

**CITY OF BRENTWOOD, MISSOURI
BOARD OF ALDERMAN REGULAR MEETING
APRIL 15, 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:

Alderman Robertson	Present	Alderman Saunders	Present
Alderman Wynn	Present	Alderman Manestar	Present
Alderman Harper	Present	Alderman Leahy	Present
Alderman Toohey	Present	Alderman Kramer	Present
Mayor Kelly	Present		

Members present constituted a quorum. Also present were City Clerk/Administrator Bola Akande, City Attorney Frank Albrecht, and Deputy City Clerk Octavia Pittman.

Mayor Kelly led a moment of silence in honor of the victims and responders of the tragic bombing today in Boston.

APPROVAL OF AGENDA

Board Of Aldermen April 15, 2013

Alderman Saunders questioned going into closed meeting for the municipal and state auditor. She asked are the state auditors present, (Administrator Akande replied that she will be giving the report). She then stated that the goals and objectives of the new audit should be discussed in open session. She asked where the information was obtained that the state auditor advised the city to go into closed session as indicated on the March 29th City Administrator report; Administrator Akande replied that she was initially told that given the nature of the conversation that Schowalter & Jabouri would like to have, it could be held in executive session. Alderman Saunders stated that she spoke with Regina Pruitt, Chris Vetter and Mr. Schwiek and it was stated that they would never offer that kind of advice. Alderman Saunders added that the results of the state audit should also not be discussed. After Aldermen offered comments of going into closed session to find out exactly what will be said, Saunders replied that it is inappropriate and asked Schowalter & Jabouri a question. Alderman Toohey interrupted and stated why don't we go into closed session and find out. Alderman Saunders began to answer and Alderman Toohey repeated why don't we go into closed session and find out. Then he said, "This is ridiculous".

Attorney Albrecht stated that he does not know the specifics of what they will be discussing but there are matters that the auditors are entitled to discuss in executive session. Alderman Saunders asked that the goals and objectives be discussed in open session and the pertinent questions that they need to ask specific to individuals be discussed in closed session. Alderman Saunders made a motion to amend the agenda to add to **Item #5 Presentation**; that Schowalter & Jabouri discuss the goals and objectives of the financial audit. Motion seconded by Alderman Manestar. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – no; Alderman Robertson – no; Alderman Kramer – no; Alderman Toohey – no; Alderman Leahy – no; Alderman Manestar – yes; Alderman Saunders – yes; **MOTION FAILED.**

Alderman Leahy made a motion to approve the agenda as submitted. Motion seconded by Alderman Wynn. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman

Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – no; Alderwoman Saunders – no; **MOTION PASSED.**

CONSIDERATION AND APPROVAL OF THE MINUTES

Board of Aldermen Regular Meeting Minutes March 18, 2013

Alderwoman Saunders made a motion to make noted amendments to the minutes. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

Alderman Leahy made a motion to approve the March 18th meeting minutes as amended. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED.**

Board of Aldermen Regular Meeting Minutes April 1, 2013

After noted corrections, Alderwoman Saunders was asked to forward additional changes to the clerk. Alderman Leahy made a motion to place the April 1st meeting minutes on hold. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED.**

PRESENTATION/RECOGNITION

None

PUBLIC HEARING

None

BIDS

Rose Avenue Pedestrian Improvement Project

Administrator Akande announced the request for sealed bids for construction of this project which includes grading, sidewalks, ADA improvements, retaining wall, landscape, irrigation and street improvements of Rose Avenue from Brentwood Blvd to Brentwood Promenade. Seven bids were received; the recommendation is the award the bid to Lamke Trenching & Excavating Inc for their bid in the amount of 220,550.41.

Alderman Leahy asked if this group meets MSD requirements (yes) and if they have resolved MSD's other problem (an administrative hearing is set for later this week).

Alderman Leahy made a motion to approve the bid from Lamke Trenching & Excavating. Motion seconded by Alderman Robertson. Unanimous vote in favor taken; **MOTION PASSED.**

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

Louise Charboneau (8838 Madge) offered comments that the residents that will be mostly affected by Boys Hope Girls Hope (BHGH) do not know how to get their voices heard. At the last meeting P&Z Chairman Gephardt stated that residents would have 4 opportunities to speak. While in attendance at P&Z meeting it was stated that residents could not speak on the matter because no formal plan has been to the City. She questioned when that opportunity would come, her understanding is by the time it makes it to the Board of Aldermen it would be too late.

Susan Ryan (9324 Pine) stated that the city adopted an Architectural Review Board some years ago; a set of rules were defined for the approval process and assigned responsibility for staff and the Board. The rules do not define penalty for not adhering to our codes. She questioned the value of having a code to protect the community if they are not enforced or no

material consequence for violation assessed. She stated that she added a \$40,000 deck and sunroom to help offset the scale in the proximity of a build known to be coming; and it came to be everything concerns were voiced about. ARB forgave known violations and this Board denied reimbursement for materials. She asked that ARB codes are reviewed and appropriate and adequate deterrence for not adhering to the code is added.

Karen Smith requested the goals and objectives of the 2012 financial audit be reviewed in public session. She stated her understanding that things valid for review in executive session include personnel, legal and real estate matters; she asked for the list of criteria for auditors to discuss in executive session. She commented that the Board of Aldermen is not moving in the direction of more city transparency as indicated. She offered comments of BHGH stating it is prudent for the city to understand the concerns of the community.

Matt Saunders (2326 Parkridge) questioned if the city really wants to use the auditor's selected, after hearing Alderwoman Saunders comments. He also asked why the Board is so willing to go behind closed doors; it gives the appearance that the city is trying to hide things from residents.

Bob Brown offered comments of the voters canvassing for the audit, if it appears to be hidden again, they will canvass for a forensic audit.

Todd Engersol (2224 St. Clair) asked if the audit results meeting on May 7th can be held at a larger venue.

Nancy Akins (9338 Senora) offered comments of the rec center and the survey. She stated her concerns of the possibility of the center closing; it is frequently used by her family, creates a center for fun, enjoyment and a place to be safe. She wanted to make sure the survey is random and asked the Board to consider the importance the rec center is to children and families.

Carl Hesse (9132 Madge) offered comments in regards to the BHGH home; Madge and Brentwood would be a wonderful location. This community can help these kids that are down on their luck. He stated, as an average citizen he believes that the facility would improve the community. He also stated that he is unaware of what is taking place at Bremerton and commented that he will begin to attend meetings to learn what is going on in the community.

Mayor Kelly offered responses to concerns addressed. The owners at the house at Madge and Bremerton are building a garage; a family is moving in they will have a home office. The rec center survey, no decisions have been made on the ice rink; one of the goals is to gather additional information before that decision is made. BHGH; the schedule explained will take place, the confusion comes because they reached out to introduce themselves. The process has not officially started and they have not submitted formal plans. Once they are submitted, they will be placed on the P&Z agenda and residents will have an opportunity to voice their concerns; this is expected to take place in May. The state auditor's office is responsible for scheduling the audit meeting, we did not pick the date but did assist with finding a location; Aldermen will also be spectators.

Alderwoman Saunders commented that she has spoken with the State Auditor's Office, they will be willing to move the meeting if they get an indication of the crowd; we will also be renting a sound system to help. The results of the rec center survey will be made available May 1st at the Public Works Committee meeting. She stated that the feeling from the committee, other than maybe one Alderman, was to keep the ice rink; the fitness center is at the Heights and Maplewood provides the outdoor pool and we provide the ice rink. She stated intent of speaking as a resident; she received the agenda for the Ways and Means meeting which includes the change in protocol to dispose of surplus property or inventory material and

supplies and to raise the threshold from \$1000 to \$10,000. She added that the timing is horrible for this because we know we haven't had an inventory in years; an email was sent in the summer and the response was that it was before 2009 and would have to view it on a disk instead of getting a copy. Not having an inventory in years opens the door for fraud as with changing the threshold; she stated that she cannot understand why we wouldn't do a forensic audit, there is no reason not to take this action – it is the most responsible thing to do. She questioned why we haven't done an inventory as required by our code; Administrator Akande replied that we are working on it.

Alderman Toohey offered comments of the executive session; although it is not known exactly what the questions are, it is not uncommon to meet with upper management and the questions may lead to confidential information.

Mayor Kelly stated he does not think the goals and objectives of the audit will be discussed; if this happens we can go back into open session.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Alderman Leahy made a motion for the 1st and 2nd readings of Bills #5750 and #5751. Motion seconded by Alderman Harper. Unanimous vote in favor taken; **MOTION PASSED.**

Bill #5750 – 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 Lamke Trenching & Excavating For Pedestrian And Transit Improvements; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5750 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 Lamke Trenching & Excavating, Inc. for pedestrian improvements including grading, sidewalks, American with Disabilities Act (ADA) improvements, retaining wall, landscaping and irrigation and street lighting improvement on Rose Avenue from Brentwood Boulevard to Brentwood Promenade. Total project cost is \$308,800. Federal match is \$247,040. The local match is \$61,760. Construction is scheduled for this spring". Alderman Leahy confirmed that this work will not be adversely affected by anything the Drury is doing. Alderman Kramer announced his excitement of the project coming to fruition. Attorney Albrecht read Bill #5750 by title only. Alderman Leahy made a motion to perfect Bill #5750 into ordinance form. Motion seconded by Alderman Kramer. **ROLL CALL:** Alderman Harper – no; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

BILL #5750 IS HEREBY PASSED AND ORDINANCE #4425 IS ASSIGNED TO SAID BILL.

Bill #5751 – An Ordinance Authorizing The Mayor And/Or City Administrator To Enter Into And Execute A 60-Day Extended Agreement On Behalf Of The City Of Brentwood, Missouri, With American Traffic Solutions, Inc., For The Operation Of A Photo Red Light Enforcement Program – 1st & 2nd Reading

Attorney Albrecht read Bill #5751 by title only. Alderman Kramer provided the synopsis, "This Bill is for an addendum to an ordinance authorizing the mayor and/or city administrator to execute an agreement on behalf of the City of Brentwood with American Traffic Solutions, Inc., for a 60 day extension thereby giving the Public Safety Committee and the Board of Aldermen additional time to deliberate on this contract renewal. The Public Safety Committee did not meet on March 21st. There was no quorum and the current agreement expired April 1, 2013". Alderman Leahy questioned if the tickets currently being issued are legitimate as we are currently out of contract; Attorney Albrecht replied that the tickets are valid under the city's code; ATS is also continuing to operate in processing. After questions of increased safety in the

area, Chief Disbennett stated traffic accidents have decreased. Attorney Albrecht read Bill #5751 by title only. Alderman Wynn made a motion to perfect Bill #5751 into ordinance form. Motion seconded by Alderman Kramer. **ROLL CALL:** Alderman Harper – no; Alderman Wynn – yes; Alderman Robertson – no; Alderman Kramer – yes; Alderman Toohey – no; Alderman Leahy – no; Alderwoman Manestar – no; Alderwoman Saunders – no; **MOTION FAILED.** Staff will notify them to discontinue camera operation; contract renewal is still up for discussion.

ACCOUNTS AGAINST THE CITY

Alderman Kramer made a motion to approve the warrant list dated April 15, 2013 in the amount of **\$72,428.82**. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

REPORTS OF COMMITTEES AND DEPARTMENT HEADS;

Mayor Kelly updated that the House passed a Bill to form an advisory committee to look at the St. Louis Area; the sales tax distribution throughout St. Louis County, the number of municipalities/fire districts and stations. He encouraged individuals to be aware of decisions being made and if there is a concern to contact State Legislators. He clarified that the State Auditor's wanted their meeting to be in the city but not in city hall chambers. Mayor also updated, in regards to the Drury project, that the city requested they bury utility lines as done at Brentwood Square. They had committed up to \$250,000 for underground cabling; they have come back and requested an increase to up to \$309,000, based on Ameren's estimated cost and other related constructions cost. It will be necessary to amend the redevelopment agreement via ordinance at the next meeting. A brief discussion was held regarding the options of either giving some additional assistance or payment from the TDD; Alderwoman Saunders stated she is not in favor of giving any additional assistance. Alderman Kramer commented that the City is extremely fortunate to be able to tag along this public improvement; it will be better for the future.

Public Safety Committee, Alderman Wynn announced the next meeting Thursday at 4:30pm.

Public Works Committee, Alderman Robertson reminded that the survey results meeting will be held May 1st.

Director of Planning & Development

None

As questioned by Alderwoman Saunders it was clarified that the city will also forward applicable notices regarding BHGH to residents within 300 feet radius. After questions of the difference between boundary adjustments and rezoning, it was explained that they have not submitted their plans to know exactly what process is needed. Chairman Gephardt, along with Mayor Kelly explained that the process is believed to need rezoning. Discussion continued regarding Alderwoman Saunders' questions of BHGH having the proper location and it was reiterated that without an application, we are dealing with speculation. Alderwoman Saunders questioned if there were any conflicts with this construction and Attorney Albrecht replied that you cannot answer that question until you are given a specific set of facts.

Ways and Means Committee, Alderman Kramer announced the next meeting April 16th at 6:30 and the May meeting is being rescheduled to May 30th (tentatively).

City Attorney, Attorney Albrecht had no new report.

City Clerk/Administrator, Administrator Akande had no new report.

Excise Commissioner, Commissioner Clements had no report.

Library, Alderman Wynn had no new report.

Municipal League, Mayor Kelly reminded that the League Annual Dinner is May 30th; the Board was encouraged to attend.

Communication, Alderman Kramer offered a response to residents regarding their interest in more information, meetings and data; he reminded that meetings are available on Cable access and you tube. He also explained that the synopsis of bills helps to clarify what is being talked about.

Historical Society, Alderman Wynn encouraged everyone to attend the next meeting on the 21st.

UNFINISHED BUSINESS

None

NEW BUSINESS

Alderman Leahy encouraged attendance to the Ward 3 meeting; April 30th at 7pm.

Alderwoman Saunders questioned how the inventory item was placed on the Ways & Means agenda. Administrator Akande explained that we have a lot of surplus items from different departments; this is an attempt to bring them all together to get rid of them. After comments of placing this item on hold, Mayor informed that this can be done at the Ways & Means meeting as it is on that agenda. It was also clarified that the police still conduct an auction of items in the property locker.

Alderman Leahy announced kudos to public works staff from residents pleased of their level of service and efficiency regarding trash pickup. He also reminded that we have asked for a limit of 50 lbs of yard waste per container.

Alderman Harper reminded everyone that April is Child Abuse Prevention Month; everyone was encouraged to get involved.

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

Karen Smith questioned the status of the public parking lease in the Drury agreement. She offered comments that this could be an opportunity to incorporate community concerns regarding BHGH and referenced the project of West Community Credit Union. Lastly she asked if the Board will return from closed session to discuss the audit goals and objectives. Mayor Kelly replied that will not take place tonight.

Jim Feete (2201 Parkridge) asked if any business will be conducted between the end of the closed meeting and the adjournment of the open meeting. Mayor Kelly replied no.

Bob Brown offered comments in regards to burying the power lines at the Drury; it's odd that aesthetics seems to be the selling point for spending tax payers money while giving Drury choice land. It says the board doesn't have the sense of funds and amounts.

Louise Charboneau expressed appreciation for Saunders bringing up the inventory; before taking the inventory, raising the limit of unaccounted property would seem premature. She

also referenced her attendance at a Public Works meeting and stated, members are looking at micromanaging chickens by limiting a flock of 6 and possibly charging a \$50 permit fee but for a piece of equipment of up to \$10,000; we won't know.

Matt Saunders (2326 Parkridge) asked the Board to not raise the inventory limit; the items belong to taxpayers. He also commented that there are people here that are responsible for the inventory; you can't keep saying that it is former employees. He commented that he can understand employees not going into the closed meeting with the auditors but residents are the owners.

Carl Hesse (9132 Madge) suggested a building across from Schnuck's on Manchester to be used for BHGH. He also announced frustration with trash haulers continuously leaving his recycling can behind; he now no longer recycles his material. He asked that the haulers return the next day if they miss so that he's not stuck with full cans for the week.

Susan Ryan (9324 Pine) questioned how to get a review of the ARB code on the P&Z agenda; it was suggested to send items to the City Administrator to forward. She also empathized with other residents and stressed the importance of the feeling of being heard.

Mayor Kelly responded with respect to the chicken issue; it was something that residents brought forward and we can't just say that we will not evaluate it. He added that the analogy of the credit union was great; after working with the neighborhood and the city, what was proposed and what was finally done is completely different. A brief discussion was held to clarify the process. Alderwoman Saunders added, in regards to BHGH, residents may be willing to sit down and talk about their concerns which may include it being smaller in size.

Closed Meeting

Alderwoman Saunders made a motion that we vote on the closed meeting issues separately. Motion seconded by Alderman Harper. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – no; Alderman Robertson – no; Alderman Kramer – no; Alderman Toohey – no; Alderman Leahy – no; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION FAILED.**

Alderman Wynn made a motion to enter into executive session at 8:45pm to discuss legal matters and municipal & state audit updates pursuant to the litigation and audit exemption in RSMO 610.021. Motion seconded by Alderman Leahy. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – no; **MOTION PASSED.**

After Alderwoman Saunders questions of why we would not vote separately, Alderman Wynn stated that he didn't see a problem with it.

Closed session was called to order at 8:55 pm with the following present: Alderwoman Saunders, Alderwoman Manestar, Alderman Toohey Alderman Kramer, Alderman Robertson, Alderman Harper, Mayor Kelly. Also present were City Clerk/Administrator Bola Akande, City Attorney Frank Albrecht, Finance Director Gina Jarvis, Deputy City Clerk Octavia Pittman, Attorneys David Wells (Thompson Coburn) & Mark Grimm (Gilmore Bell) and Jim Torte (Schowalter & Jabouri).

Discussions were held regarding legal and audit matters.

Alderman Leahy made a motion to adjourn the closed session at 9:48pm. Motion seconded by Alderman Wynn. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

ADJOURNMENT

Alderman Leahy made a motion to adjourn the meeting at 9:50pm. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED.**

Approved with amendments the 6th day of May, 2013.

Attest:

Mayor Pat Kelly

Bola Akande, City Clerk/Administrator