

**CITY OF BRENTWOOD, MISSOURI
BOARD OF ALDERMAN SPECIAL MEETING
NOVEMBER 5, 2012**

MEETING CALLED TO ORDER

Mayor Pat Kelly called the regular meeting to order at 7:00pm, 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	Absent
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

Board of Aldermen Regular Meeting Agenda November 5, 2012.

As requested due to Alderman Harper's absence, Alderman Leahy made a motion to remove Bill #5701 from the agenda. Motion seconded by Alderwoman Manestar. Alderwoman Saunders commented that aside from the request, we can't move forward because she has asked questions regarding the status of the current employee handbook and her questions have not been answered. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – no; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – absent; **MOTION PASSED.**

Alderman Leahy made a motion to approve the November 5, 2012 agenda as amended. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED.**

CONSIDERATION AND APPROVAL OF THE MINUTES

Board of Aldermen Regular Meeting Minutes October 1, 2012

Alderwoman Saunders noted her corrections; to add to page 5 Alsop's statement that this is the first year we amended the budget. Alderman Wynn made a motion to accept the minutes as amended. Motion seconded by Alderwoman Saunders. Unanimous vote in favor taken; **MOTION PASSED.**

Board of Alderman Regular Meeting Minutes October 15, 2012

Alderman Wynn made a motion to approve the minutes as submitted. The motion was seconded by Alderwoman Manestar. Alderwoman Saunders noted her corrections; to add to page 17 Alderman Robertson's remarks, what is the point of this, gees I'm getting ready to walk out of here, this is ridiculous can we go home...as she was speaking. After Aldermen questions of clarity, Saunders stated that she wanted the statements added because he verbally abused her at a Public Works meeting...The motion and second were withdrawn. Motion was made by Alderwoman Saunders and seconded by Alderwoman Manestar to approve the minutes as amended. **VOICE VOTE TAKEN;** 6 – yes; Leahy – opposed; **MOTION PASSED.**

PUBLIC HEARING

None

BIDS

Recycling Carts

The city supplies carts and bins to residents to encourage recycling. Annually funds are budgeted for bins and carts for new residents and for replacement of those damaged. Two firms responded to the bid request: Cascade Engineering (\$40.25 ea. / \$760.00 delivery) and Reherg Pacific Co. (\$42.00 ea / \$895.00 delivery), both with a 144 piece minimum. Staff recommended the bid is awarded to Cascade Engineering for a total amount of \$6,556.00. After questions from the board, it was clarified that these carts were budgeted this year and the city has previously done business with both companies. Alderwoman Saunders questioned the bid process and Mayor Kelly clarified that bids are not normally opened at board meetings. Bids are generally opened at the scheduled deadline and dependent on the project, many bidders submit theirs at the last minute and stay for the opening while staff reads them aloud. Alderman Kramer recalled bids being announced at meetings as well. Alderman Kramer made a motion to accept staff's recommendation to accept the bid from Cascade Engineering. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED.**

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

Julie Pozzo, St. Clair, stated her dismay of disrespect shown to Police Chief Disbennett at the last Ways & Means meeting when questioned of the need for 3 additional police officers after his statement of increased crime in the business district. Fire Chief Jury was shown respect when he was questioned in regards to his request for a new fire truck. She felt embarrassed that an Alderman would treat an employee this way. She quoted the #2 objective in the 2013 budget and stated this was not witnessed during the committee meeting. She recalled her previous comments that protecting residents and visitors should be the #1 priority; if crime continues to increase families will not want to live or shop here. If increase police presence makes us safer we need to ensure there is money in the budget to add the officers which may mean reduced spending in other areas. She also referenced Administrator Akande's budget summary letter that noted the challenges of increasing budget reserves. Pozzo stated she is for increasing reserves but not at the expense of safety. She added that after speaking with a real estate agent she learned that clients have been mentioning concerns about increased crime in Brentwood which causes the decline in property value.

Susan Ryan, Pine Ave, read an email she had previously forwarded to Alderwoman Saunders in regards to the comprehensive plan, increased crime partly due to commercial growth, and the need to have adequate staff to ensure the city's goals are accomplished. She stated we need a coordinated comprehensive plan on urban consolidation to ensure that Brentwood neighborhoods retain their character, are well maintained and are the source of overall community pride. She also questioned the status of her previous requested and a timeframe of when she should expect an answer.

Denise Soebbing, Porter, echoed the comments of a resident at the previous board meeting stating the city has not been doing their job for years enforcing property code. He used a house on Lewis with an overgrown yard and trees that needed to be cut as an example. She stated that after living in her house for 3-4 years the paint began to peel and chip; she was given a summons with a compliance deadline and this maintained the integrity of the neighborhood. She commented that emails have been sent to Leahy and Akande but no responses were received. There are 8 tree stumps from cut dead trees on one commercial property on her street. And she was previously told that these stumps would be removed but

there has been no activity for removal. She also stated her hope that the green space would be maintained. At the last meeting the board spent a long time discussing temporary permits to let companies move in without taking care of everything, but the code needs to be enforced now; property values are impacted. She mentioned the gravel in the streets along Manchester and suggested that the city contact property owners to clean it up to help make it look better. She also mentioned the sound issue; the city authorized a sound study when there were no sounds going on despite her opposition. The sound has started again at a minor level and she asked that someone research. She stated her belief that it's not a matter of money, it's a matter of priorities.

Alderwoman Saunders asked Alderman Kramer if he could repeat his statement because she didn't hear it. Alderman Kramer replied that he didn't say it loud enough for her to hear it.

Karen Smith, Harrison, commented that she is glad to see that Bill #5701 was removed from the agenda. She stated we should considering adding the police department or chief of police as reporting contact on page 6. Given the issue with Chris Seemayer, it was addressed when the issue was taken to the chief of police. The prosecuting attorney that tried the case criminally gave high recommendations to the police department that handled it and I think that given the fact that this process worked, the city should consider having this option available to employees in the future; if we don't learn from our mistakes we will be forced to repeat them.

Mayor Kelly closed public comment. He stated that Alderman Kramer suggested that Director Rottjakob explain the code enforcement process; she will do a presentation at the next meeting. He added that we go through cycles with code enforcement; every few years we have conducted house by house exterior inspections which may need to be done again. This process is sometimes difficult because some may object to the inspections and some may chronically get extensions. Often times we need the help of residents to inform us of violations in their area or neighbors backyards but overall, staff does a good job with keeping up with over 4000 homes and 700 businesses in the area.

Attorney Albrecht stated that he received of fairly substantial file 7-10 days ago and is in the process of reviewing it. He plans to work on it as expeditiously as possible but does not have a date at this time.

Mayor Kelly commented with respect to the house on Lewis Ave; he believes the previous resident did not mention the last house on the northwest corner because it was it mom's house. His mother lived in the house until she passed away; the grass was always maintained but she loved the trees, bushes and plants growing in the yard, like many residents, but they did they best they could to keep the yard maintained. When the home was sold the new owner cleared out the yard and the house looked great.

Alderwoman Saunders stated, to the younger residents that emailed and said they would be attending to earn their badges, that she is very proud of them showing an interest in government; coming to meetings, writing theirs reports and getting their friends interested can really make a difference. She apologized for being short with fellow aldermen. She stated her belief that when you are in these positions you have to treat each other with respect even if you don't agree with their questions or answers. She stated that is what I'm asking of my fellow aldermen; I've been yelled at multiple times and scolded and I'm just going to make it known that I'm not going to tolerate that kind of behavior. I'm an accountant so I ask questions that are far different from other members on this board; that's my nature. And when numbers don't add up and if I think something doesn't seem right, I ask questions, that's what I do. That's how I inquired into the beginning of the health care elected officials and couldn't find the substantiation for that. It's why I inquire why somebody else W-2 is different then others. I will keep asking questions, and we have found, even since Chris has left we have uncovered

more and more things that have been done wrong in the past. We're going to have an instance of a contract that we are going to have to approve retroactive. I am not ashamed of asking these questions, I think you should always ask questions if you feel in your gut that something isn't right and that's what I do. So I apologize for my manner with you young people here. I hope you treat people when you ask your questions with courtesy and I will do the same but I also expect to be treated the same; thank you for being here.

Alderman Kramer stated that the topic of code enforcement has been around for a while. He applauded former Alderman Marshall's efforts, who was instrumental along with other members of various committees of trying to increase the level of enforcement. We work hand and hand with court and sometimes they are more strict than others. In looking at enforcement records over the last 10 years; there's a definite difference. We have increased our quality and breath of enforcement thanks to Assistant City Administrator Rottjakob who has done a wonderful job of being patient with residents. There is an enormous amount of effort that is always on our mind; it is also not easy to do in case where folks don't have the money. The city does its best in offering extensions whenever possible. He stated his belief that the city is light years ahead of where it used to be and looked forward to greater enhancement.

Alderman Toohey offered comments to Karen Smith, that no one interrupted her when she was speaking and asked that she extend the same courtesy to Aldermen when they speak.

Alderman Saunders questioned the request for a sound study, has the code been modified to be consistent with St. Louis County? Director Rottjakob explained that the draft ordinance should be back to the Board of Aldermen by December; the subcommittee just finished their review. They did take the recommendation from McClure Engineers, using the county ordinance as a model; it will also include separate requirements for day and night.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Alderman Wynn made a motion for the 1st and 2nd readings of Bill #5706, #5707, #5708, #5709, #5710, #5711, #5712, and #5713 by title only. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

Bill #5701 – An Ordinance Authorizing The Amendment Of The City Of Brentwood's Current Employee Handbook Providing A Fraud Policy And Policies Regarding Payout Of Accrued Vacation And Sick Leave – 3rd Reading
Removed.

Bill #5706 – An Ordinance Authorizing The Mayor Acting On Behalf Of The City Of Brentwood, Missouri, To Enter Into An Agreement With Missouri Partners For Inclusive Recreation And Its Participating Members, City Of Des Peres, Missouri And Executive Director Of MPIR; Providing For The Effective Date Of This Ordinance And Providing For The Repeal Of All Conflicting Ordinances – 1st & 2nd Reading

Attorney Albrecht read Bill #5706 by title only. Alderman Kramer provided the synopsis "This Bill is for an ordinance authorizing the Mayor to sign the agreement with Municipal Partners for Inclusive Recreation. This is a housekeeping item as the City has a signed contract as of Feb. 2011. Because of circumstances at that time it did not go before the Public Works Committee or the Board of Aldermen to be approved as an ordinance. The Public Works Committee unanimously approved this contract at their meeting on Wednesday, October 10, 2012". Alderwoman Saunders questioned the circumstances in which it didn't get signed and if costs were already incurred. Administrator Akande replied that the City Administrator at the time had left the city and she represents the Missouri Partners for Inclusive Recreation; we are attempting to formalized that contract. Akande also responded that she was performing work to bring the city's buildings and facilities into compliance with ADA requirements. Alderwoman Saunders clarified that this is how mistakes are made. Seemayer had went ahead and was

paying an individual and having them to perform work without coming before the board. Attorney Albrecht read Bill #5706 by title only. Alderman Leahy made a motion to perfect Bill #5706 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 – absent; **MOTION PASSED.**

BILL #5706 IS HEREBY PASSED AND ORDINANCE #4380 IS ASSIGNED TO SAID BILL.

Bill #5707 – An Ordinance Authorizing The City Administrator To Enter Into A Permanent Easement Agreement Between The City Of Brentwood And Center 40 LLC – 1st & 2nd Reading

Attorney Albrecht read Bill #5707 by title only. Alderman Kramer provided the synopsis “ This Bill is for an ordinance authorizing the city administrator to enter into a permanent easement agreement between the City of Brentwood and Center 40 LLC. This project consists of constructing new sidewalks, sidewalk ramps, ADA compliant sidewalks and ramps, decorative pedestrian lighting and replacement of fencing and signing with decorative fencing and new signage from Brentwood Boulevard, down Rose Avenue over Black Creek to Brentwood Promenade. The new sidewalks will be ADA compliant, improve pedestrian safety and provide an amenity for the surrounding property owners and businesses whose customers and employees walk within this area. A Surface Transportation Project grant was awarded to the City and is being used to fund 80% (\$276,800) of all project costs. The City is responsible for the 20% (\$69,200) local match. This is the same process that the City has undertaken to acquire easements for the Brentwood Pedestrian & Transit Improvement Project. Once the easement documents are fully executed, the City can request ROW clearance from MoDOT so we can proceed with final approval of the construction phase”. After questions from Alderwoman Saunders, Director Rottjakob replied that all three of the parcels were donated to the city. Attorney Albrecht read Bill #5707 by title only. Alderman Wynn made a motion to perfect Bill #5707 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 – absent; **MOTION PASSED.**

BILL #5707 IS HEREBY PASSED AND ORDINANCE #4381 IS ASSIGNED TO SAID BILL.

Bill #5708 – An Ordinance Authorizing The City Administrator To Enter Into A Permanent Easement Agreement Between The City Of Brentwood And The White Building LP, A Missouri Limited White Management Company – 1st & 2nd Reading

Attorney Albrecht read Bill #5708 by title only. Alderman Kramer provided the synopsis "This Bill is for an ordinance authorizing the city administrator to enter into a permanent easement agreement between the City of Brentwood and the White Building LP, a Missouri Limited White Management Company. This project consists of constructing new sidewalks, sidewalk ramps, ADA compliant sidewalks and ramps, decorative pedestrian lighting and replacement of fencing and signing with decorative fencing and new signage from Brentwood Boulevard, down Rose Avenue over Black Creek to Brentwood Promenade. The new sidewalks will be ADA compliant, improve pedestrian safety and provide an amenity for the surrounding property owners and businesses whose customers and employees walk within this area. A Surface Transportation Project grant was awarded to the City and is being used to fund 80% (\$276,800) of all project costs. The City is responsible for the 20% (\$69,200) local match. This is the same process that the City has undertaken to acquire easements for the Brentwood Pedestrian & Transit Improvement Project. Once the easement documents are fully executed, the City can request ROW clearance from MoDOT so we can proceed with final approval of the construction phase". Attorney Albrecht read Bill #5708 by title only. Alderwoman Saunders questioned the \$69,000 match, if these are the same projects included in the 2013 budget. Mayor Kelly explained the the funds show reimbursement on the revenue side for 2013. Saunders also questioned if we have been reimbursed for the right of way cost that we've already paid out. Director Rottjakob explained that we have not yet incurred any right of way cost for this project. A reimbursement

request has been forwarded to MoDOT for the sidewalk project in Brentwood Industrial and we are awaiting funds. Alderman Kramer added that this is an initiative that he and Alderwoman Krewson were found of; it is a way that the city can use public funding to allow residents to get to and from without walking in the streets. Attorney Albrecht read Bill #5708 by title only. Alderman Leahy made a motion to perfect Bill #5708 into ordinance form. 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.**
BILL #5708 IS HEREBY PASSED AND ORDINANCE #4382 IS ASSIGNED TO SAID BILL.

Bill #5709 – An Ordinance Authorizing The City Administrator To Enter Into A Temporary Easement Agreement And A Permanent Easement Agreement Between The City Of Brentwood And GS Brentwood LLC, A Delaware Limited Liability Company – 1st & 2nd Reading

Attorney Albrecht read Bill #5709 by title only. Alderman Kramer provided the synopsis, "this Bill is for an ordinance authorizing the city administrator to enter into a temporary easement agreement and a permanent easement agreement between the City of Brentwood and GS Brentwood LLC, A Delaware Limited Liability Company. This project consists of constructing new sidewalks, sidewalk ramps, ADA compliant sidewalks and ramps, decorative pedestrian lighting and replacement of fencing and signing with decorative fencing and new signage from Brentwood Boulevard, down Rose Avenue over Black Creek to Brentwood Promenade. The new sidewalks will be ADA compliant, improve pedestrian safety and provide an amenity for the surrounding property owners and businesses whose customers and employees walk within this area. A Surface Transportation Project grant was awarded to the City and is being used to fund 80% (\$276,800) of all project costs. The City is responsible for the 20% (\$69,200) local match. This is the same process that the City has undertaken to acquire easements for the Brentwood Pedestrian & Transit Improvement Project. Once the easement documents are fully executed, the City can request ROW clearance from MoDOT so we can proceed with final approval of the construction phase". Attorney Albrecht read Bill #5709 by title only. Alderman Leahy made a motion to perfect Bill #5709 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 – absent; **MOTION PASSED.**
BILL #5709 IS HEREBY PASSED AND ORDINANCE #4383 IS ASSIGNED TO SAID BILL.

Bill #5710 – An Ordinance Approving Site Plan Approval For A Signage Plan For 1600 S. Brentwood Boulevard; Providing For The Enforcement Of This Ordinance; And, Establishing The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5710 by title only. Alderman Kramer provided the synopsis, "this Bill is for an ordinance approving site plan approval for a signage plan that would allow a wall sign at 1600 S. Brentwood Boulevard". Alderman Leahy stated that his biggest problem is that we've made this type of exception and we are heading down the road to allow it instead of us holding to the code. Director Rottjakob explained that there is a provision within the sign code that says if you are located in a planned development district, that code doesn't apply. It can apply to a property that just wants a sign that fits into the code; they may also request a signage plan so that there is a comprehensive plan that covers the entire site. This process provided an opportunity to bring the property into a comprehensive sign plan; any future signage would have to comply. Alderman Toohey questioned if the businesses within the building had another place for signs; it can sometimes be confusing to figure out if you are not familiar with the area. Rottjakob replied that the only option for exterior sign is shown in their exhibit. Alderwoman Saunders stated if we were asking them to adhere to the code, not giving any special circumstances, I was not in favor when they allowed pd developments to skirt the signage code; in this instance if we didn't have that flexibility, what would they not be able to have. Rottjakob explained that this particular building would be able to have a ground sign, 5ft high including a 1ft base with only 1 building identification sign on it; 1 wall sign for each

ground floor tenant. She added her belief that this is better because now the owner knows what their rules are when future tenants come in to negotiate their leases. Attorney Albrecht read Bill #5710 by title only. Alderman Kramer made a motion to perfect Bill #5710 into ordinance form. Motion seconded by Alderman Robertson. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – no Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – absent; **MOTION PASSED.**

BILL #5710 IS HEREBY PASSED AND ORDINANCE #4384 IS ASSIGNED TO SAID BILL.

Bill #5711 – An Ordinance Approving Site Plan Approval For An Amendment To The Existing Brentwood Square Signage Plan For Michaels Arts And Crafts Store Located At 1519 S. Brentwood Boulevard; Providing For The Enforcement Of This Ordinance; And, Establishing The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5711 by title only. Alderman Kramer provided the synopsis, "this Bill is for an ordinance approving a site plan approval for an amendment to the existing Brentwood Square Signage Plan for Michaels Arts and Crafts store located at 1519 S. Brentwood Boulevard. The store wishes to create a signage plan for their store that would allow window and awning signage at this location". After questions by Alderwoman Saunders Rottjakob no; as part of the application they had to request an amendment to the signage plan adopted upon creation and the owner of the property had to approve it. Alderman Toohey asked if they are getting any privileges than other tenants and if they are worried about the domino effect. Rottjakob no and explained that other tenants have been allowed to make changes when spaces were re-tenanted or if signage needs for the tenants changed. Alderwoman Saunders asked if this sets up a precedence where we can't say no to another tenant and Rottjakob explained that every request is taken on a case by case basis. Attorney Albrecht read Bill #5711 by title only. Alderman Wynn made a motion to perfect Bill #5711 into ordinance form. Motion seconded by Alderman Kramer. **ROLL CALL:** Alderwoman Saunders – no; Alderwoman Manestar – yes; Alderman Leahy – no; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – absent; **MOTION PASSED.**

BILL #5711 IS HEREBY PASSED AND ORDINANCE #4385 IS ASSIGNED TO SAID BILL.

Bill #5712 – An Ordinance Approving Site Plan Approval For An Amendment To The Signage Plan For 2525 S. Brentwood Boulevard; Providing For The Enforcement Of This Ordinance; And, Establishing The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5712 by title only. Alderman Kramer provided the synopsis, "this Bill is for an ordinance approving a site plan for an amendment to the signage plan for 2525 S. Brentwood Boulevard. The petitioner wishes to amend the signage plan for her store location at this location". Alderwoman Saunders stated we had an applicant that came forward, where Double D Lounge is, and they had neon signage that they wanted and we wouldn't allow it and asked if this creates any problems with other tenants. Rottjakob no and explained that they withdrew their application. After further questions of the awning, Rottjakob explained that P & Z recommended approval as submitted and allowed the applicant the flexibility to finalize the design of the awning; Saunders commented that she would feel better if she could see what was going to be done. Attorney Albrecht read Bill #5712 by title only. Alderman Leahy made a motion to perfect Bill #5712 into ordinance form. Motion seconded by Alderman Robertson. **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 – absent; **MOTION PASSED.**

BILL #5712 IS HEREBY PASSED AND ORDINANCE #4386 IS ASSIGNED TO SAID BILL.

Bill #5713 – An Ordinance Vacating Certain Right-Of-Way And Other Interests Held In Trust By The City Which Were Previously Dedicated To The City Of Brentwood And Are

No Longer Necessary For The Purposes For Which Such Interests Were Dedicated – 1st & 2nd Reading

Attorney Albrecht read Bill #5713 by title only. Alderman Kramer provided the synopsis, "this Bill is for an ordinance to vacate the right-of-way for an adjacent to property located at 8702 Eulalie Avenue. The petitioner, and property owner, Mark Manlin has requested the City vacate a 25' wide strip adjacent to 8702 Eulalie. Mr. Manlin intends to remove the existing home at 8702 Eulalie and construct a new single-family home. The Architecture Review Board approved this at its September 20th meeting. The Planning & Zoning Commission voted unanimously to recommend approval of the ROW vacation request at its October 10th meeting". Director Rottjakob provided an exhibit that shows the requested vacation area and where it is located in proximity to the trail that the city has. The vacation area is a 25ft wide strip, approximately 20-25ft away from the trail; the city still owns right of way that includes the trail and green space on either side. Mayor Kelly added that the property is the very last house on Eulalie, it sits 8ft above the path and really isn't ground that the city could utilize. Alderman Leahy questioned if a utility search was done; the owner replied that there are no utilities in this right of way. Alderwoman Saunders questioned if this property is being donated. Rottjakob explained that this is the city's right of way that is being vacated without payments, which is consistent to how we've vacated right of way in the past. The city has incurred very little expenses if any; if such occur, we will asked the applicant to pay for it. Alderwoman Saunders made a motion to amend #5713 that the property owner will reimburse the city for all expenses. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.** Attorney Albrecht read Bill #5713 by title only, as amended. Alderman Leahy made a motion to perfect Bill #5713, as amended into ordinance form. 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.**

BILL #5713 IS HEREBY PASSED AND ORDINANCE #4387 IS ASSIGNED TO SAID BILL.

ACCOUNTS AGAINST THE CITY

Alderman Kramer made a motion for the approval of the warrant list in the amount of \$29,876.33 as submitted. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED.**

REPORTS OF COMMITTEES AND DEPARTMENT HEADS;

Mayor Kelly, as previously mentioned, he asked for a date to meeting and discuss the municipal code (1 hour) and the personnel manual (1 hour). Alderwoman Saunders commented that we have a lot before us and suggested 2 hours for the code. Mayor Kelly replied that an additional meeting may be needed. We will attempt to finalize any concerns that we may have in hopes to get the documents passed. Alderwoman Saunders stated, it seems to me that the clarification of the major thing we need is the organizational structure and this is in the code and the manual. Alderman Leahy added that he had distributed a proposal before the meeting that in conjunction with the budget and handbook, a proposal that the board needs to look at and discuss. Under statute, the board must adopt the budget on the 3rd of December and if you don't like it, its hard to fix it. He is making suggestions to allow changes to the budget. Mayor Kelly agreed that the items would need to be reviewed and suggested that it is done at the upcoming Ways & Means meeting. Alderwoman Saunders commented that she has informed residents of the upcoming meeting and encouraged their attendance; Wednesday, November 7th. She added that now is the time to start giving input of what the city wants; many times we have waited until the money is expended or until we've entered into a contract. Mayor Kelly reminded everyone of the Veteran's Day Celebration this Sunday at 2pm.

Public Safety Committee, the next meeting will be held November 15th.

Public Works Committee, the next meeting will be held Wednesday, November 7th at 4:30pm for survey firm interviews.

Director of Planning & Development, had nothing new to report.

Ways and Means Committee, the next meeting will be held Thursday, November 8th at 6:30pm.

City Attorney, had nothing new to report.

City Clerk/Administrator,

Brentwood Square Shopping Center PILOT Surplus

Finance Director Jarvis pointed out that the Brentwood Square TIF bonds are scheduled to be paid off 7 years early. She stated that the trust indentures were executed in such that excess funds in the municipal revenue account could be retained by the city for the city's governmental purpose. The fact that we have these funds available and are able to have this discussion is a wonderful thing. The difference between what's in the 2012 budget (\$287,000) for this item and the estimated amount we will be receiving (\$502,889) is \$215,889; this represents 43% of the 2011 ending fund balance. In addition, our portion of the PILOTS fund is another approximate \$45,000. She reported her attendance to a GFOA seminar on financial policies, where they reminded that one time revenues increases such as this, are best way for cities to get to their reserve level. The 2013 budget document in review by Ways & Means projects that our reserve level will be at 22.95% at the end of 2017. However; if we retain this municipal revenue, that percentage jumps up to almost 25%. And if these municipal funds continue to come in at this level for 2014, we will be very close to 30% at that point. She stated, we're recommending that you declare the balance in the PILOTS fund as surplus in accordance with the trust indenture so that it can be distributed to the taxing district; we are one of those taxing districts. As noted earlier, this will provide approximately \$45,000 to fund the general fund reserve. We are also recommending that you direct UMB to disburse the balance of the municipal revenue fund to the city and this will provide approximately \$216,000 to the general fund reserve. We believe the city is better served by replenishing our reserves at this time and once we reach our reserve goals, then I believe it will be appropriate to discuss other uses for these types of unanticipated revenues.

Mayor Kelly commented that Brentwood Square was the 2nd major project in the city. Through negotiations with primarily the school district, the agreement states that if we have any excess funds over our projected revenues for the project, instead of rolling those funds back in and paying down the bonds sooner, we would pass those through to the taxing districts. In this instance, the city of Brentwood is one of those districts. After asking what amount the school district will be receiving, Director Jarvis replied that she did not have the exact number but it is over \$100,000. Mayor continued; the pass through goes to the school district, the zoo district, to St. Louis County college district, special school district and health services. In the past the city has retained our portion for city use.

Alderman Kramer stated that the school district does get a really good hand shake on a regular basis in terms of this check that they really didn't plan on receiving; it's something nice, good, and positive that we do for our schools and we look forward to doing more of it. But this is above and beyond what they would ordinarily be getting, especially in time for the holidays.

Alderwoman Saunders stated that this is one issue that I have really researched and agree that it is very complicated. I spoke with the financial advisor and he scolded me before the meeting because I ask questions over and over when I don't understand something and he asked me why. I did tell him, and I need to be honest, that because of things that have happened in the past, my level of trust is not where it should be; and so I do ask questions to make sure we are on the right track. I apologize if I'm slow in understanding. When I got on the board the first

thing that came to use was a \$356,000 PILOT, which we voted to supersink the bonds in November. Director Jarvis clarified that those weren't PILOTS, those were municipal revenue fund; there was also PILOTS involved. In the trust indenture it says that the city shall declare them, it doesn't say that the city has an option of declaring them as a surplus. But, the PILOTS kind of automatically go, but we do a formal motion for it; they go back to County to be redistributed, the municipal revenue fund is the one that we were discussing back in the spring.

Saunders stated, so the entire time I was questioning it and referring to it as PILOTS I was wrong, I even think I made my motion with the term PILOTS. So, did we supersink the bonds with \$356,000 as I proposed or did we supersink with now what you are telling me is the PILOTS? Jarvis replied no, the municipal revenue account is \$356,000. Saunders asked, so we used all of that (yes) and why were we so late getting the money? Director Jarvis stated, I wasn't here at the time, but it's my understanding that the calculation is done in November every year and was an oversight of not being distributed to the city. It is normally done very routinely in November of every year. Alderwoman Saunders ask if we were having trouble with our TIF accounts, where they being questioned, it just seems like a long delay and the city counting on that money not to realize that here we are getting it in November 2012 and we didn't get it until March? Mayor Kelly clarified that we got those revenues back in April 2012; they were about 5 months late. I think it was actually the bank that didn't notify us; obviously, we had a new city administrator that had just started and wasn't aware that this would be coming along. It wasn't until after the first of the year that the bank did notify us that the funds were there and ready to be distributed? (UMB Bank, the trustee) Alderwoman Saunders stated, I have emails asking when we were going to receive the funds....this doesn't add up, the information but Jim maybe you can handle. But I have emails when we were asking when the moneys would be received from Sandy Battas. Mayor Kelly stated that she doesn't receive the funds from us. Saunders replied, no, no, you're saying she has the funds but she's expecting payment from us because we need to make a debt service payment and we need those funds. Mayor Kelly clarified that this is different it's not the excess revenue; it's the bond payment that would have been due. Saunders asked if we are saying that he trustee, UMB, didn't notify us that we had money there. All agree that this is correct. Alderwoman Saunders asked if all of our deals, banks, bonds, COPs, they are all done with UMB Bank, is that correct, and if there is a reason for that? Director Jarvis replied yes, the COPs and the TIF. Mayor Kelly added that they probably do 90% or more for all of the municipalities in St. Louis County, they have a special division that handles it. Alderwoman Saunders asked Alderman Leahy, she was under the wrong impression, having PILOTS confused with municipal revenue; you didn't want to move this forward from Ways and Means. You approved a budget that has \$287,000 of TIF reimbursement last year, but you didn't want to remove it out of Ways and Means but you are talking about this money should go to the bonds, could you explain. Alderman Leahy explained that first the city has to declare the funds surplus; you allow this money then to be divided out to the taxing district. The question is what happens with the rest of the money that is the city's revenue; I would like to see the city's revenue to go pay down the bond. We are now looking at taking that money to help balance the 2013 proposed budget. She asked, last year, they budgeted \$287,000 of this money to come in when they approved the budget, did you know that was going in there? Alderman Leahy explained, when you have the budget vote, you have a statute that says you have to approve the budget on the first Monday of December. If you do not have an alternative to the budget in front of you and it is balanced, why would you vote no? Saunders replied because you don't agree with it. Leahy stated then you need to have a replacement to have an alternative. Mayor Kelly stated that he is missing the point on what the discussion is. And Saunders replied that she tries to get educated from her fellow Aldermen and she sometimes gets misguided and she is just asking questions. At one point Alderman Leahy will tell me that this needs to pass and then he votes no and so here, he's objecting to it and he approved the budget. The next question, the \$356,000, the PILOTS received, why are our PILOT funds so great this time and they weren't in 2011. Mayor Kelly explained that the PILOT now is \$45,000, the municipal

revenues are the larger amount. In 2011, the check in the amount of \$7,754.11, which represents the PILOTS for Kenilworth Tax Increment Finance District, so that's what we approved to go to the...we'll ask the Board of Aldermen for a motion to declare the seven thousand as surplus and authorize the city administrator to send the check to St. Louis County for distribution to the various taxing districts; St. Louis County, City of Brentwood, Zoo, MSD, Brentwood School District, Sheltered Workshop, Special School....so why was it only \$7000 in 2011? Director Jarvis replied, I can get the answer to that but also, the amount of surplus in the general municipal revenue fund went from \$357,000 to \$502,000. Mayor Kelly stated the trustee does the calculations and forwards them to us; the municipal revenue is based on the sales and the PILOTS are based on property tax. Administrator Akande added that it is also based on the performance each year and the retail establishments in that district did much better last year therefore we were still able to make and TIF payment and have funds left over. Mayor Kelly also added earlier this year when we did receive the additional revenues and the board didn't know until we got in the meeting but then a motion was made to use that to pay down the bonds. Following that we got some additional information because the questions were that we only make 2 bond payments a year. If we use that to pay down the bonds early is that going to shorten the time of the bonds, or are we going to save interest. Once we got estimates were learned that it wasn't going to shorten the time but by doing that we were going to save a little in interest. So I agreed that we could pay down the bonds and we would get that money back in the end. Right now there is a reserve account that we were going to be getting an estimated \$500,000 at the end, now because we've put that money into it we are saving a little in interest and we should get about \$840,000 or so in the end. When that TIF is paid off, I looked at it as a way to save it because then that \$800,000 plus could be dedicated to reserve. Alderwoman Saunders asked, so Mayor Kelly, you are saying that your recommendation when I made that motion was to supersink the bonds. Mayor Kelly said no, I'm saying, once I got the information I was like why not go ahead and let it go you had already made the motion, it was already done at that point. Alderwoman Saunders said that this sounds like a good way to go. Alderwoman Saunders stated that she would like to recommend, as done in April 2012, that we authorize St. Louis County to release the PILOT funds to the other taxing authorities and that we move the discussion of the municipal revenue and PILOT portion that we are going to receive to Ways & Means for review. Alderman Kramer stated we just want to get to the money first, and after then we can go to Ways & Means to decide if we want to disburse it differently. Alderman Leahy stated that Ways & Means sent forward a resolution authorizing the disbursement of funds with the permission that the municipal city's portion stays in general operating fund for the 2013 and 2014 municipal funds and that we do not have the option to pay down the bonds; that's how the current resolution at Ways & Means forwarded to this board. Administrator Akande stated that is correct. Alderman Leahy said that's what's on the table and that's the request. As negative vote from Ways & Means, I would like to request that the Board amend that resolution. Administrator Akande clarified that it is motion not resolution. Alderman Leahy continued...that the board disburse the taxable money and that the revenue that the city maintains be left out of the budget and go strictly to paying down the bonds in advance. It gives us a larger savings at the very end. Alderwoman Saunders asked, so then the \$287,000 that is budgeted for 2012 has already been authorized via the budget so you cannot do anything with that and the budget cuts wouldn't have been acceptable in 2012 so that are hands wouldn't have been forced now. Alderman Leahy made a motion for the disbursement of funds from the PILOTS for distribution to taxing districts. Motion seconded by Alderman Kramer. Alderwoman Saunders stated her objection that she would not have approved the \$287,000 last year. **VOICE VOTE TAKEN; 6 – yes;** Alderwoman Saunders opposed. **MOTION PASSED.** Mayor Kelly stated we legally have to do that. He clarified that is the agreement that those excess funds will be passed through into the taxing district; we do it by motion but we do not have any discretion.

After questions of other necessary actions, Director Jarvis stated for municipal revenue, we will have to asked UMB hold the funds because if you determine that you want to take a portion to pay down the bonds, then it will stay with them. There was a bit of confusion in the spring; we

would just ask them to hold the funds until a decision is made. Alderwoman Saunders stated her apology to the Gina, Bola and Jim Leahy for not understanding; she had the PILOTS and municipal revenue comingled.

Excise Commissioner

Temporary Liquor License – Vires/Renbarger, Inc. d/b/a Home Wine Kitchen (2322 Manchester)

Administrator Akande announced the temporary license request for a one day event scheduled for Saturday, November 11th, 6-9pm. They will prepare a 5 course menu and wine on one night only. Alderman Leahy made a motion to approve the temporary liquor license for Vires/Renbarger. Motion seconded by Alderman Kramer. Unanimous vote in favor taken; **MOTION PASSED.**

Library, Alderman Wynn announced that a new newsletter was distributed and will also be sent to everyone that signed up for the listserv. The next meeting will be held Monday. Alderwoman Saunders questioned what portion of the PILOTS the library receives. A discussion was held and it was stated that it is all within our fund. Saunders commented that once again, the Library District, we set the tax rate. I will call the auditor's office and see how we can get.....since that's what everyone seems to claim how we can get it, since our library district is separate like Maplewood and so forth.

Municipal League, Mayor Kelly had no new report.

Communication, Alderman Kramer had no new report.

Historical Society, Alderman Wynn had no new report.

UNFINISHED BUSINESS

Alderman Wynn offered his opinion that Bola is getting a lot of work and request; give her plenty of time to do it. I see stacks of stuff on her desk and I'm getting stacks of stuff; lots of it very important. He asked that she is given time.

NEW BUSINESS

Alderman Leahy announced the Boy Scouts of America will hold it's "Scouting for Food Program". This Saturday (11/11) area scouts will deliver bags, if you do not get one they will accept regular bags. The come back and collect 11/17. In the past the highest number is about 520 boxes of food, due to the status of the economy, we would love the extra support; everything collected throughout the entire St. Louis County is divided amongst the 16 area food banks. This years' goal is to break 2 million cans.

He also announced the Ward 3 meeting will be held 11/27 at 7pm in the council room. After questions he replied that the scouts in the audience were working on citizenship in the community merit badges; their requirement is to attend a city hall meeting, go through budgetary issues, talk with an elected official, understand the different forms of government and different bodies: legislative, judicial and executive.

Alderwoman Saunders stated that the scouts that emailed her and Alderman Harper were in her ward. She announced that the Ward 1 meeting will be held 11/13 at 6:30pm. She stated that she knows that she questions the library but she was taken to task for that; again, Gina you were saying that it's part of the levy of the city and it is a confusing topic to me. I learn more as I continue to ask questions. She stated she will continue, because she is concerned that funds are so short next year that we have to use the revenues and I keep questioning, like

the residents, where did this money go. I will continue and hopefully in the budget process push for a forensic audit.

Mayor Kelly commented that he has never had a resident ask where the funds are going with respect to this. If you go back and look at prior budgets, the funds were in there. Just like they estimate how much sales tax revenues would be and how much the pass through would be based on prior years. The agreement entered into in 1996/1997, that's when all of those stipulations were put in place.

Alderwoman Saunders asked Chairman Gephardt, the purpose of that with Brentwood Square, giving the surplus to the other taxing districts was because of the promenade all up in arms. The schools were going to have to wait until the very end of the project before they started recognizing any increase in the improvement. That was the concession made to the other taxing districts, the concession wasn't put there so that we get money to use how we want to, the intention was to give them a boost in income but we would always strive to pay down the bonds first. Chairman Gephardt deferred to the Mayor. Mayor responded that the agreement was worked out through multiple meeting between the school district and the city and explained that process. Alderwoman Saunders offered comments of residents being outraged; they didn't want another assisted project going through if the schools didn't benefit. Gephardt commented that there was contention in the first project; arrangements were worked out in terms of sharing. He clarified that the properties were never taken off the tax rolls as inaccurately stated. The discussion continued regarding possibilities/gambles of the free market and the need to clarify it.

Alderman Wynn made a motion to adjourn the meeting and Mayor Kelly announced there are other items on the agenda.

Alderman Kramer welcomed the new signage erected at the Promenade; it's an enhancement over previous signage. He welcomed the former Maplewood/Brentwood Patch representative. And lastly announced that he contacted the tax assessor's office; 11/5-11/9 property tax bills are being sent out.

Alderwoman Saunders reminded that we need to bring forward the 2004 vs. 2007 manual to get rectified. Administrator Akande replied that there is no 2007 manual; 2004 was approved and adopted by the board. Saunders stated there were revisions in 2007 to the manual; Resolution 942 speaks to amendments to the manual. A discussion was held and Alderman Kramer clarified that the 2004 manual was revised in 2007 but it is still the 2004 manual.

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

Karen Smith responded to Alderman Toohey's comments; it's unfortunate that you chose to highlight an issue you had in open forum without providing an opportunity to respond. She stated, I'm assuming that you are referring to the W&M meeting where I offered to provide an example to a topic that was under discussion. I understand that in order to run the meeting efficiently you try to limit comment from audience but I have sat through many meetings where the board entertains input on particular topics from participants and I offered such. After doing so, you responded that you provide oversight and don't need to listen to residents. I was not the only one in dismay about the way that comment came across, so I don't know that the comment should have been directed only towards me. I have hope that the Board of Aldermen would see it as their job to engage residents and to make the city a better place. It's unfortunate that I didn't see it that night. I have always treated people with respect when I'm treated with respect. It's unfortunate, I've had many opportunities in the city where I don't feel like I've been treated with respect. You want to be treated with respect, I suggest you also treat people with respect. In relation to the contract approved regarding work being done without a

contract, I'm assuming that we are putting a process into place to prevent future city administrators from entering into contracts without the boards approval. Mayor Kelly replied that this is in place. She also asked if we have a process in place regarding funds (TIFs, PILOTS) to make sure that we are receiving them at the proper time. In regards to TIFs, I'm glad that we can provide the schools with additional revenue. What would the schools be getting if the TIF were not withheld from them? She also added that it would be nice if the residents had an opportunity to provide input regarding TIFs and TDDS.

Denise Soebbing stated that when she clarified where the house was she had no idea that it was the Mayor's mother's house. In speaking to the resident at the last meeting, he used the term jungle and overgrown and now she understands why that hit a hot spot. This further points out the reason we should be enforcing the code; so citizens aren't going against citizens. She also questioned if/when the tree stumps will be removed on the commercial properties and asked if they will be asked to replace them.

Mayor Kelly responded if it is a city tree, the city will remove the stumps. Director Rottjakob explained that they will be required to replace them, there were several issues with the drought this summer but she will follow up. Mayor also responded that there were no code violations at his mom's house, the comments the resident made were made individually.

Julie Pozzo commented in regards to the Ways & Means meeting; she said that she was the one that made the comments aloud.

ADJOURNMENT

Alderman Leahy made a motion to adjourn the meeting at 9:23pm. Motion seconded by Alderman Robertson. Unanimous vote in favor taken; **MOTION PASSED.**

Approved with corrections the 19th day of November , 2012.