

**CITY OF BRENTWOOD, MISSOURI
BOARD OF ALDERMAN REGULAR MEETING
DECEMBER 3, 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	Present
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 December 3, 2012.

Alderman Robertson made a motion to move Item #10g to #4c. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

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

CONSIDERATION AND APPROVAL OF THE MINUTES

Board of Alderman Regular Meeting Minutes November 19, 2012

After noted corrections, Alderman Leahy made a motion to approve the minutes as amended. 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 – abstain; **MOTION PASSED.**

Board of Aldermen Special Meeting Minutes November 27, 2012

Mayor Kelly clarified that this was a workshop and Alderman Harper asked that his attendance is corrected; he was absent. Alderman Leahy made a motion to approve the minutes as amended. Motion seconded by Alderman Robertson. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – abstain; **MOTION PASSED.**

Excise Commissioner

Liquor License – William K. Busch Brewing Company (8047 Litzsinger)

Commissioner Clements announced the application from William Busch for approval to operate a brewing company at 8047 Litzsinger Road. Brew Master, Mark Godfrey, announced the request for a liquor license necessary to have the pots and pans a home brewer would use to produce a small amount of beer for the purpose of research and development of new brands

and also a valuation of crops used. Visual aids were provided to explain the floor plan and process. He explained that the home brewing equipment used (brew magnet) will only produce 10 gallons at one time. Alderman Leahy questioned if the process produces any odor (no) and clarified that the license does not authorize the sale of any product. Alderman Leahy made a motion to approve the license for Busch Brewing Company. 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.**

PUBLIC HEARING

None

BIDS

None

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

Rachel Carvalho, 8824 Bridgeport, announced her interest in keeping 4-6 chickens in their backyard; Alderman Leahy clarified that the city has an ordinance to prohibit. She announced intent to present material that displays that other municipality's have ordinances to allow a limited amount of chickens. She questioned what steps would need to be taken for the Board to consider this allowance. Mayor Kelly suggested that she contact the city administrator when she has all of her information; it will go to the Public Works Committee for review.

Karen Smith, Harrison, offered comments of the fraud policy; she encouraged the Board to consider expanding the activity to include the police and suggested the use of an anonymous hotline. She offered comments of the proposed budget; she hasn't seen any adjustments after suggestions. She questioned how the Board of Aldermen can receive pension benefits if they are not employees, to receive a copy of the legal opinion explaining this and if there are any other benefits that were not eliminated along with health care benefits. She questioned the \$20,000 used to maintain the fountain at the Brentwood boundary @ Eager, if this is located within city limits and suggested that some currently offered programs, for instance the code inspector or police officers, can be expanded if we reevaluate our spending.

Matt Saunders, 2326 Parkridge Ave, questioned where the bi-annual review of the budget can be found along with the publication of the monthly financial statements. He also questioned if the city's inventory and the Board conflict of interest statements are published. And asked what citizens can do to ensure that the Board reviews the comp plan every year and every 5 years in more detailed as required. Lastly he questioned how RSMo 79 affects the city.

Bud Schilling, 8972 Powell, commented in regards to Bill #5701; he asked that further review is done to the section that states the city administrator determines rather an employee is in good standing and has the right to accept or reject resignations and terminate.

Mayor Kelly responded that none of the elected officials had life insurance to his knowledge, the Board opted to not have health insurance but that isn't to say that they can't have it and elected officials' retirement plans have been in place for a very long time. With respect to the fountain, about 1/3 of the property is situated in Richmond Heights and it is owned by MoDOT. An agreement was entered into upon inception of the project in which the city agreed to maintain it. In regards to the budget issues, statements are released every month to elected officials and the balance sheet is posted twice a year in the Pulse as required. In regards to the comp plan, it was adopted by the Board of Alderman via Resolution in 2006 and ratified by

Planning & Zoning via Resolution in 2008. It included a recommended guideline to be redone every 5 years, but since it was adopted in 2006 we haven't had any new major redevelopments. There is a need to look at it and update it with public transportation and sidewalk projects but it's not an ordinance or law that says it must be updated every 5 years. Also, by state statute, it's the responsibility of Planning & Zoning to adopt, not the Board of Aldermen. With respect to state statutes; state statutes supersedes local ordinances. We create our laws to stay in line; it governs what a 4th class city can do. Conflict of interest; if elected officials have a company that does work or receive any additional work they complete the form annually and report it to the Ethics Commissions.

In response to inventory, we have it but there is no requirement to publish it. Alderman Toohey also added that we are not required to include inventory on the financial statements; fixed assets are expensed as they are purchased so you wouldn't have an offsetting accumulated appreciation account to show the assets. Alderwoman Saunders commented that inventory is listed in the code that it must be done annually; it physically shows that your purchase is there. Director Jarvis clarified that the requirement is a part of GASB 34; when you do fund statements in governmental funds you capital outlay, but when you roll everything up to the government wide level, you bring all of your assets and your debts on the books. So we do have capital assets that are depreciated at the government wide level; we have an asset list and a third party that does the capitalization depreciation for us and it is reflected in the comprehensive annual financial report. She added that same company does the physical inventory, unfortunately it was last done in 2006 but should be done annually; it's on the list to do as soon as possible. Alderwoman Saunders questioned the cost included in the upcoming budget; the cost is minimal. Alderman Leahy commented for clarification, under the current code inventory is listed as an annual activity but was noted as being dropped from the recent draft; in reviewing the draft Mike Perry said it was removed by request of staff. Administrator Akande commented that if the decision is made it will be placed back into the code.

Alderman Toohey questioned Karen Smith's suggestion of employees reporting fraud to the police and it was agreed that Board members will discuss it during the bill adoption.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Alderman Leahy made for the readings of Bills #5701, #5714, #5716, #5717, and #5718. Motion seconded by Alderman Robertson. 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

Attorney Albrecht advised that this Bill should be read twice because it was inadvertently removed from the agenda instead of being placed on hold. After questions from Alderman Kramer, he responded that policy was drafted by labor attorney, Brian Hey.

Attorney Albrecht read Bill #5701 by title only. Alderman Kramer provided the synopsis, "this Bill is for 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".

In response to the concern addressed; Mayor Kelly stated there would have to be cause for the city administrator to fire an employee. Alderwoman Saunders commented that language should be changed to read that the Board of Aldermen has that right. Alderman Kramer stated that this policy was reviewed by Ways & Means with Labor Attorney Hey present; the policy should be adopted as it is written but he is willing to review it again in the presence of Attorney Hey. A discussion was held of Alderman Harper's concern that there is no mention of notifying

the Board of Aldermen which is what happened in the past. He recently attended a fraud seminar and they too suggested a hotline, he asked that additional time is given to review other materials before adopting the ordinance. Alderwoman Manestar added that the City Administrator should bring questions to the Board if there are any of there being fraudulent activity. Alderwoman Saunders commented that the attorney provides advice, but the Board decides what they are comfortable with because they are ultimately responsible for the policy. She added that it was stated at the seminar that one of the reasons that fraud goes undetected is because the Board wants to push it under the rug. Alderman Harper also commented that the Board needs oversight to not lose the responsibility it should have. Alderman Kramer made a motion to place Bill #5701 on hold. Motion seconded by Alderman Robertson. Unanimous vote in favor taken; **MOTION PASSED.**

Bill #5714 – An Ordinance Adopting The Annual Budget For The City Of Brentwood For The Calendar Year 2013; And Providing For The Effective Date Of This Ordinance – 2nd Reading

Attorney Albrecht read Bill #5714 by title only. Alderman Kramer provided the synopsis, “this Bill adopts the annual budget for the City’s fiscal year which runs from January 1st through December 31st. The Total revenue budget for all funds is \$17,479,495 and total expenditure budget is \$16,999,991”. After clarification that all requested amendments have been included, Alderman Kramer made a motion to approve Bill #5714 as amended. Motion seconded by Alderman Toohey. Alderwoman Saunders stated that requested information had not been received; survey of planning and zoning compensation and salary increases for the last 5 years. Administrator Akande responded that the request for salary information was received today and there was not time to put the report together. The survey of other municipalities pay to planning and zoning members was included the Board’s packet; it shows that very few communities pay those members for their time. State allows municipalities that choose to, to pay up to \$200-\$250 per meeting; Brentwood pays \$100 to P&Z and \$50 to Board of Adjustment. Alderman Leahy thanked staff for extra effort to put the budget together. Alderwoman Saunders also questioned:

- 2 competitive hiring processes without increased authorized manpower; the fire department will promote staff internally to fill fire captain positions but parks and recreation will be a competitive hiring process
- 2 additional turnout gear; there are 2 employees whose gear was the best of the worst and will be kept as reserves. The office manager does not have gear but she does have a coat; she often takes pictures of sites
- Promotional process policy; Chief Jury explained that the department is short 2 captains due to retirements and the positions need to be filled at they are supervisory/team leaders. Alderman Harper commented that if we open the process up to all candidates it will help to diversify the department.
- Ipads; (clarified as tablets) once the budget is approved IT will look at the best option, including cost savings; Ways & Means can discuss it again after the budget is adopted.

Alderwoman Saunders commented that she is not happy with this budget; she doesn’t feel like we should be giving raises with the reserves as low as they are, having Ipads, pensions for the Board of Aldermen, and there was no discussion of the Board’s salary. She also stated that she appreciates staff’s hard work but it comes down to the board doing the most responsible thing for the city.

Alderman Harper pointed out that during the June 9, 2011 Public Safety meeting, the fire department submitted bids for the ambulance purchased; a motion was made to forward it to the full board. He wanted to share with the public that he wasn’t just making up previous comments of the process changing because they have; unfortunately because I ask questions I had to leave the last meeting. Mayor Kelly commented that just because an item is in the budget does not mean it will go through the bid process; once bids are in it will be brought back to public safety.

ROLL CALL: Alderwoman Saunders – no; Alderwoman Manestar – no; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – no; Alderman Leahy – yes; **MOTION PASSED.**

BILL #5714 IS HEREBY PASSED AND ORDINANCE #4389 IS ASSIGNED TO SAID BILL.

Bill #5716 – An Ordinance Authorizing The Mayor To Enter Into And Execute An Agreement Between The City Of Brentwood, Missouri And The St. Louis Area Police Chiefs Association For Development Of Physical Ability Standards And Testing For Police Offices; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5716 by title only. Alderman Kramer provided the synopsis, “This Bill is for an ordinance authorizing the Mayor to sign a Participation Agreement and Professional Services Agreement with the Saint Louis Area Police Chiefs Association (SLAPCA) for the development and use of physical ability standards and testing for police officers. Stanard and Associates, Inc. will be hired by SLAPC to develop a police officer physical ability test for interested participating agencies of the Saint Louis Area Police Chiefs Association (SLAPCA)”. Alderman Kramer questioned how this will be funded; the police department will use asset forfeiture funds. Attorney Albrecht read Bill #5716 by title only. Alderman Leahy made a motion to perfect bill #5716 into ordinance form. 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 #5716 IS HEREBY PASSED AND ORDINANCE #4390 IS ASSIGNED TO SAID BILL.

Bill #5717 – An Ordinance Granting Approval Of A Site Development Plan For Property Numbered 155 Hanley Industrial Court Which Permits Under The Provisions Of Chapter 25 Of The Brentwood City Code The Development Of That Site; Providing The Conditions To Such Development; Providing For The Enforcement Of This Ordinance; And Establishing The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5717 by title only. Alderman Kramer provided the synopsis, “this Bill is for an ordinance granting approval of a site development plan for the Little Fishes Swim School, 155 Hanley Industrial Court a Brentwood business located in the Breckenridge Industrial Area. The owner has applied for approval of a site development plan related to change of use. The P&Z recommended approval of the Little Fishes Swim School (155 HIC) site plan at its meeting on Wednesday, November 14”. Attorney Albrecht read Bill #5717 by title only. Alderman Kramer made a motion to perfect Bill #5717 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 #5717 IS HEREBY PASSED AND ORDINANCE #4391 IS ASSIGNED TO SAID BILL.

Bill #5718 – An Ordinance Authorizing The City Clerk/Administrator Of The City Of Brentwood, Missouri, To Enter Into And Execute A Lease/Order Agreement Between The City Of Brentwood, Ricoh USA, Inc. And U.S. Communities; Providing For The Effective Date Of This Ordinance And Providing For The Repeal Of All Conflicting Ordinances – 1st & 2nd Reading

Attorney Albrecht read Bill #5718 by title only. Alderman Leahy asked if the lease agreement includes the drum; it does. Alderman Kramer provided the synopsis, “this Bill is for an ordinance authorizing the Mayor to sign a lease agreement with Ricoh for a city-wide copier lease. The City will seek to sell approximately seven old copiers at auction”. Attorney Albrecht read Bill #5718 by title only. As requested, Director Jarvis explained the process; the city has several city-owned copiers that have come to the end of their useful life and need to be replaced. City staff has been working with Ricoh to provide city-wide copier lease services using the U.S. Communities Government Purchasing Alliance pricing, in which the city is a member. The Alliance has negotiated copier lease pricing that is even better than the state Cooperative Procurement Program that the city all participates in. Ricoh visited each

department and their proposal reflects what they believe meets our needs. Alderman Leahy made a motion to approve perfect Bill #5718 into ordinance form. Motion seconded by Alderman Toohey. **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 #5718 IS HEREBY PASSED AND ORDINANCE #4392 IS ASSIGNED TO SAID BILL.

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 – Continued - Jim Foster & Brian Hey, McMahon Berger, arrived.

Alderman Kramer made a motion to return Bill #5701 back to Ways & Means for further discussion. Motion seconded by Alderman Robertson. Alderman Harper asked if we should wait for the new handbook; it was explained that request we previously made to bring it forward more quickly. Administrator Akande informed that Ways & Means has already begun reviewing items that were undecided and discussions were held regarding:

- Adding the police department to the notification process; the legal opinion was that it is always not a criminal matter and by notifying the police department we have made it a criminal matter. Attorney Foster commented that you do have situations where an employee may engage in certain types of behaviors that aren't criminal in nature but can amount to civil fraud. The moment you make it criminal it immediately attaches to that employee certain other protections that prevent you from further investigations; you have greater flexibility and it provides the city greater protection the way it is written. *(The motion and second were withdrawn)*
- Alderwoman Saunders questioned the ability to change the language to state that the Board of Alderman has the right to accept or reject resignations. After comments of Board members being responsible and named in possible litigation regardless, Foster replied that members are not named individually unless they are individually involved and that's the protection they are attempting to extend; you are much better served as a board to see general oversight and hold the city administrator accountable. When and if you have improper conduct, you expect the city administrator to either take prompt action or defer such action until an investigation has taken place then present to the board what has occurred. Alderwoman Manestar commented the residents point fingers as at the board in incidences of fraud. Mayor Kelly clarified that the board had a special meeting the next day, once he and the police were notified of the last incident. Residents were upset that members were unable to offer comments but that was because the investigation was underway. Attorney Foster recommended against Board members approving or denying employee resignations in cases of fraud; he added that employees often call attorneys when they are terminated and you would want the City Administrator making those determinations. Alderman Harper commented that Bola also attended the fraud training as asked, if after doing so, if she agrees with the policy the way it is written. Administrator Akande responded that she agrees, what McMahon Berger has presented reflects some of the issues in the training session.
- Alderwoman Saunders asked if it can be ensured that in all cases the Board is notified of what is going on; immediately. Attorney Foster suggested that the Board communicate that the City Administrator should notify the board at any point she is either notified or if she determines there is an act of fraud. Alderwoman Saunders stated that we have to make sure that everything is in writing or it may not happen like that. She also added that it was stated in the fraud seminar that one of the number one reasons that fraud goes undetected is because elected officials want to push it under the rug. Attorney Foster commented that the level of scrutiny is much higher than it was 3 years ago, and that is being conveyed to administration. Alderman Harper clarified, that according to the text, we would rely on our city administrator to initiate an investigation of acts of embezzlement. He question the

skill set for the city administrator to do so and questioned why wouldn't we be comfortable in having the policy say to call the police? Attorney Foster said, you have now internally have people that have forensic capabilities that you didn't have before. The problem with calling the police for purposes of doing audit type reports is, it is easy to ascertain, for instance who has taken something off the table. It is much more difficult to ascertain from a performance audit standpoint who has or attempted to misdirect funds of some kind; the will come through audit skills, it won't come from police investigation skills. Police only rely on the people they talk to. Administrator Akande added at that point when it is brought to the attention of the board there can be direction to hire an auditor for a forensic audit. The point of the process is to also keep it secret enough so that the person does not know that they are being investigated.

- After questions from Alderman Toohey Director Jarvis explained that there are a lot more checks and balances in place that we didn't have before; duties have been separated. He also pointed out that we should not be concerned with making a policy on how the old controls were but to make a policy on how the new controls are. Alderwoman Saunders commented that we need a fraud audit now. We did the state audit and they look at the current year but we haven't looked back; this would bring confidence and peace of mind to residents. Attorney Foster added that adopting the policy now would allow for more controls in going forward.

Attorney Albrecht read Bill #5701 by title only. Alderman Kramer made a motion to perfect Bill #5701 into ordinance form. Motion seconded by Alderman Wynn. Alderwoman Saunders stated that she would like to make sure that it says the Board of Aldermen is always notified. Akande responded that it says that on multiple pages within the document. Alderman Harper reiterated that if we feel there is something criminal in nature, I don't know why we don't feel comfortable saying that we will call the police. Attorney Foster clarified that you can still take action in addition to what's written in the policy; it does not prohibit anyone from going to the police. Alderman Kramer stated his appreciation to labor counsel; we pay a lot for their advice and it is probably not in our best interest to ignore it. **ROLL CALL:** Alderwoman Saunders – no; Alderwoman Manestar – no; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – no; **MOTION PASSED.**

BILL #5701 IS HEREBY PASSED AND ORDINANCE #4393 IS ASSIGNED TO SAID BILL.

ACCOUNTS AGAINST THE CITY

Alderman Kramer announced the warrant list in the amount of \$170,265.50 and recommended approval. As requested, it was clarified that the invoice for Thomson Coburn was for the month of October and the increased cost for Jarrell Mechanical Contractors was for emergency services. Alderman Kramer made a motion to approve the warrant list submitted. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED.**

REPORTS OF COMMITTEES AND DEPARTMENT HEADS;

Mayor Kelly expressed willingness to address inquiries Alderwoman Saunders had with respect to the lawsuit filed regarding the Strassner Road TDD. Alderwoman Saunders stated this was another situation that the TDD and the city was party of the TDD, made of St. Louis County, Metro, and the City of Brentwood, and that was in the suit that the public works building was purchased at 1.6million but was appraised at 1million; that's another one of those fraud red flags. It didn't go to suit it got settled but this was never resolved. Mayor Kelly responded that the sale of the property had nothing to do with the lawsuit; the suit was based on sunshine law violations. He explained that Richmond Heights had made an offer to purchase that land to move their public works garage. The City nitched that idea, which upset the property owner, we then made him an offer significantly less; the Board was very open but this had nothing to do with fraud. The TDD funded this purchase; they approved it and voted

to support it for the new Brentwood Public Works Facility. He added that to his knowledge, the city never paid any legal fees for that and was not a party; that was strictly the TDD. Alderwoman Saunders commented that she is not saying that there was necessarily fraud but there was a lot of suspicion around it. She stated that she wasn't quoting Alderman Kramer and asked him if the suit was simply about a sunshine law violation. Alderman Kramer responded that the lawsuit was about a sunshine law violation and there was context to some of which is being described but the suit was specifically about a sunshine law violation. Alderwoman Saunders stated that there's an explanation for everything but when things seem fishy or if there is collusion going on a fraud audit will detect that. Mayor Kelly stated, I just want to be clear because when say things like that you make it sound like there was collusion or there was something going on; we were very open with the process when it took place. Alderwoman Saunders commented that her choice of words may be because she wasn't expecting to have this brought up at a Board of Aldermen meeting, she was just asking questions and is floored that it is being brought up at this time. It's taking months to get documents requested and she has to argue if she is even entitled to them. The discussion continued in regards to the formation and members of the TDD. Members offered comments of their understanding of the process at that time; it was also added that other members aren't receiving any calls from citizens in this regard; the city doesn't have any of the records because they were not records of the city, they would have to be requested and cost may be associated; but efforts were made to keep the process open.

Alderwoman Saunders stated, I take exception, just the same with the Meridian, I had to go to the Attorney General to find out that I can get a copy of that before I was even an elected official. So being up front and open, no it's not. And even as an alderwoman it's not that easy for me to get documents and ask questions. I think for you to put it in such a nut shell like I'm being asked for something that I'm not entitled to or that I'm disrespectful in what I ask for, I really take objection to that. If you go back, I have a list of emails that I used to have to get board approval have a vote to have a document, now I can get documents and I can ask experts questions, so it's a process. There's a lot of hurdles to jump in and as I said I'm trying to learn and then I think that we've worked together because we come to a consensus about something and then I'm told you have to have a motion. There's a lot of games at this level.

Alderman Robertson stated that he resents the words collusion and fraud and things like that associated.....I was on this board, this was a completely open process; theres nothing hidden and nobody getting advantage here. There was a disagreement between two members of the governing of the city and that's done. I don't know why we are dragging it up again, there is nothing wrong with the process. We've ended up with a really good facility out of it and I don't want my reputation smeared by somebody just throwing around words like collusion and fraud with no basis what so ever. We are here working hard for everyone's benefit.

Alderwoman Saunders....why do you think they have fraud seminars. The term collusion was with regards to a developer that I had worked for, so it wasn't with regards to the city. So it does happen, and to pretend that it doesn't is irresponsible too.

Public Safety Committee, Alderman Wynn had no report.

Public Works Committee, Alderman Robertson had no report.

**Director of Planning & Development,
Code Enforcement Presentation**

Director Rottjakob gave a brief overview of how the code enforcement process works and some history. The current process that we follow was established in 2006; it's both proactive and complaint driven. There are at least 2 code enforcement letters that are sent; first a courtesy letter that includes 7 – 10 days for a violation to be resolved before the property is re-inspected. Upon re-inspection, if the problem is corrected, the matter is resolved. There is a second

violation notice sent if it is not resolved, an addition 7- 10 days is given. This new process meets the goal previously set to have a friendlier process. Another implication is that there is a longer possible time frame for obtaining compliance prior to tickets being issued. Sometimes it can appear that nothing is being done, when actually we have these letters that must be send and a certain amount of time before action is taken. If compliance is not attained through the letter notification process, then the code enforcement officer issues a ticket and it goes to court. This process can also be lengthy; for some one that knows the process and understand that they can get additional time. Regular inspections conducted are zoning code violations, sign code violations, property maintenance code violations, housing and building code violations. We also inspect occupancy violations; we are notified monthly by Ameren of changes in occupancy. If the permit isn't updated, we send out notices, if still not resolved it's a violation. We also do proactive spring and fall landscaping inspections for commercial properties; a general sweep of the larger centers and major corridors and a review of previous years site plans and landscaping plans that were approved to make sure they are in compliance. A table was created to show enforcement statistic; pictures were also exhibited that displayed the before and after appearance of two popular properties.

After questions from Alderwoman Saunders, Director Rottjakob replied that the comp plan is a document that is required to be recorded with county and a copy on file in the city clerk's office; it's governed by RSMo Chapter 89. It is not legally required, but if a community has adopted one, the city as a whole with planning and zoning has more review authority over, for example bodies like the school district. It's recorded to make it a public record; as open and available as possible. Mayor Kelly added that County keeps the records in two ways; one to be record and documented and the other as a matter or record to be accessible to those the interested. She will double check with St. Louis County.

Ways and Means Committee, Alderman Kramer announced the next meeting will be held December 5th at 6:30pm.

City Attorney, had no report.

City Clerk/Administrator, had no report.

Library, Alderman Wynn stated that the next meeting is December 10th. Mayor Kelly also reminded everyone that the City's Holiday party will be held on Monday, December 10th; 5pm at the rec. center.

Municipal League, Mayor Kelly had no report.

Communication, Alderman Kramer had no report.

Historical Society, Alderman Wynn had no report.

Closed Session

Legal Action RSMO 610.021 (1) will be held at the end of the meeting. Alderman Harper stated, I know as part of that meeting there is a topic pertaining to documents I requested. I piggy back off Alderwoman Saunders that there are barriers and motions that have to be made; these documents will be related to me. I was told I have to go before the full board and will be conducted in closed session but I want to make sure that we are not violating the sunshine statutes when it says elected officials are not employees for the purposes of section 610.021(3); see Attorney General's opinion #48-88; 184-89; and 77-92 and Hawkins vs. City of Fayette; therefore discussions about these individuals must be conducted in open session and also that the conduct of a member of the governing body including the elected mayor and city council members whether paid or not are not employees for the city for the purposes of the sunshine law. It is not permissible to close the meeting for the governing body

to discuss elected officials under the exemption for personnel. I want to make sure we are not violating the sunshine statute when we discuss my issue. Attorney Albrecht replied, I don't believe we will since there are other employees involved.

UNFINISHED BUSINESS

None

NEW BUSINESS

Alderwoman Saunders announced the Ward 1 meeting December 11th at 6:30pm and everyone is welcomed. She also thanked Bola and Jim Nahmensen for going out to Bridgeport on Saturday; there was a water main break on Brentwood and Bridgeport that left an unbelievable amount of gravel. It seems to happen twice a year for the past 5 years and is getting pretty serious and they are losing a lot of the foundation. Bola and Jim went and spoke to them and explained the process. Mayor Kelly added that St. Louis County is by far the best at making repairs to infrastructure.

Alderman Wynn complimented the public works department for the lights on Strassner.

Alderman Leahy announced the Ward 3 meeting has been cancelled.

Aldermen Toohey commented that establishing a fraud hotline is a great idea. Alderman Robertson agreed.

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

Karen Smith Harrison, commented in regards to the Strassner TDD; she has a lot of the documents and is willing to share them. In speaking of public money, as a member of the public and a tax payer, she feels that we have an obligation to conduct business in an open way and doesn't feel that this happened. As a tax payer, there were a lot of questions that weren't answered. She continued with comments in regards to this process and expressed excitement that someone is looking into it to learn from these actions. She also complimented the housing staff work getting a neighbor's property up to code.

Matt Saunders 2326 Parkridge, commented that Alderwoman Saunders was elected overwhelmingly by a 2:1 margin; she was elected because we wanted questions answered. He stated that you can take offense to what she is doing but the reality is there are members on the board that oversaw one of the darkest periods in Brentwood and you are responsible; these things should not be taken personal. He also added that you should not confuse efforts with results; that's to properly run a city in a cost efficient way and to follow the ordinances.

Denise Soebbing Porter, stated her appreciation that some of the hard questions are being asked; things are coming out that many residents weren't aware of and we have to come out and see what's going on. We want to have trust in our community, know that things are being managed as we expect them to be and why it wasn't before. Mayor people are afraid to come because they feel that they will be treated with disrespect. She stated her appreciation of the code enforcement presentation; it helps to understand the steps taken. She also asked why the board is afraid of a fraud audit to show that things are clear.

Closed Session

Legal Action RSMO 610.021 (1)

Alderman Wynn made a motion to enter into executive session at 9:17pm to discuss legal matters pursuant to the legal action exemption in RSMo. 610.021. Motion seconded by

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Alderman Kramer. Attorney Albrecht asked that it is recorded that one of the items to be discussed is also a hybrid personnel but we only have legal on the agenda. A discussion was held of Alderwoman Saunders' question of knowing how to vote to go into closed session if there are no supporting documents. Alderman Leahy opposed to the distribution of certain information in writing and commented that one must educate themselves by speaking with the city administrator. **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 – no; **MOTION PASSED.**

Alderman Leahy made a motion to reimburse Susan Ryan legal fees. Motion seconded by Alderman Wynn. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – no; Alderman Toohey – abstain; Alderman Kramer – no; Alderman Robertson – no; Alderman Wynn – no; Alderman Harper – yes; **MOTION FAILED.**

Discussion ensued regarding legal/personnel matters and Alderman Harper made a motion to continue the discussion with only the Board of Aldermen present; excusing staff and legal counsel at 10:04pm. Motion seconded by Alderman Leahy. **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 – yes; **MOTION PASSED.**

Alderman Leahy made a motion to adjourn the closed session at 10:30pm. Motion seconded by Alderman Robertson. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – yes; **MOTION PASSED.**

The meeting reconvened to open session at 10:35pm.

ADJOURNMENT

Alderman Leahy made a motion to adjourn the meeting at 10:35pm. Motion seconded by Alderman Toohey. Unanimous vote in favor taken; **MOTION PASSED.**

Approved as submitted the 17th day of December , 2012.

Attest:

Mayor Pat Kelly

Bola Akande,
City Clerk/Administrator