously expressed this opinion and did not see any reason to get an opinion from the Attorney General.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Motion was made and seconded for 1st and 2nd readings of Bill #5681, 5682, 5683 and 5684. Unanimous vote in favor taken; **MOTION PASSED.**

Bill #5681 – An Ordinance Of The City Of Brentwood, Missouri, Authorizing The Mayor To Enter Into And Execute The Attached User Agreement For Subscriber Radios With St. Louis County Emergency Communications Commission; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5681 by title only. Alderman Kramer provided the synopsis "This bill is for an ordinance to authorizing the mayor to enter into and execute the attached user agreement for subscriber radios (mobile and portable radios) with St. Louis County. As part of the 800MHz Radio System Project, the Saint Louis County Emergency Communications Commission ("ECC") will be purchasing new subscriber (mobile and portable) radios, and distributing them to the public safety and local government agencies within St Louis County". David Barney, Director of the St. Louis County Emergency Communications Commission responded to Aldermen questions that at this time the commission is paying for the radios, the installation, the one year warranty and it plans to provide 5 years of post warranty maintenance; the commission will pay for basic accessories, (batteries, chargers, vehicle

antennas); the contract set with Motorola Solutions also provides a 45% discount on accessories. He added that law enforcement has different needs from public works and parks but what is critical is that all radios have the same power even though they may be different equipment, models, or features; any agency receiving radios can go to the commission at anytime to request an adjustment. Attorney Albrecht read Bill #5681 by title only. Both the fire and police chief commented that they support this bill. Alderman Leahy made a motion to perfect Bill #5681 into ordinance form. Motion seconded by Alderwoman Saunders. **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 #5681 IS HEREBY PASSED AND ORDINANCE #4357 IS ASSIGNED TO SAID BILL.

Bill #5682 – An Ordinance Of The City Of Brentwood, Missouri, Authorizing The Mayor To Execute An Agreement Between The City Of Brentwood, Missouri, And Horner & Shifrin, Inc For Engineering Services; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5682 by title only. Alderman Kramer read the synopsis “This bill is for an ordinance to approve an engineering services agreement between city of Brentwood and Horner Shifrin Inc. for the Litzsinger Road Improvement Project. City Attorney Frank Albrecht has reviewed the agreement. It was reviewed and approved by the Public Works Committee at the April 11 meeting”. As requested Director Rottjakob explained that this is due to a grant application the city submitted. The contract is for design, bidding services, and construction management of a \$300,000 project to improve Litzsinger Road between Brentwood Blvd. and McKnight. It includes stormwater improvement, lights, and an overlay. Attorney Albrecht read Bill #5682 by title only. Alderwoman Saunders made a motion to perfect Bill #5682 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 #5682 IS HEREBY PASSED AND ORDINANCE #4358 IS ASSIGNED TO SAID BILL.

Bill #5683 – An Ordinance Amending Chapter 25 Of The Revised Code Of The City Of Brentwood, Missouri By Amending The Appeal Process For The Architectural Review Board; Providing For The Effective Date Of This Ordinance; Providing For The Current Maintenance Of This Code; And Providing For The Repeal Of All Conflicting Ordinances – 1st & 2nd Reading

Attorney Albrecht read Bill #5683 by title only. Alderman Kramer read the synopsis “this bill is for an ordinance amending chapter 25 of the revised code of the city of Brentwood, by amending the appeal process for the architectural review board. The text amendment will provide any person aggrieved by the decision of the architectural review board may appeal to the board of aldermen. The public works committee requested in January 2012 that planning and zoning commission consider a text amendment that would give an aggrieved party a forum where appeals of decisions made by the ARB could take place. The Planning and Zoning Commission recommend text of Chapter 25 be amended”. As requested, P & Z Chairman Gepherdt replied that much of what ARB does has a lot of subjectivity to how they make their conclusions. When a body has that level of subjectivity, rather than having circuit court as your only alternative for an appeal, the board of aldermen could act as a body; prior notification is also being forwarded to residents within 300 feet of the property. Attorney Albrecht read Bill #5683 by title only. Alderman Harper made a motion to perfect Bill #5683 into ordinance form. Motion seconded by Alderwoman Manestar. **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 #5683 IS HEREBY PASSED AND ORDINANCE #4359 IS ASSIGNED TO SAID BILL.

Bill #5684 – An Ordinance Of The City Of Brentwood, Missouri, Authorizing The Mayor To Execute A Master Agreement With Alta Planning + Design For Planning Services; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5684 by title only. Alderman Kramer provided the synopsis “this bill is for an ordinance authorizing the mayor to execute a master agreement to engage Paul Wojciechowski with Alta Planning + Design to assist with development of the application for a competitive East-West Gateway Council of Government grant process. Mr. Wojciechowski has experience working on Great Streets applications and Great Streets projects for Natural Bridge Road, and for the Village of Labadie. He also was the project manager for Great Rivers Greenway’s Regional Bike Plan, which was completed in 2011, and has been instrumental in its implementation. The professional services agreement, including fee schedule is for a not-to-exceed amount of \$2,000”. Attorney Albrecht read Bill #5684 by title only. As requested, Director Rottjakob replied that she has not work with Mr. Wojciechowski but she is familiar with the work he has done on projects in other cities. Alderman Kramer made a motion to perfect Bill #5681 into ordinance form. 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.**

BILL #5684 IS HEREBY PASSED AND ORDINANCE #4360 IS ASSIGNED TO SAID BILL.

Resolution 981 – A Resolution Supporting The City Of Brentwood’s Application For Funding Through The Great Streets Initiative Sponsored By East-West Gateway Council Of Governments

Mayor Kelly stated that this resolution is to support the City of Brentwood’s application for funding through the Great Streets Initiative sponsored by East-West Gateway Council of Government that will be dedicated to Manchester Road. Alderman Leahy made a motion to approve Resolution #981 as written. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED.**

ACCOUNTS AGAINST THE CITY

Alderman Kramer stated that there is a warrant list in the amount of \$65,455.19. Alderman Kramer made a motion to approve as presented. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

REPORTS OF COMMITTEES AND DEPARTMENT HEADS;

Mayor Kelly

None

Public Safety Committee

Alderman Wynn announced the upcoming meeting on Thursday.

Public Works Committee

Alderman Robertson announced there are items to discuss further on the agenda.

Director of Planning & Development

None

Brentwood Days Name Change Request

Sue Krewson, Business Manager of Brentwood Parks and Recreation recommends that it goes back to being called the MaddenFest (Brentwood’s Annual MaddenFest) in honor of Former Alderwoman Krewson for her service to the city, as a city employees for 30 years and an

alderman for 6 years. Alderwoman Saunders makes a motion to approve the name change. Motion seconded by Alderman Kramer. Unanimous vote in favor taken; **MOTION PASSED.**

2013 Brentwood Recreation Complex Room Rental Rate Increase

Sue Krewson stated the recommendation of a \$5 across the board increase for all room rentals be approved including regular rentals (the organization must meeting at least 6 times a year on a consistent basis. They are also recommending the implementation of a premium rental rate for weekend rentals from 12p.m. on Friday to the close of business on Sunday. She stated that the room rental rates are still in line with what other recreation centers are charging. Alderman Robertson supports the request to take staff's recommendation on the increase made. Motion seconded by Alderwoman Saunders. Unanimous vote in favor taken; **MOTION PASSED.**

Light Pole Banners

Sue Krewson proposed that four light pole banners be approved to identify the recreation center and the St. Louis Skating Club's presence at the rink; the skating club is the biggest revenue provider to the recreation center. The cost of the two banners is \$624 which includes the hardware that holds them on the light poles. The skating club would pay for their own banners. Alderman Robertson stated his support and commended parks staff on the hard work put into this initiative. Motion made by Alderwoman Saunders to approve the Parks and Recreation banners. Motion seconded by Alderman Harper. Unanimous vote in favor taken; **MOTION PASSED.** Alderwoman Saunders stated her concern that approving the skating club banners may be premature since the nature of the ice rink hasn't been determined. Ms. Krewson suggested the requirement that vendors must spend at least \$60,000 to be considered for advertisement. Alderman Leahy is concerned that Pepsi may have exclusive advertisement rights. Alderman Kramer made a motion to approve the two skating club banners contingent on if it's congruent with the City's existing policy. Motion seconded by Alderman Wynn. **ROLL CALL:** Alderwoman Saunders – no; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – yes; **MOTION PASSED.**

Ways and Means Committee

Alderman Kramer announced the next meeting is July 18, 2012 at 6:30 p.m. to discuss the employee handbook draft. There may be another meeting July 31st or August 2nd.

City Attorney

None

City Clerk/Administrator

None

Library

Alderman Wynn announced the library board doesn't meet until September.

Municipal League

Mayor Kelly stated the Governor overturned the requested change to the sales tax on automobiles.

Communication

Alderman Kramer had no new report.

Historical Society

Alderman Wynn had no new report.

Alderman Kramer made a motion for a 5 minute recess at 9:27 p.m. Motion seconded by Alderman Robertson. Unanimous vote in favor taken; **MOTION PASSED.**

Mayor Kelly reconvened the meeting at 9:35 p.m.

UNFINISHED BUSINESS

Elected Officials Healthcare Benefit Update

Mayor Kelly stated his intention to get new health insurance on his own that no matter the outcome or vote. He didn't think that he was doing anything inappropriate by accepting the offer and notes that people don't become elected officials for health care benefits.

Alderman Leahy recused himself and abstained from the participation in the vote as his vote has been tainted.

Alderman Robertson stated that he has been paying the city back for health care insurance month since he enrolled.

Alderman Kramer stated that he was very fortunate that he had access to health care benefits through the city because he does not have an employer that gives him benefits. He stated that he reached out to the former Mayor Mark Kurtz and his recollection is that Aldermen are employees. The IRS treats elected officials and public officials as employees. He says the understanding that was there was no ordinance because Aldermen were taking advantage of benefits afforded employees. He believes that the benefits that were offered to him were offered genuinely and legally.

As requested by Alderwoman Saunders, Administrator Akande replied that initially SLAIT said that board members could be on the policy; she did not ask SLAIT to take a vote to determine if board members could belong; and that she has had ongoing conversations with SLAIT based on different direction received from individual members of the board. Alderwoman Saunders stated that if we continue the benefits, by law, everyone has to be offered, but she questions if board members are entitled to them. She stated that the employee manual doesn't define Aldermen as employees of the City and that receiving health benefits is not a best practice and it is time to it. She made a motion to end the benefit and allow those on it to have three months COBRA. Alderman Harper seconded the motion. After clarification by Attorney Albrecht, Alderman Harper withdrew the second and Alderwoman Saunders withdrew the motion. Alderwoman Saunders made a motion that we end the healthcare benefit for elected officials at the end of August. Motion seconded by Alderman Harper. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – abstain; Alderman Toohey – no; Alderman Kramer – no; Alderman Robertson – yes; Alderman Wynn – no; Alderman Harper – yes; **MOTION PASSED.** Mayor Kelly suggested that people be given time to get their own insurance. Alderman Wynn states that he does not have the health insurance benefit. Alderman Toohey clarified his no vote stating he would get behind it just not instantly as individuals families may be affected.

NEW BUSINESS

Discussion – Board & Committee Meeting Minutes Format

Mayor Kelly commented that interpreting the minutes word for word becomes too cumbersome and may require hiring another worker; if an alderperson wanted comments word for word for a specific reason is fine but tracking the motions and votes is what is important. Alderwoman Saunders commented that there is a lot of information to take in and she wants to ensure that her message gets out there correctly. As requested by Alderman Leahy, Attorney Albrecht added that state statute requires the minutes contain the roll call of who's present and the yeas and nays of a vote; it is good practice to have a summary of the discussion to back up the vote.

Alderwoman Saunders offered comments regarding the employee manual; that she doesn't believe that the employee manual draft is in line or consistent with the City's Code and wants to know if the document is legal. She states that staff is putting forward new things into the ordinance during the recodification process that are not due to state conflict statutes or ordinances added later. She is concerned about the process of adopting the new Code and that the process is not transparent.

Mayor Kelly states that the recodification started about a year or two years ago. He stated that Mike Perry said there are three changes that come along with the recodification process. The first change is related to state statutes that have changed that the City's Code needs to become in compliance with, conflicts, and duplications. The second change that they consider is changes within the ordinance within the cities. The third kind of change is related to spelling, grammar and sentences there were left out of the original adopted ordinance. A discussion was held of if there was a proper order of adopting the code first or adopting the manual first and Mayor Kelly stated that the recodification and drafting of the employee manual can be done at the same time; Sullivan Publications has done this for over 300 cities. City Administrator Akande never found a complete employee manual document. She alluded to notes and that's what she threw out. She states that if anyone wants a copy of the electronic versions, she can send it to them. Alderman Harper asked when the fire department stopped reporting to Public Safety Committee because he remembers making votes on things that affect the fire department; this needs to be clarified.

Alderman Leahy stated that the Ward 3 meeting is Tuesday, July 31. He stated that there is a primary election on August 7th and National Night Out is also Tuesday, August 7th at the Brentwood Swim Club, 5:00pm – 9:00pm.

Alderman Kramer states that he continues to be an advocate for the residents to get Brentwood Blvd repaved; contacts are being made because there is a really nice paving job underway in front of the Galleria. He also announced that the "Refresh" Store, which is a part of the foster and adoption coalition who does a great job of putting families together, offers a place to shop for clothing and other items; those that went through the program are offered a 90% discount.

PUBLIC COMMENTS – Hearing Of Any Matter Of Public Interest Upon Request Of Any Person Present

Julie Pozzo, St. Clair, states that she feels bad about some of the things that she has said. She said that Mayor Kelly released a press release requesting a state audit and she looked at it as a public relations move. She also stated that the Mayor answered no to Elliott Davis' questions about whether the City got a legal opinion about the health care.

Susan Ryan, Pine, states that she is appreciative of the work of the Planning & Zoning Commission. She states that two individuals should not be allowed to make decisions about the design of a neighborhood without a conflict of interest statement.

Bob Brown, states that he is alarmed by the consultant's statement about not being able to compete with the Richmond Heights community center.

Karen Smith, found some of the things that were said about citizen's comments offensive. She states that she expects transparency in the government and she doesn't feel she is getting it in the City. She wants the City to provide oversight to community members. Alderman Leahy stated that he suggested Ms. Smith to go to sunshine because the topic of the question may have subjected the city to a lawsuit.

Mayor Kelly states that he welcomes questions and respects Ms. Smith's questions. He also stated that when you have a microphone or camera shoved in your face, it makes you feel uneasy and answers may not come out the way it was intended.

Closed Meeting

Alderman Leahy made a motion to enter into closed session at 10:45pm to discuss personnel matters pursuant to the litigation, real estate, and personnel exemption in RSMo. 620.021. 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.**

Mayor Kelly called the closed session to order at 10:52pm, 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, Police Chief Disbennett; Planning & Development Director Rottjakob; and Deputy Clerk Pittman. Alderman Toohey was absent.

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

Alderman Leahy made a motion to adjourn the closed session and reconvene the regular session at 11:10pm. 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.**

ADJOURNMENT

Alderman Leahy made a motion to adjourn the meeting at 11:10pm. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED.**

Approved as amended the 20th day of August, 2012.

Mayor Pat Kelly

Attest:

Bola Akande,
City Clerk/Administrator