

**CITY OF BRENTWOOD, MISSOURI
BOARD OF ALDERMAN SPECIAL MEETING
AUGUST 20, 2012**

MEETING CALLED TO ORDER

Mayor Pat Kelly called the regular meeting to order at 6:15 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	6:30 pm
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, and Deputy City Clerk Octavia Pittman.

APPROVAL OF AGENDA

Alderwoman Saunders requested the removal of Bill #5696, stating it should be presented to the Ways and Means Committee first. Alderwoman Manestar seconded. Mayor Kelly clarified that the issue of whether the health care benefit should have been eliminated by and ordinance instead of a motion as done at the previous meeting was presented to Attorney Albrecht; he researched and believes that there is a grey area but recommends that an ordinance be drafted for the elimination to be cautious. Alderwoman Saunders ~~complained~~ stated that Alderman Kramer initiated this request, he mentioned it at Ways and Means then to Attorney Albrecht and it should go to this committee for discussion. She commented that her issues presented to the Attorney always need direction from the Board of Aldermen and added that she has not yet seen where the benefits were initiated by ordinance and believes elimination by motion is fine; at most the budget may need to be amended. Mayor Kelly stated this is to ratify action the board has already taken and he would rather error on being overly protective. He stated his agreement that it can be done by motion as the implementation was made at the committee level but he also believes you can remove items from the budget without making amendment; you can't make additions. Alderwoman Saunders commented that we went to an outside attorney for the opinion of the legality of this issue and requested a copy of it. It's still being looked into if the benefits were properly authorized and as a result, no action should be taken. Attorney Albrecht stated many of the issues he has to discuss would be legal and should be done in executive session. He also clarified that the only time he indicated to Alderwoman Saunders that he needed direction was when he was asked to take an affirmative action on behalf of the city in requesting an opinion from the Attorney General; requests from Aldermen has never been refused. There is a grey area, no clear defining line and in the abundance of caution it is best for the city that this be accomplished by ordinance. Alderwoman Kramer clarified that his communication with the city attorney was an expression of concern because after the previous vote, he was contacted by other attorneys; he does not see the reasoning for not wanting to put the issue into ordinance form. Mayor Kelly called for the question (the removal of Bill #5696); Alderwoman Saunders added that she thinks this allows time for adequate research and she still wants to have it removed. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – abstain; Alderman Toohey – no; Alderman Kramer – no; Alderman Robertson – no; Alderman Wynn – no; Alderman Harper – absent; **MOTION FAILED.** Alderwoman Saunders made a motion to move the bill to executive

session? Mayor Kelly replied that this will be done when we get to this part of the agenda. She also questioned why committee meeting minutes are listed on this agenda? Administrator Akande stated that the suggestion was included in her weekly report some time ago, as she never received a response she moved forward. Aldermen offered comments of this being a duplication and would prefer the committee chairman state their reports. Alderman Kramer made a motion to accept the **Board Of Alderman August 20, 2012**. 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 – absent; **MOTION PASSED.**

DISCUSSION OF COMMUNITY CENTER

Alderman Robertson updated that the Public Works Committee discussed the possibility of combining the functions of city hall into the rec. center; the desirability of, and the way to determine that. It was decided that it may be a good idea to approach the public with a simple survey; we are waiting to put this together before we proceed any further. Alderwoman Saunders added that the committee decided a consultant was needed and the City Administrator was going to check into. In order of the appearance of bias, she is now thinking we may either need to solicit bids or go back to Canon since they were the initial surveyors. Administrator Akande interjected that a list of 5-6 names of consultants was compiled; however, Board approval is needed to take action on the committee's recommendation; the budget would also need to be amended. Preliminary costs for this survey could be \$10,000-\$15,000 which could be lowered based on the amount of questions. Aldermen agreed that they are only looking for 3-4 simple questions regarding the advisability of combining these functions. It was also clarified that once the bids have been approved and the contract is in place, the firm will come back to the committee to discuss and give some guidance on the questions. Alderman Leahy stated his surprise to the preliminary cost and reminded that he made a proposal of some questions on a postcard and postage that cost \$600-\$700: should the ice skating rink remain a part of the rec. center facility? (yes or no); should the city add a fitness center to the rec. center? (yes or no); should the city look to incorporation the city rec. center and city hall into one building? (yes or no) Administrator Akande clarified that this was the original preliminary cost, she has not gone back and asked what that cost would be for the 3 questions nor was there a consensus on the questions asked. Alderman Leahy commented that he thinks it's time to let the citizens to chime in and he does not believe the \$10,000-\$12,000 is justifiable. Alderwoman Saunders added that this discussion began to get more involved and the question was asked of how do we justify a fitness center with the competition of the Heights, then the discussion began on it being a gymnasium and all agreed that we may need a consultant to not be leading. Alderman Robertson refuted the statement; stating this has never been the case, he has never agreed with that, it was not the direction of the Public Works or any of the rec. center studies that we didn't need a fitness center or we couldn't support it; that is absolutely untrue and this is a core function of what we are doing. Alderwoman Manestar stated her understanding that the committee was referring to the gymnasium not a fitness center and Alderman Robertson stated it was both. Alderwoman Manestar also stated that a gymnasium would be fine and it can include a treadmill or 2. Alderman Robertson disagreed and stated the work of the public works committee or recommendation that was not brought to the full board was for a fitness center that replaces the meeting rooms, building a gymnasium to make the building more coherent and to create more of a combination of things. Alderwoman Manestar questioned how city hall and the library would fit in this space. Mayor Kelly added that this would be his concern with doing a simple survey; what if it came back with citizens voting yes and it's not feasible to build everything on this site. He reminded that this is the circle we've been going around in for 4-5 years. A decision needs to be made on skating rink to move forward and doing the survey takes it back to square one.

Alderman Kramer pointed out that the most recent sampling of residents came through the Canon study in 2008, which he has been quoting, regarding the gymnasium multipurpose

room and its importance, the workout facility and its importance. As a reflection of what residents said they would like to see if they were to have a new rec. center; they also asked for a pool. He commented that many were not made aware of the cost involved with maintaining a pool. In regards to the questions, he stated we have to decide if we want to add price tags to them. In regards to the new Aldermen and respecting that they would also like to give input he stated that the city has spent tens of thousands of dollars for surveys; there probably will be a request for a bond issue and if passed the city will be reimburse for the cost. \$10 - \$12,000 may be high but I was hoping Canon would be able to provide us with a discount based upon their previous work. Alderwoman Saunders commented that new Aldermen were told that this needed to moved to a bond issue and let the people answer with their votes. She felt as though this was premature as costs were not included and we needed feedback from the residents or a follow up survey of some sort. Mayor Kelly agreed that we did not know the cost because we did not know exactly what we were building; a plan needs to be put together to present it to the voters. Alderman Robertson stated public works has a plan with costs and a general scope of work that leads to the next step of more incremental design in preparation for the information residents need for the bond issue. Alderman Toohey questioned how much info needs to be included in the survey; perhaps the survey should have a couple of scenarios and clarify some terms. ~~Alderwoman Manestar stated her confusion; it seemed to her that there was a consensus at the public works meeting to combine city hall. She questioned if the plan mentioned combines city hall.~~ Alderwoman Manestar stated her confusion; it seemed to her that there was a consensus at the PW meeting to utilize Alderman Leahy's suggestion of a simple survey to use the consultant to assist the survey question at a minimum cost and that the gym mentioned was a gymnasium, not a fitness center." Alderman Robertson clarified that there is a plan for the rec. center from last spring. The idea of city hall was introduced more recently but are we going to spend more money on city hall when we don't have a good use for the space, or are we going to look at being more efficient and create more of a central town hall layout. He agreed to have a simple survey because we can't seem to get a yes or no answer from the board on the ice rink so that we can proceed. Alderwoman Saunders commented that it would be poor planning to pull the trigger on the bond issue without considering first what would be done with city hall; the comprehensive plan addresses city hall and more information needs to be presented to residents. Mayor Kelly commented that the board is elected to make decisions and a survey should not be done each time a decision is needed. He added that he would never be in favor of selling city hall and moving it to the ice rink because we committed to the building some years ago when the library did a \$500,000 renovation and when we built the fire department across the street; a decision does not have to be made on city hall at this time. Alderman Kramer clarified, to be fair, that context was previously included asking if residents would be in favor of a bond issue if it was needed; he stated that this same logic should be included when the questions are asked again. After question by Mayor Kelly, Alderman Leahy made a motion to proceed with a survey. Motion seconded by Alderman Kramer. Clarity was given that the process should be that we solicit and maybe bring in a couple of firms for public works to interview; tell them where we are and where we are trying to get and make a decision on the firms based on their strategy. Alderwoman Saunders requested that Canon is one of the firms solicited. **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 added that the meetings will begin at 7pm until the survey is returned.

CONSIDERATION AND APPROVAL OF THE MINUTES – 7:00PM

After noted corrections; pg 18, Harper did not take the benefits; pg 19 the speaker is Don Beindieck; and pg 3, Alderwoman Saunders requested additional verbiage and for clarity will forward it to the clerk; Alderwoman Saunders made a motion to approve the **Board of Aldermen Special Meeting Minutes June 11, 2012, as amended.** Motion seconded by Alderwoman Manestar. Unanimous vote in favor taken; **MOTION PASSED.**

After noted corrections on page 5, the speaker is Gina Mitten; Alderman Leahy made a motion to approve the **Board of Alderman Regular Meeting Minutes July 16, 2012 as amended**. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED**.

PUBLIC HEARING

None

PRESENTATION/RECOGNITION

Service Anniversary Recognition – Police Lieutenant Paul Ferber

Police Chief Disbennett announced Police Lieutenant Paul Ferber's 30 years of service beginning 8/24/82; promoted to Corporal in 1989; Sergeant in 1999; Lieutenant in 2003. He added that Brentwood was the first city in the state of Missouri to have DARE officers which were Lt. Ferber and Dan Fitzgerald. Lt. Ferber was presented with a plaque recognizing him for his 30 years of dedicated service to the City of Brentwood.

Regional Veteran's Memorial – Ken Heinz; Curtis, Heinz, Garrett & O'Keefe

Mayor Kelly introduced Ken Heinz; Attorney and resident for the City of Richmond Heights. Mr. Heinz reported his work along with a 12 member Veteran's Memorial Committee on the concept for a veteran's memorial for 10 years. The City of Richmond Heights has made available a portion of land on Circle Drive; a design was displayed for public viewing. An architect was hired to create the design with a \$1,000 grant from Richmond Heights and a \$4,000 grant from the County Parks Commission. The gazebo type structure will be well lit and visible from I-64 and also allows anyone to request an inscription to honor past or present veterans or to hold a memorial event of their choice. Work is being done to obtain additional grants and raise funds to reach the goal of \$300,000 but at this time, they are only seeking support of the project; interested individuals were also welcomed to join the committee. After questions from the Board Mr. Heinz replied that the ground breaking is estimated to be held on Memorial Day 2013 and a ribbon cutting on Veteran's Day 2013. Mayor Kelly offered the city's support.

BIDS

2013 Two Ton Dump and Plow Truck

Administrator Akande reported that on Monday, July 9th, the city had a bid opening for a 2013 Dump and Plow Truck. We received 2 bids, one from Dave Sinclair for a bid amount totaling \$78,746.00 and the other from Truck Center for a bid totaling \$86,875. Staff recommends that the bid is awarded to Dave Sinclair. After questions from the Board, Administrator Akande stated that this falls within the \$80,000 that was budgeted. Alderman Wynn made a motion to accept the bid from Dave Sinclair for the 2013 Two Ton Dump and Plow Truck. Motion seconded by Alderman Harper. Unanimous vote in favor taken; **MOTION PASSED**.

2013 Rear Load Trash Truck

Administrator Akande reported that on Monday, July 9th, the city had a bid opening for a 2013 Rear Load Trash Truck; \$160,000 was budgeted and 3 bids were received. Key Equipment and Supply in the amount of \$162,781; Armor Equipment in the amount of \$148,970; and Downing Sales & Service submitted 2 bids one totaling \$142,918 and the other \$152,456. Staff recommends that the bid is awarded to Armor Equipment. After questions from the Board, Administrator Akande replied that Armor was not the lowest bidder but the City has had experience with them. The trucks purchased several years ago have exceeded its life expectancy and we are more comfortable with their service level and equipment provided. Alderman Leahy made a motion to approve the bid from Armor Equipment for the 2013 Rear Load Trash Truck. Motion seconded by Alderman Toohey. Unanimous vote in favor taken; **MOTION PASSED**.

After questions from the Board, Administrator Akande replied that no bids were received for the 2012 Hybrid SUV. It was also added that this model has had several recalls recently; staff plans to look at a different model.

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

Vicki Woods, Director of Brentwood Public Library, stated that she is delighted that the community supports the public library which was shown with the passage of the recent tax by 67%. She asked that the Board think about the library as a community center; they are no longer a place that only houses books. In the future of the library; items are being checked out electronically and the space needed would be more like a living room space. Libraries across the states have begun having meeting rooms, offering yoga classes, etc. She asked that they be considered as one in the same and keeping the two separate may cost the tax payers money.

Bob Addis, 9015 Bridgeport, offered complaints of traffic on High School Drive between Moritz and Litzsinger; the stops signs erected are being ignored. He has previously spoken with several elected officials and police officers regarding the issue. He also stated that parents picking up their children are parking past the no parking signs and are blocking traffic. He asked the budget support and additional officer in this area to eliminate these safety hazards.

Vlado Radovich, 2007 Spanish Drive, stated his opinion of the city negotiating with the YMCA for the recreation center and using that land to bring the police department back because of increased crime. He also complained that he was informed he needed a permit to erect a new fence and to install a new dishwasher. He questioned what these funds are being used for. Although he does not get involved in city politics, he stopped by to see the City Administrator and was told she meets my appointments only. He complained that everything is being kept a secret and the politics are similar to those in his country.

Matt Saunders, 2326 Parkridge Ave, stated his understanding that committee chairmen can schedule meetings at their choosing and questioned if the committees meetings could have a standard start time to allow citizens to attend. He alluded to speed bumps and then stated he has read minutes of the July 11, 2012 public works committee meeting and questioned if there was a tape as his Alderman said the tape was not turned on. Administrator Akande agreed, stating the entire meeting may not have been recorded by the temp. He questioned how Doris Carter was able to remember all of the information put into the minutes and questioned what part of the minutes are correct or not correct. He also commented that comment cards are a horrible idea and complained that his Alderman also had to fill out a comment card to speak at a committee meeting.

Kay Scott Boyd, Moritz Ave, stated her disagreement with comment cards; they are an insulting idea. She doesn't think 3 simple questions on the survey will cut it; it should be important to make the distinction that even if someone is not using something doesn't mean we don't want it. Lastly, she agreed with previous comments to keep the library; have meeting rooms at the rec. center and have a gymnasium in the old fire department bay and explained that teens do need supervised activities.

Susan Ryan, Pine Ave, wanted to make sure that her opposition to stating her address because of YouTube did not prompt the comment cards. She believes everyone should be addressed at the same meeting and commented that respect is needed from everyone. She also announced her attempts to understand how the city operates and commented that the only persons punished in her ordeal with the ARB was her and her husband. She asked that there is some review over the process and how they treat citizens.

Mayor Kelly commented that he never considered using comment cards at board meetings.

Chris Kobler, 8615 Henrietta, expressed concerns with the employee handbook and her thoughts that giving the city administrator more power than they already have is inappropriate; she also stated opposition to 4 year term limits for board members. She complained that the Board of Aldermen is not entitled to health insurance and the city should not be using the same auditors considering the problems that we have had in the past. She stated this is a community of people and we should be honest with each other; officials will need to earn her trust back.

Alderman Wynn admitted that he started the comment card, but not to prevent anyone from speaking; individuals were asked to write down their questions to allow time to give the correct and complete answer. Committee members agreed it was okay but if it is not wanted to continue that is fine too. No one is intending to keep secrets; he asked that no one else is blamed.

Denise Soebbing, 2612 Porter, questioned if the city attorney, prosecuting attorney or judge is also receiving medical benefits. She stated that board members should not hide behind closed doors to discuss this as residents should know this information because they are paying for it as well. She agreed that giving the city administrator more power is not a good thing; Aldermen have even apologized for not paying enough attention. She complained that issues as the Sports Attic have not been addressed, residents are being exposed to asbestos and rubble; the city administrator does not need additional duties. She added that attempts have been made to get answers from Alderman Leahy and they are not getting them; if members want respect they need to respect the citizens.

Julie Pozzo, 2211 St. Clair, expressed appreciation to Alderman Leahy for getting on board with the survey; she also asked that residents are presented with a plan. She commented that Administrator Akande showed disrespect to elected officials, Alderwoman Saunders, city employees and residents and this is unacceptable, as is not having proper recording equipment for meetings. In regards to the employee handbook, from 8/08-12/10 an employee was hired to write a manual; she questioned where that outline is and how the city justifies paying an employee over \$136,000 for just an outline. She recalled that Mayor Kelly stated McMahon Berger was hired for a second opinion; those in attendance at this meeting were misled; she questioned when were they hired, when did the board approve it and why didn't the city have a proper contract. She stated that she did not like the comment cards and believes it is disrespectful to ask an Alderman to sign one. Lastly she questioned the procedure to end health care benefits by ordinance, what documents being created to terminate this benefit, how the process is continuously moving forward when the legality is still being questioned?

Bob Brown, Ward 1, commented that giving the city administrator more power is not wise given the history and that Attorney Albrecht's comments of terminating elected officials benefits by ordinance because there's that grey area it odd because it appears to have started this way. Although member's hearts may be in the right place, he asked that they consider how angry people are by what is going on and this is exhibited by the amount of people present; everyone needs to figure out a way to work together.

Jim Malone, 60 Middlesex, appreciated the discussions about the survey and agreed that the board members are responsible to make decisions about things that are going to be done. He commented that there must have been some planning considering the moves that have taken place; however, he believes that there is very little communication about what that plan is in moving forward. He commented that we have a lot of facilities but suggested to Alderwoman Saunders that the city work with the school board to merge cost on a first class gymnasium/pool. He also questioned the operation of pervious golf tournaments; how it was

previously budgeted to operate at a loss and asked that someone look into which members paid.

Karen Smith, questioned who to submit her list of budget questions to (City Administrator). She commented that it is time to change auditors; they should have been able to identify issues the city has had; though they may have insinuated some issues they should have stated it directly so they could have been address. She also questioned the proposed ordinance to end benefits; she asked for a copy of documents that initiated it and was told they did not exist.

Kay Scott Boyd, Moritz Ave, questioned why the 1st and 2nd readings of ordinances are done at the same time; individuals are not given an opportunity to express their concern.

Jim Pozzo, 2211 St. Clair, questioned updates to the code online; why it elected official so long to learn of the benefits and why an ordinance is needed to terminate it. He also questioned the legal advice obtained in regards to the benefits and asked who is representing the city. Lastly, he stated his belief that it is illegal for the city to give to charity.

Katherine Boyd, Moritz Ave, stated she is astounded by the lack of respect given to her alderman; blocking her actions directly impact residents in a negative manner. Mayor Kelly asked for clarity and she replied: rude facial expressions, cutting people off, putting hands up. She stated that business should be handled in a kind manner; everyone needs to work together.

David Demit, Pine Ave, stated that issues of importance to him are the crimes that have been committed in the area. He expressed appreciation to the police department for their responses. He applauded the use of the "Robo-Call" system alerts; they have afforded him the opportunity to stress safety with his family. Though others are stating their embarrassment, he stated he is proud of the city and how the police department is handling the issues.

Mayor Kelly responded to public comments; with respect to the minutes, if there is a partial tape of the minutes we can make that available but it's been explained that the tape accidentally was not on. He asked that everyone understand that subcommittees meetings historically never had a recorder, this process is something that has just started which is why we don't have what some would consider appropriate equipment. He announced that by state law, we are only required to record the motion and the vote and because subcommittees can't take any action; to record all those meetings may be duplication and don't have any permanent affect on the board of aldermen. Speed bumps have been discussed for a number of years but public safety has been adamantly against them because of the damage it does to equipment. Before entering into the agreement with Richmond Heights, the YMCA was approached to make an agreement, but their monthly family rates would still be more expensive. Being a corporate entity, they are required to offer all municipalities the same cost, however, they are able to discount the initial cost of membership. He has previously spoken with the library director and thinks the library may be a good amenity but believes we need to take one step at a time. He mentioned ways the city would be able to utilize that space. In general terms he stated that people hear things and make their own interpretation; but when he stated there was a grey area he was referring to the way the benefits was being terminating, these were his words not those of the city attorney. He hopes that people with try to start working together and not think that individuals are trying to hide anything. He stated that there are more ways to access information regarding Brentwood than those of different municipalities. In regards to the comment cards, he stated again that he has no intention to use them. In regards to comments regarding ordinances, not all ordinances affect the code, for instance contract. In regards to partnering with the school district, he reverted back to a presentation years ago, an analysis was done showing if the district worked with the city and sold all of its property we could build a new school and 150+ homes but it comes down to cost and they also did not want to give up their buildings because of historical value. In regards to the Sports Attic, St.

Louis County handles permitting for this and they have been working on issues back and forth. Our housing department has forwarded notice that they need to move forward in effort to resolve the matter. He commented that the golf tournament held 2 years ago was a success; many donations were received to help with cost. It wasn't found out until later that previous years were budgeted at a loss. Mayor Kelly also stated that the policy was put in place many years ago to have the 1st and 2nd readings of ordinances in one night as most are routine; if a member needs additional time to review they can always table the 2nd reading until the next meeting. Alderman Wynn added that Brentwood was the first city to televise the board and P & Z meetings in effort to be more transparent.

Alderman Leahy added that the rec. center committee had a meeting 5 years ago with the school district but they declined. A discussion was also held between the public works commission and the YMCA which was not beneficial. He commented that the employee handbook is not changing the city administrator's position; we are looking at outlining who reports to who but this has not been finalized. Both the handbook and the code are being reviewed in parallel, however; the board still has items to resolve and until everything is presented the decision can't be made. He stated that he is unaware of any changes to the website but can review specific items he believes are changed. Mayor Kelly added that the code is hosted by Sullivan Publications and the city is unable to make changes to the site. He also commented in regards to the city administrator's position, although previous actions are unfortunate he would not put all administrators in that category. He stated that professionals need to be running the city on a day to day basis. It's been realized that there is a provision in the code that says the police department reports to the public safety committee and this is proposed to change to have this department report to the city administrator like each other department. The board and mayor should be legislative and should not be directing employees and conducting day to day operations. Alderman Robertson also noted that a finance director has been hired and the city now produces a very detailed budget in effort to enhance transparency. Comments were also made that we are trying to put together a professional staff to help take Brentwood to the next level.

Alderman Kramer commented that whenever there is a legislative change voted on at the aldermanic level, it will eventually find its way to a code revision; at one point they were received on paper but they are also online which may be why someone has seen something change. He echoed previous comments stating conversations were held with the YMCA and it was discussed that their peak load requires more parking than they have now which would have further increased with the city's participation. As well the school district was not in favor at that time. In effort of increasing transparency he pushed to have synopsis of bills when he was elected and stated his disagreement with the use of comment cards. Since the opportunity to chair the Ways and Means Committee he has also been pushing to have some meetings in the evening to allow some working residents to attend. Lastly he stated his agreement to the need to make a change in auditors but a proper process must be undertaken; his concerns with the Sports Attic site and encouraged residents to take advantage of the "code red" program that notifies residents of various hazards and emergencies.

Alderman Toohey commented that the financial audit the city receives is not intended to find fraud; the process is more detailed than many believe. He agrees that keeping our options open is not a bad idea. There's much speculation and many rumors but just because the board is considering something does not mean it is going to happen. He pleaded with individuals to ask instead of yelling at the board.

Alderwoman Manestar stated the topic of comment cards have been in the city administrator's report; she expressed her opinion that the cards would be okay for those that don't feel comfortable but otherwise she's not in favor. Mayor Kelly clarified that the city administrator was showing accountability by offering the option after having made the change at the public safety meeting and after hearing comments from residents. He reiterated that he is against the

use of comment cards; he agrees with residents concerns in regards to having their information on the internet. If up to him, he would entertain a motion to cease having meetings uploaded to YouTube, he doesn't feel it is necessary.

Alderwoman Saunders understands that Mayor Kelly is against comment cards but they kept coming through the report. Her problem is she doesn't like to get met with "you don't know what you're talking about" when she asks questions as a new alderman; for instance, she feels that she was yelled at during the public works meeting and know she's told that the tape was never turned on. She added that she takes this job seriously but needs to get answers from the experts, she reads and can make decisions; she shouldn't have to report everything through the city administrator. Asking questions from department heads or if something is found provides better accountability. She stated that she didn't mean that everything needs to be a popularity and she's said all along that we need to move forward with the ice rink. The problem is the comprehensive plan, how does it fit in the plan; that's where you keep finding if we are on track. As someone mentioned at her ward meeting, the Swim Club could be a possibility; perhaps this should be discussed. The comp plan shows that all of this should be the town center. Where told there would be a budget workshop but it was never mentioned. She stated she has 2 weeks to bring forward her budget info but there should be some public input as in Clayton.

Alderman Leahy has a resident requesting to scrap and paint the fire bay doors.

Alderman Harper question why it's such a good idea that police report to the city administrator; they haven't been involved in any of the recent scandals and he believes that is why they should continue to report to the Public Safety Committee. He also stated that the city does a lot to incorporate the school with the rec. center; he has set on the school boards as well.

Mayor Kelly commented in regards to the police department's move; the property was sold for over \$1million and the other property was purchased for about \$400,000. He also stated that putting the police department on Brentwood Blvd would have taken away valuable retail space; also the police chief was found of the move because they would not be releasing prisoners into the middle of a residential area; lastly, police do not sit in the office, they are mobile.

He asked for a 5 minute recess at 8:55pm. The meeting reconvened at 9:07pm.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Alderman Leahy made a motion to have the 1st and 2nd readings of Bills #5685, 5686, 5687, 5688, 5689, 5690, 5691, 5692, 5693, 5694, and 5695. Motion seconded by Alderman Robertson. Unanimous vote in favor taken; **MOTION PASSED.**

Bill #5685 – An Ordinance Readopting Ordinance No. 3153, Section 2-471 Of Chapter 2 Of The Revised Code Of Ordinance Of The City Of Brentwood For 1987; Providing For The Current Maintenance Of This Code; Providing For The Repeal Of All Conflicting Ordinances; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5685 by title only. Aldermen Kramer provided the synopsis "This bill is for an ordinance that readopts Ordinance No. 3153 which approves the City's Personal & Financial Disclosure Policy as required by State Law. This Bill is adopted annually by cities with an operating budget over one million dollars and sets forth rules and policies for disclosing personal and financial information for elected officials and the City Clerk/Administrator. The City is required to readopt this ordinance annually by September 15."

Attorney Albrecht read Bill #5685 by title only. Brief clarification was given and Alderman Kramer made a motion to perfect Bill #5685 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 #5685 IS HEREBY PASSED AND ORDINANCE #4361 IS ASSIGNED TO SAID BILL.

Bill #5686 – An Ordinance Of The City Of Brentwood, Missouri, Authorizing The Mayor To Execute A Professional Services Agreement With CH2M HILL; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5686 by title only. Alderman Kramer provided the synopsis “This bill is for an ordinance authorizing the Mayor to execute a professional services agreement between the City of Brentwood and Elise Ibendahl, PE, CFM, CH2MHill for the Flooding Feasibility Study for Manchester Road study between Brentwood Blvd. and Hanley Road. The Brentwood Redevelopment Corporation met on Tuesday, July 17 and recommended staff present this to the Board of Aldermen for approval. City Attorney Frank Albrecht has reviewed the agreement.” Attorney Albrecht read Bill #5686 by title only. Clarification was given; Alderwoman Saunders made a motion to perfect Bill #5686 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 #5686 IS HEREBY PASSED AND ORDINANCE #4362 IS ASSIGNED TO SAID BILL.

Bill #5687 – An Ordinance Authorizing The Mayor Of The City Of Brentwood, Missouri, To Enter Into A Grant Agreement With The Missouri State Council On The Arts; And Providing For The Effective Dates Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5687 by title only. Alderman Kramer provided the synopsis “This Bill authorizes the mayor to execute an agreement with the Missouri State Council on the Arts for reimbursement of 35% and/or \$1,400 of the expenses for the Performing Arts Workshop put on this past summer. The Parks Department collaborated on this workshop with Star Entertainment. The City worked on a similar collaboration in 2011 as well. Attorney Albrecht read Bill #5687 by title only. Some clarification was given and Alderman Leahy made a motion to perfect Bill #5687 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 #5687 IS HEREBY PASSED AND ORDINANCE #4363 IS ASSIGNED TO SAID BILL.

Bill # 5688 – An Ordinance Authorizing The Mayor Of The City Of Brentwood, Missouri, To Enter Into And Execute An Agreement With Gilmore & Bell; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5688 by title only. Alderman Kramer provided the synopsis “This bill is for an ordinance authorizing the Mayor to sign an Engagement letter, Power of Attorney and Declaration of Representative letter and Potential Conflicts of Interest letter with Gilmore & Bell, P.C. for Economic Development Bond Internal Revenue Service Audit Representation. The Internal Revenue Service has selected the Tax Increment Refunding and Improvement Revenue Bonds, Series 2008, (Hanley Station Redevelopment Project) issued February 13, 2008 (Reported Issue Price \$8,697,150) for examination. We have been informed that at this time, the IRS has no reason to believe our bond issue fails to comply with any of the applicable federal tax requirements. The examination is intended to assess the overall compliance risk of the bond issues. They are only requesting general informational response, and are not requesting any supporting documentation.” Attorney Albrecht read Bill #5688 by title only.

Some clarification was given and Alderman Kramer made a motion to perfect Bill #5688 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 #5688 IS HEREBY PASSED AND ORDINANCE #4364 IS ASSIGNED TO SAID BILL.

Bill #5689 – An Ordinance Authorizing The City Administrator To Enter Into A Temporary Easement Agreement And A Permanent Easement Agreement Between The City Of Brentwood And MJEM Enterprises, A Missouri General Partnership, MSWCP Enterprises, A Missouri General Partnership And Krombach Hanley Industrial, LLC, A Missouri Limited Liability Company – 1st & 2nd Reading

Attorney Albrecht read Bill #5689 by title only. Alderman Kramer provided the synopsis “This bill authorizes the City Administrator to Enter into a Temporary Easement Agreement and a Permanent Easement Agreement for Brentwood Pedestrian & Transit Improvements that consist of constructing new ADA compliant sidewalks from Memorial Park to the Brentwood MetroLink station, within Hanley Industrial Court. The Surface Transportation Program (STP) grant will fund 80% of the Right-Of-Way (ROW) acquisition costs, with 20% funded by the Hanley Road Corridor Transportation Development District (TDD). The owner requests the City pay \$3,948 for temporary construction easements and \$6052 for permanent sidewalk easements for a total of \$10,000. Each of the three companies listed in the ordinance title will receive one-third interest in the fee paid by the City.” Attorney Albrecht read Bill #5689 by title only. Some clarification was given and Alderman Wynn made a motion to perfect Bill #5689 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 #5689 IS HEREBY PASSED AND ORDINANCE #4365 IS ASSIGNED TO SAID BILL.

Bill #5690 – An Ordinance Authorizing The City Administrator To Enter Into A Temporary Easement Agreement And A Permanent Easement Agreement Between The City Of Brentwood And Bi-State Development Agency Of The Missouri-Illinois Metropolitan District – 1st & 2nd Reading

Attorney Albrecht read Bill #5690 by title only. Alderman Kramer provided the synopsis, “This Bill authorizes the City Administrator to enter into a Temporary Easement Agreement and a Permanent Easement Agreement for Brentwood Pedestrian & Transit Improvements that consist of constructing new ADA compliant sidewalks from Memorial Park to the Brentwood MetroLink station, within Hanley Industrial Court. The Surface Transportation Program (STP) grant will fund 80% of the Right-Of-Way (ROW) acquisition costs, with 20% funded by the Hanley Road Corridor Transportation Development District (TDD). The owner requests the City pay \$1 for temporary construction easements.” Attorney Albrecht read Bill #5690 by title only. A discussion was held regarding corrections previously made and Alderman Leahy made a motion to approve Bill #5690 as marked. 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.**

BILL #5690 IS HEREBY PASSED AND ORDINANCE #4366 IS ASSIGNED TO SAID BILL.

Bill #5691 – An Ordinance Authorizing The City Administrator To Enter Into A Temporary Easement Agreement And A Permanent Easement Agreement Between The City Of Brentwood And Jack Taylor Or Successors, Trustee Of The Jack Taylor Revocable Living Trust U/T/A Dated June 9, 1997 – 1st & 2nd Reading

Attorney Albrecht read Bill #5691 by title only. Alderman Kramer provided the synopsis, “this bill authorizes the City Administrator to enter into a Temporary Easement Agreement and a Permanent Easement Agreement for Brentwood Pedestrian & Transit Improvements that consist of constructing new ADA compliant sidewalks from Memorial Park to the Brentwood MetroLink station, within Hanley Industrial Court. The Surface Transportation Program (STP) grant will fund 80% of the Right-Of-Way (ROW) acquisition costs, with 20% funded by the

Hanley Road Corridor Transportation Development District (TDD). The owner requests the City pay \$1 for temporary construction easement and \$1 permanent sidewalk easement.” Attorney Albrecht read Bill #5691 by title only. Alderman Leahy made a motion to perfect Bill #5691 into ordinance form. 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.**

BILL #5691 IS HEREBY PASSED AND ORDINANCE #4367 IS ASSIGNED TO SAID BILL.

Bill #5692 – An Ordinance Authorizing The City Administrator To Enter Into A Temporary Easement Agreement And A Permanent Easement Agreement Between The City Of Brentwood And Bi-State Development Agency Of The Missouri-Illinois Metropolitan District – 1st & 2nd Reading

Attorney Albrecht read Bill #5692 by title only. Alderman Kramer provided the synopsis, “This bill authorizes the City Administrator to enter into a Temporary Easement Agreement and a Permanent Easement Agreement for Brentwood Pedestrian & Transit Improvements that consist of constructing new ADA compliant sidewalks from Memorial Park to the Brentwood MetroLink station, within Hanley Industrial Court. The Surface Transportation Program (STP) grant will fund 80% of the Right-Of-Way (ROW) acquisition costs, with 20% funded by the Hanley Road Corridor Transportation Development District (TDD). The owner requests the City pay \$1 for temporary construction easement. Attorney Albrecht read Bill #5692 by title only. Alderman Robertson made a motion to perfect Bill #5692 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 #5692 IS HEREBY PASSED AND ORDINANCE #4368 IS ASSIGNED TO SAID BILL.

Bill #5693 – An Ordinance Authorizing the City Administrator to Enter Into A Temporary Easement Agreement and A Permanent Easement Agreement Between The City Of Brentwood and Jack Taylor or Successors, Trustee Of the Jack Taylor Revocable Living Trust U/T/A Dated June 9, 1997 – 1st & 2nd Reading

Attorney Albrecht read Bill #5693 by title only. Alderman Kramer provided the synopsis, “This bill authorizes the City Administrator to enter into a Temporary Easement Agreement and a Permanent Easement Agreement for Brentwood Pedestrian & Transit Improvement that consists of constructing new (ADA) compliant sidewalks from Memorial Park to the Brentwood MetroLink station, within Hanley Industrial Court. The Surface Transportation Program (STP) grant will fund 80% of the Right-Of-Way (ROW) acquisition costs, with 20% funded by the Hanley Road Corridor Transportation Development District (TDD). The owner requests the City pay \$1 for temporary construction easement.” A discussion was held and it was announced that the permanent easement is not needed. Alderman Leahy made a motion to approve Bill #5693 as amended. 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.**

BILL #5693 IS HEREBY PASSED AND ORDINANCE #4369 IS ASSIGNED TO SAID BILL.

Bill #5694 – An Ordinance Authorizing The City Administrator To Enter Into A Temporary Easement Agreement And A Permanent Easement Agreement Between The City Of Brentwood And MJEM Enterprises, A Missouri General Partnership, MSWCP Enterprises, A Missouri General Partnership And Krombach Hanley Industrial, LLC, A Missouri Limited Liability Company – 1st & 2nd Reading

Attorney Albrecht read Bill #5694 by title only. Alderman Kramer provided the synopsis, “This bill authorizes the City Administrator to enter into a Temporary Easement Agreement and a Permanent Easement Agreement for Brentwood Pedestrian & Transit Improvements that consist of constructing new ADA compliant sidewalks from Memorial Park to the Brentwood

MetroLink station, within Hanley Industrial Court. The Surface Transportation Program (STP) grant will fund 80% of the Right-Of-Way (ROW) acquisition costs, with 20% funded by the Hanley Road Corridor Transportation Development District (TDD) the owner requests the City pay \$1 for temporary construction easement.” Attorney Albrecht read Bill #5694 by title only. Alderman Leahy made a motion to approve Bill #5694. 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 #5694 IS HEREBY PASSED AND ORDINANCE #4370 IS ASSIGNED TO SAID BILL.

Bill #5695 – An Ordinance Authorizing The City Administrator To Enter Into A Temporary Easement Agreement And A Permanent Easement Agreement Between The City Of Brentwood And Jack Taylor Or Successors, Trustee Of The Jack Taylor Revocable Living Trust U/T/A Dated June 9, 1997 – 1st & 2nd Reading

Attorney Albrecht read Bill #5695 by title only. Alderman Kramer provided the synopsis, “This bill authorizes the City Administrator to enter into a Temporary Easement Agreement and a Permanent Easement Agreement for Brentwood Pedestrian & Transit Improvements that consist of constructing new ADA compliant sidewalks from Memorial Park to the Brentwood MetroLink station, within Hanley Industrial Court. The Surface Transportation Program (STP) grant will fund 80% of the Right-Of-Way (ROW) acquisition costs, with 20% funded by the Hanley Road Corridor Transportation Development District (TDD). The owner requests the City pay \$3366 for temporary construction easement and \$3234 for permanent sidewalk easement.” Attorney Albrecht read Bill #5695 by title only. Alderman Leahy made a motion to approve Bill #5695. 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.**

BILL #5695 IS HEREBY PASSED AND ORDINANCE #4371 IS ASSIGNED TO SAID BILL.

Bill #5696 will be discussed in executive session.

ACCOUNTS AGAINST THE CITY

A clarity was given regards to CDG Engineers, Wireless USA insurance deductible and if Carnival billing was inline. Alderman Kramer made a motion to approve the warrant list presented in the amount of \$310,848.53. Motion seconded by Alderman Robertson. Unanimous vote in favor taken; **MOTION PASSED.**

REPORTS OF COMMITTEES AND DEPARTMENT HEADS;

Mayor Kelly requested the next Board of Alderman meeting is changed from 9/17 to 9/10 at 7pm due to the Mayor’s, City Administrator’s, and Alderman Wynn’s attendance to the Annual MML conference. Alderman Wynn made a motion to move the Board of Aldermen meeting to September 10th at 7pm. 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 announced Sherman Lee’s position on the Library Board as termed out. Alderman Wynn made a motion to appoint Robin Halterman to the Library Board. Motion seconded by Alderman Robertson. Unanimous vote in favor taken; **MOTION PASSED.**

Mayor Kelly recommended that committee meeting minutes are not submitted to the full board; all agreed.

Public Safety Committee

Alderman Wynn stated the previous meeting was not held as he was unable to attend.

Public Works Committee

Alderman Robertson reported that we are scheduling the next meeting to continue discussion on the rec. center.

Ways and Means Committee

Alderman Kramer reported that the next meeting will be held September 11th at 6:30pm to discuss the budget and employee handbook.

City Attorney

Attorney Albrecht had no new report.

City Clerk/Administrator

Administrator Akande had no new report.

Excise Commissioner

Mayor Kelly announced two Temporary Liquor License requests:

OB Clarks (1921 S. Brentwood Blvd) is requesting a license for MaddenFest. Alderman Leahy made a motion to approve the temporary liquor license for OB Clarks. Motion seconded by Alderman Harper. Unanimous vote in favor taken; **MOTION PASSED.**

Refind Room (2525 S. Brentwood Blvd) is requested a license for their invitation only grand opening party, September 21st, 5pm – 9pm. They will be serving beer and wine, with the possibility of a food truck outside. Alderman Kramer made a motion to approve the temporary liquor license for the Refind Room. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

Library

Alderman Wynn announced the passage of the library tax; funds should start coming in January.

Municipal League

Mayor Kelly had nothing further to report.

Communication

Alderman Kramer had no new report.

Historical Society

Alderman Wynn had no new report.

Closed Session, will be held later.

UNFINISHED BUSINESS

Alderman Kramer announced his efforts correct the status of Brentwood Blvd; a meeting will be held tomorrow with Mayor Kelly and/or the Mayor in hopes to rectify. After leading in, Mayor Kelly announced the grand opening on Michael's Arts and Crafts yesterday which was successful; no official opening dates is known for True Runner.

Alderwoman Saunders questioned the status of completion of the codification; final touches are being made to the final draft.

NEW BUSINESS

Alderman Leahy reported 350 people attended the National Night Out Against Crime at the Brentwood Swim Club; gratitude was extended to the club, residents and others for their participation. He also announced the Ward 3 meeting will be held Tuesday, August 28th at 7pm; all are invited.

Alderwoman Saunders announced the success of the first Ward 1 meeting; meetings will continue to be held the 2nd Tuesday of each month at 6:30pm.

Mayor Kelly reminded everyone that MaddenFest will be held September 14th & 15th.

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

Julie Pozzo, St. Clair, previously questioned why the proper hiring procedures were not follow for McMahon and Berger and why we don't have a proper contract. She also stated that she read on Patch that Administrator Akande stated the comment cards may prevent rambling.

Susan Ryan, Pine Ave, reported multiple geese crossing the path when you exit the highway. Alderman Leahy is working with a firm that addresses this problem.

Karen Smith, stated her support of not doing anything violent with the geese and asked the Board to keep in mind that they are attracted to water features. She also reiterated her budget questions; Administrator Akande will address her questions. Miss Smith stated she had signed up to receive notification that the Redevelopment Agenda is being posted on the website; they are being posted and she will verify that she followed all the steps in signing up. In regards to the employee manual and the codification process, she stated employees need to feel comfortable reporting if they know of something that has gone wrong; based on some employees comments on the police tape, Hochschild Bloom should have been able to catch the mistakes. In regards to comments of speculation, she thinks the citizens are not on the same page as the board.

Denise Soebbing, 2612 Porter, questioned what other officials are receiving healthcare benefits (None); and asked the board to consider that most residents are against elected officials receiving healthcare benefits.

Mayor Kelly responded that he wasn't involved in the process but does not believed the insurance benefits were instituted with ill will; what is being discussed is the best way to do away with the benefit. With respect to McMahon Berger, sometimes what is heard may be interpreted the wrong way. The ordinance states that they will provide professional services; they were not hired to re-write the personnel manual but some things were sent to them to review legality.

Attorney Albrecht stated he has never received any benefits, neither does the Prosecutor; the Judge received dental.

Alderman Toohey stated he wasn't necessarily in favor of keeping the audit firm; he understands they may need to be replaced from time to time.

Alderwoman Saunders remembered the auditor did pull one of the documents after listening to the police tape. She also stated she only has the opinion received from McMahon Berger not an agreement. Mayor Kelly stated the provided an engagement letter and he signed the ordinance.

Closed Meeting

Alderman Wynn made a motion to enter into executive session at 10:15pm to discuss legal action pursuant to the litigation, personnel and real estate exemption in RSMo. 610.021. 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 meeting to order at 10:20pm 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, Labor Attorney Hey and Deputy Clerk Pittman.

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

Alderman Leahy made a motion to adjourn the closed session and reconvene the regular session at 10:55pm. Motion seconded by Alderman Harper. **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 #5696 – An Ordinance Terminating Health Insurance Benefits For Elected Officials Of The City Of Brentwood, Missouri – 1st & 2nd Reading

Alderman Leahy recused himself from this discussion. Alderman Kramer and Alderman Robertson both sponsor this bill.

Attorney Albrecht read Bill #5696 by title only. Alderman Kramer provided the synopsis “Since the question has come up as to whether the termination of the benefit is a legislative or a ministerial act, and after researching the issue, City Attorney Frank Albrecht has come to the conclusion that this is at best a gray area, but does appear to be more in the nature of legislative action. Given that the termination of benefits may be, in effect, a taking, the primary concern is that there be due process. As such, it is his opinion that the better practice would be to terminate the benefit by ordinance.” Alderwoman Saunders stated her disagreement with adopting this via ordinance and questioned if voting “no” would reinstate the benefits. Attorney Albrecht responded that voting “no” today would not change the prior vote. Attorney Albrecht read Bill #5696 by title only. Alderman Kramer made a motion to perfect Bill #5696 into ordinance form. Motion seconded by Alderman Wynn. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – recused; Alderwoman Manestar – no; Alderwoman Saunders – no; **MOTION PASSED.**

BILL #5696 IS HEREBY PASSED AND ORDINANCE #4372 IS ASSIGNED TO SAID BILL.

ADJOURNMENT

Alderman Robertson made a motion to adjourn the meeting at 10:59pm. Motion seconded by Alderman Harper. Unanimous vote in favor taken; **MOTION PASSED.**

Approved with corrections the 1st day of October, 2012.

Attest:

Mayor Pat Kelly

Bola Akande,
City Clerk/Administrator