

**CITY OF BRENTWOOD, MISSOURI
BOARD OF ALDERMAN REGULAR MEETING
MARCH 18, 2013**

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.

Roll Call

Deputy Clerk Pittman performed roll:

Alderwoman Saunders	Present	Alderman Robertson	7:01pm
Alderwoman Manestar	Present	Alderman Wynn	Present
Alderman Leahy	Present	Alderman Harper	7:02pm
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, Labor Attorney Brian Hey and Deputy City Clerk Octavia Pittman.

APPROVAL OF AGENDA

Board Of Aldermen March 18, 2013

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

Alderman Robertson arrived.

CONSIDERATION AND APPROVAL OF THE MINUTES

Board of Aldermen Special Meeting Minutes March 4, 2013

Alderman Kramer made a motion to approve the minutes as submitted. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

Board of Aldermen Regular Meeting Minutes March 4, 2013

Alderman Leahy made a motion to approve the minutes as submitted. Motion seconded by Alderman Robertson. Unanimous vote in favor taken; **MOTION PASSED.**

PRESENTATION/RECOGNITION

Proclamation – Arbor Day April 19, 2013

Alderman Kramer read the proclamation prepared to proclaim April 19th as Arbor Day in the City of Brentwood, which is also in part of our annual Tree City USA efforts. Alderman Wynn made a motion to approve the Arbor Day Proclamation. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

Alderman Harper arrived.

PUBLIC HEARING

None

BIDS

Hanley Industrial Court Transit/Pedestrian Improvement

Sealed bids were solicited for the Hanley Industrial Court Transit/Pedestrian Improvement project that includes sidewalks, ADA ramps, retaining walls and landscaping; in which 11 were received. After staff review, it is recommended to select the lowest bid in the amount of \$167,346.65, submitted by Raineri Construction; they have passed all of the necessary pre-contract requirements, are an approved MoDOT contractor and are on their prequalified contract list.

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

Rick Peter, 9007 Lawn Ave, announced the needed correction to Bill #5739; “2013 Brentwood Days”. He announced concerns of the length of the city-wide questionnaire and questioned why the city pays \$60,000 - \$120,000 annually to subsidize the Webster Groves and Richmond Heights rec. centers. He stated that this should be stopped, residents should pay themselves as these funds can be used for Brentwood services.

Administrator Akande announced that the consultant prefers that the survey not be read publicly.

Mayor Kelly explained that the purpose of the survey is to get citizen input. Participates are randomly selected by the consultant in hopes to get good return.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Alderman Leahy made a motion for the 1st and 2nd readings of Bills #5737, 5738, 5739, 5740, 5741, 5742, and 5743. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED.**

Bill #5737 – An Ordinance Of The City Of Brentwood, Missouri, Adopting The Revised City Of Brentwood Employees Handbook; Providing For The Current Maintenance Of This Code; Providing For The Effective Date Of This Ordinance; And, Providing For The Repeal Of All Conflicting Ordinances – 1st & 2nd Reading

Attorney Albrecht read Bill #5737 by title only. Alderman Kramer provided the synopsis, “This Bill is for an ordinance that adopts the revised City of Brentwood Employees Handbook. The proposed employee handbook (see attached) is presented here for board approval. The purpose of the updated and revised employee handbook was and is two-fold: 1) to align the City’s personnel policies and procedures with sound management principles and 2) to ensure that the City of Brentwood, as an employer, is limiting its exposure to risk amidst an ever-increasing legal and regulatory landscape”. After brief discussions for clarity,

- Alderman Leahy made a motion to include as a listed activity in section 4.23 after the golf tournament, MS Boot Drive and National Night Out Against Crime solicitation, if held. 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.**
- Alderman Leahy made a motion to include in section 2.1 that full time employment is defined for LAGERS purposes as 1500 hours a year and that the city defines a full time employee as 32 hours weekly for other benefits. Alderwoman Saunders asked why do we need to define LAGERS definition of a full time employee and Julie Echols and Bola confirmed it’s LAGERS definition. Mayor Kelly stated it puts more participants in their plan. Also it was confirmed that elected officials are a separate category. 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.

- Alderwoman Saunders asked that the phrase acting under the authority of the Mayor and Board of Aldermen, does that legally grant the city administrator authority without coming to us for a vote and Attorney Hey said no. Alderwoman Saunders asked if it doesn't transfer authority from the Board of Aldermen to the City Administrator and Attorney Hey said no. Alderwoman Saunders made a motion to add in section 1 and 1.3, language that the City Administrator is "acting only under the authority of the Mayor and Board of Aldermen". Motion seconded by Alderwoman Manestar. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – yes; **MOTION PASSED.**
- Alderwoman Saunders made a motion to include if a complaint is of the City Clerk/Administrator you should file a conduct complaint form with the City Attorney and the City Attorney will notify the Mayor and the Board of Aldermen. Motion seconded by Alderman Harper. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – no; Alderman Toohey – no; Alderman Kramer – yes; Alderman Robertson – no; Alderman Wynn – no; Alderman Harper – yes; Mayor Kelly – no; **MOTION FAILED.**
- Alderwoman Saunders made a motion that the Mayor has to immediately notify the Board (of complaints filed against the City Clerk/Administrator) on pages 29, 30, 31. Motion seconded by Alderman Kramer. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – yes; **MOTION PASSED.** Alderwoman Saunders amended the motion to include the language where ever it is noted in the employee manual. Motion seconded by Alderman Kramer. Unanimous vote in favor taken; **MOTION PASSED.**
- Page 88 - Alderwoman Saunders made a motion to include that the Board of Aldermen should be immediately notified of the fraudulent activity. Motion seconded by Alderman Kramer. Unanimous vote in favor taken; **MOTION PASSED.**
- Alderwoman Saunders asked, referring to page 75, if newly hired employees were signing a letter stating that they no longer accrued 120 sick days. Bola stated that employees hired after November 2012 were signing that letter. Alderman Kramer stated legally we are better protected to extend those benefits to all employees up until the date the manual was adopted.

Attorney Albrecht read Bill #5737 by title only. Alderman Leahy made a motion to perfect Bill #5737 as amended 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 #5737 IS HEREBY PASSED AND ORDINANCE #4412 IS ASSIGNED TO SAID BILL.

Bill #5738 – An Ordinance Providing For A Boundary Adjustment Between The Cities Of Brentwood And Rock Hill – 1st & 2nd Reading

Attorney Albrecht read Bill #5738 by title only. Mayor Kelly explained the property owners' request for a boundary adjustment as their land is divided between the Cities of Brentwood and Rock Hill. Attorney Albrecht read Bill #5738 by title only. Alderman Robertson made a motion to perfect Bill #5738 into ordinance form. Motion seconded by Alderman Leahy. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – yes; **MOTION PASSED.**

BILL #5738 IS HEREBY PASSED AND ORDINANCE #4413 IS ASSIGNED TO SAID BILL.

Bill #5739 – An Ordinance Authorizing The Mayor And/Or City Administrator To Execute An Agreement Between The City Of Brentwood, Missouri And Gateway Fireworks Displays, Inc. For The 2012 Brentwood Days Fireworks Display At Brentwood Park; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5739 by title only. Alderman Leahy made a motion to amend the ordinance to add the correction throughout of the 2013 Maddenfest. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED.** Alderman Kramer provided the synopsis, “This Bill is for an ordinance that would authorize the Mayor to execute an agreement with Gateway Fireworks Displays, Inc. for the 2013 Maddenfest Celebration fireworks display at Brentwood Park. In the FY 2013 budget is \$14,000 for this expense. The Public Works Committee recommends its approval”. Attorney Albrecht read Bill #5739 by title only. Alderman Leahy made a motion to perfect Bill #5739 into ordinance form, as amended. Motion seconded by Alderman Kramer. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – yes; **MOTION PASSED.**

BILL #5739 IS HEREBY PASSED AND ORDINANCE #4414 IS ASSIGNED TO SAID BILL.

Bill #5740 – An Ordinance Of The City Of Brentwood, Missouri, Amending Ordinance Number 4409 To Authorize The Mayor To Execute The Attached 2013 Community Development Block Grant Municipal Housing And Community Development Supplemental Cooperation Agreement – 1st & 2nd Reading

Attorney Albrecht read Bill #5740 by title only. Alderman Kramer provided the synopsis, “This Bill is for an ordinance Of the City of Brentwood, Missouri, Amending Ordinance Number 4409 To Authorize the Mayor to Execute the Attached 2013 Community Development Block Grant Municipal Housing and Community Development Supplemental Cooperation Agreement. At the March 4 board of aldermen meeting, Ordinance No. 4409 authorizing the "City Administrator" to execute the CDBG agreement was adopted. After speaking with grant representatives, staff was told that the authorizing representative should be the chief elected official (Mayor)”. Attorney Albrecht read Bill #5740 by title only. Alderman Leahy made a motion to perfect Bill #5740 into ordinance form. Motion seconded by Alderwoman Manestar. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – yes; **MOTION PASSED.**

BILL #5740 IS HEREBY PASSED AND ORDINANCE #4415 IS ASSIGNED TO SAID BILL.

Bill #5741 – An Ordinance Of The City Of Brentwood, Missouri, Authorizing The Mayor And/Or City Administrator To Enter Into And Execute An Agreement Between The City Of Brentwood, Missouri And Raineri Construction, LLC For Pedestrian/Transit Improvements; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5741 by title only. Alderman Kramer provided the synopsis, “This Bill is for an ordinance authorizing the mayor and/or city administrator to enter into and execute an agreement between the City of Brentwood and Rainer Construction, LLC for pedestrian/transit improvements. A new pedestrian walkway will be built from Memorial Park to the Promenade and ending at the Metro link entrance next to Dierbergs. Currently, there are no sidewalks in this area and pedestrians have to walk in the street. Construction is scheduled to start this spring. The total project cost was \$830,000. The federal funds covered 80% which is \$664,000 and the local match is \$166,000. The Public Works Committee recommends the selection of Raineri Construction LLC”. Attorney Albrecht read Bill #5741 by title only. Alderman Robertson made a motion to perfect Bill #5741 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 #5741 IS HEREBY PASSED AND ORDINANCE #4416 IS ASSIGNED TO SAID BILL.

Bill #5742 – An Ordinance Authorizing The Mayor And/Or City Administrator To Execute A Contract With American Banner Amusements, Inc. For The Provision Of Rides And Other Services For Brentwood Days In 2013; And, Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Alderman Wynn made a motion to amend Bill #5742 by changing it to the Maddenfest throughout the bill. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.** Attorney Albrecht read Bill #5742 by title only. Alderman Kramer provided the synopsis, “This Bill is for an ordinance that would authorize the Mayor to execute a contract with American Banner Amusements Company for carnival rides during the 2013 Maddenfest Celebration. In the FY 2013 budget is \$25,700 for this expense. The Public Works Committee recommends its approval”. Staff was asked to notify them of the request of more kid friendly prizes. Attorney Albrecht read Bill #5742 by title only. Alderman Leahy made a motion to perfect Bill #5742 into ordinance form as amended. Motion seconded by Alderman Kramer. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – yes; **MOTION PASSED.**

BILL #5742 IS HEREBY PASSED AND ORDINANCE #4417 IS ASSIGNED TO SAID BILL.

BILL #5743 – An Ordinance Authorizing The Mayor And/Or City Administrator To Execute An Agreement Between The City Of Brentwood And The Brentwood School District For School Crossing Guards; And, Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5743 by title only. Alderman Kramer provided the synopsis, “This Bill is for an ordinance authorizing the Mayor and/or City Administrator to execute an agreement between the City of Brentwood and the Brentwood School District for School Crossing Guard. The guard will be stationed at the intersection of White Avenue and Brentwood Boulevard on school days from 7:30 a.m. – 8:30 a.m. This Agreement shall be effective immediately upon execution by the District and the City and shall remain in effect through the last school day of the 2015-2016 school year, which is estimated to be in May of 2016. The parties may extend this Agreement for an additional two (2) years by mutual agreement. This agreement is subject to appropriation by the Board of Aldermen. The part-time position will earn \$10.00 an hour. There are no benefits. Both Public Works Committee and the Ways and Means Committee recommend this item be forwarded to the Board of Aldermen for their consideration”. Attorney Albrecht read Bill #5743 by title only. Alderman Wynn made a motion to perfect Bill #5743 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 #5743 IS HEREBY PASSED AND ORDINANCE #4418 IS ASSIGNED TO SAID BILL.

ACCOUNTS AGAINST THE CITY

Alderman Kramer made a motion to approve the warrant list in the amount of **\$31,133.31.** Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

REPORTS OF COMMITTEES AND DEPARTMENT HEADS;

Mayor Kelly had no new report.

Public Safety Committee, Alderman Wynn had no new report.

Public Works Committee, Alderman Robertson encouraged those residents that are solicited to participate in the upcoming city wide survey.

Director of Planning & Development

None

Ways and Means Committee, Alderman Kramer announced that the next meeting is scheduled for Wednesday, March 20th.

City Attorney, Attorney Albrecht had no new report.

City Clerk/Administrator, Administrator Akande provided requested updates regarding the Next Door Program; this was an ongoing conversation within the Public Safety Committee to determine how to better communicate with the community as a variation of the popular neighborhood watch program.

A discussion was also held regarding the Boys Hope Girls Hope Organization and their interest to build 2 buildings to house children in need; providing them education and guidance. Mayor Kelly explained he was approached by representatives with questions of what steps need to be taken in this regard but they are the initiators of the community meeting being held this evening. He stated that he didn't notify Aldermen because they were just asking questions, still in negotiations and had not submitted a formal proposal. Aldermen expressed interest in being made aware in future instances.

Excise Commissioner, Commissioner Clements had no new report.

Library, Alderman Wynn had no new report.

Municipal League, Mayor Kelly had no new report.

Communication, Alderman Kramer had no new report.

Historical Society, Alderman Wynn had no new report.

Closed Meeting, None

UNFINISHED BUSINESS

As requested, Administrator Akande announced that the food truck moratorium is still in effect.

NEW BUSINESS

Alderman Leahy announced that the Ward 3 meeting will be held March 26th. He reminded everyone of the April 2nd elections, encouraged solicited individuals to participate in the upcoming survey, and reminded that the Police Department will have the Next Door Program meeting Thursday, March 21st.

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

Denise Soebbing, requested an update of the State Audit; no updates were available.

Susan Ryan, questioned the timeframe of the city wide survey (4/1 – 4/15). She also stated that she is continuing to research guidelines for conducting citizen complaints and will bring forward any suggestions.

ADJOURNMENT

Regular Board of Alderman Meeting March 18, 2013

Alderman Wynn made a motion to adjourn the meeting at 8:32pm. Motion seconded by Alderman Toohey. Unanimous vote in favor taken; **MOTION PASSED.**

Approved with amendments the 15th day of April, 2013.

Attest:

Mayor Pat Kelly

Bola Akande, City Clerk/Administrator