

**CITY OF BRENTWOOD, MISSOURI  
BOARD OF ALDERMAN MEETING  
SEPTEMBER 9, 2013**

**MEETING CALLED TO ORDER**

Mayor Pat Kelly called the meeting to order at 7:00pm, in the Brentwood Recreation Center, Room #104, located at 2505 S. Brentwood Blvd., Brentwood, MO 63144 and immediately led the Pledge of Allegiance.

**ROLL CALL**

Deputy Clerk Pittman performed roll:

Alderman Harper	Absent	Alderman Toohey	Present
Alderman Wynn	Present	Alderman Leahy	7:05pm
Alderman Robertson	Present	Alderdwoman Manestar	Present
Alderman Kramer	Present	Alderdwoman Saunders	Present
Mayor Kelly	Present		

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

**APPROVAL OF AGENDA**

**Board of Aldermen September 9, 2013**

Alderdwoman Saunders apologized for being absent at the last meeting and offered her medical records as proof of her illness. She commented that BHGH should not be on the agenda as the only person that can place the item on the agenda is a person that voted no; she asked if those that voted no have not submitted a written statement of this to the city clerk then it should be removed. It is her understanding that none of the no votes were willing to reconsider.

Mayor Kelly rebutted that it was placed on the agenda, as with the reason he sent out a notice to the residents on Madge & Annalee, because in his opinion the issue did not get a fair hearing at the last meeting. He added that Alderdwoman Manestar opened the door for further discussion or a vote with an email that she distributed after the last meeting; raising a number of her reasons why she did not vote in favor, not giving the applicant an opportunity to address her issues as they were not raised in the public meeting.

Alderman Leahy stated that the chairman of the meeting does not have the right to add the item to the agenda, it should be added to unfinished business and at that time it would be appropriate for the 4 no voting members to bring it forward; even this discussion is out of order. He also asked for an explanation of why the board was not advised of the cancellation of the August 29<sup>th</sup> Special Meeting and how it impacts BHGH. Mayor responded that the August 29<sup>th</sup> meeting was originally scheduled as a 15 minute session for the purpose of approving a liquor license for Maddenfest and the appointment of the new zoning administrator. It was later brought to his attention that we would have to have BHGH on that meeting (procedurally, reconsideration of BHGH would have to be at the meeting immediately following the denial); it was not appropriate and there was not enough time to have the discussion at that meeting as residents hadn't been notified. Alderman Leahy noted that he has second hand knowledge from the real estate agent that BHGH does not have valid contracts on the properties at this time and that makes the application invalid for rezoning and conditional use. Mayor Kelly corrected that it is not necessary to have the property under contract to review an application

that was previously submitted. That would be true if they had withdrawn their application and resubmitted it; it was previously under contract when it was originally reviewed. Alderman Leahy recalled at the August 5<sup>th</sup> meeting, after the vote was taken and failed, that Mr. Hipp responded that he was withdrawing the application. After such, the conditional use permit was removed from the agenda. Leiland Curtis (Curtis Heinz Garrett O'Keefe), in the absence of Stephanie Karr, advised that a motion for reconsideration must be made at the next following meeting at which the action was previously taken; this is that meeting. The belief is that it was Stephanie Karr's opinion, as this is a matter that sparked a lot of citizen interest on both sides, that rather than have the matter not appear on the agenda, it would be better to air on the side of giving notice to everyone to make sure that everyone knew that there was a possibility. Under Robert's Rules of Order, motions for reconsideration are given priority over any other motion and should be taken up immediately when made; which is why the ordinance appeared first instead of under unfinished business. And it is correct that the motion must be made by someone in the majority.

Alderwoman Saunders stated that Stephanie Karr was under the impression that someone was reconsidering their vote. She reiterated that this is on the agenda invalidly as no one was willing to reconsider their no vote. Alderwoman Saunders commented are we ever going to learn to follow procedures.

After discussion and comments from Aldermen regarding following proper procedures, Alderman Leahy made a motion to amend the agenda by removing Bill #5785 and Bill #5786. Motion seconded by Alderwoman Manestar. **ROLL CALL:** Alderman Harper – absent; Alderman Wynn – no; Alderman Robertson – no; Alderman Kramer – yes; Alderman Toohey – no; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

Alderman Wynn offered comments of Brentwood being a good community and everyone should find ways to get along. Alderman Leahy also offered comments of efforts to work with BHGH but were unsuccessful. Alderman Toohey offered comments of having oversight and allowing the experts to do their jobs.

Alderwoman Saunders made a motion to approve the agenda as amended. Motion seconded by Alderman Leahy. **ROLL CALL:** Alderman Harper – absent; Alderman Wynn – no; Alderman Robertson – no; Alderman Kramer – yes; Alderman Toohey – no; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

#### **CONSIDERATION AND APPROVAL OF THE MINUTES**

##### **Board of Aldermen Special Meeting Minutes August 5, 2013**

Staff was asked to review the tape to confirm if BHGH withdrew their application, as the minutes currently do not reflect this issue. Alderman Kramer made a motion to approve the meeting minutes as submitted. Motion seconded by Alderman Robertson. **ROLL CALL:** Alderman Harper – absent; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – abstain; **MOTION PASSED.**

#### **PRESENTATION/RECOGNITION**

##### **Proclamation – Brentwood Public Library 75<sup>th</sup> Anniversary**

Mayor Kelly announced the 75<sup>th</sup> anniversary celebration event of the library that will be held 9/18 at 5:30pm; he will be preparing a proclamation.

##### **Special Recognition – Brentwood School District**

Special recognition was given to the Brentwood School District for being one of the few districts in the state to receive 100% rating under the new system.

**PUBLIC HEARING**

**None**

**BIDS**

**Insurance Consulting/Brokerage Services**

At the request of the Board of Aldermen, staff issued a request for qualifications for benefits broker. Securing services of a professional benefits broker will ensure that the city is receiving the most competitive pricing on employee benefits (vision, dental, life insurance, short term & supplemental insurance). There were a total of 7 vendors that submitted proposals. After staff interviews and scoring, the recommendation was made to Ways & Means that Hays be selected as that benefit broker; they will provide a strong and aggressive contract negotiation approach and a high level of customer service to employees to the city. The agreement is on the agenda for approval.

**Information Technology Emergency Purchases**

Robin Zlatic, IT Manager, previously submitted a status update to Ways & Means on the condition of information technology in the city. It was anticipated that many of the discoveries could be held off until FY2014 for budgeting. However, over the last month, we have continued to experience failure of IT equipment. Zlatic explained significant outages due to the power and cooling systems in the cooling room; they seem to be affecting email, database, CAD for police and fire and immediate action needs to be taken to prevent further damage. There are vendors on the state bid list that provides those requested systems and costs have been included on the warrant list for approval. After questions from the Board it was clarified that there may need to be a budget amendment which will take place at the end of the year.

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

**Jim Pozzo, 2211 St. Clair Ave,** reiterated the seriousness of the state audit results showing violations of city ordinances, state statutes, constitutional articles and the fair labor standard act. As costs were also included, he suggested that the Board of Aldermen act on filing a claim against the performance bond to recoup these funds. He also stated that the only way to reassure citizens that everything is okay will be to do a forensic audit.

**Bob Kintz, 2 York Hills Dr,** questioned if it is necessary for alderman to live in the area that he represents and requested that an investigation is done to determine Alderman Harper's residency. He also agreed that the city has changed over time.

**Denise Soebbing, 2612 Porter,** agreed that current community actions are sad but are caused partly by the Board of Aldermen. She added that it is true in most cases that you trust the professionals, but what do you do as a citizen when they make mistakes, using issues with the Watering Bowl and PDI as an example. She announced that she is awaiting a response from the prosecuting attorney as well.

**Katherine Goldwasser, 9370 Pine,** commented that she is disappointed with the Board's actions regarding BHGH; the lack of reasoning behind their votes. In her opinion the decision was not representative of the residents.

**Kathy Beckman, E. Swan Circle,** commented that while it's said that we should listen to the experts, (referencing P&Z) they have said that they only make recommendation to the Board of

Aldermen. She also announced her surprised to hear the animosity amongst the citizens; BHGH may be a great organization, but not on Madge.

**Julie Pozzo, 2211 St. Clair**, followed up to earlier comments regarding the audit results. She stated her uncertainty of why the city has not filed a claim on the performance bond and also why the city set the fund balance amount opposite the recommendation by the auditors. She asked why there was a discrepancy in the bond coverage; the code said a million and the actually bond is one hundred thousand.

**Bernie Schwiess (BHGH Board Chairman)** announced their appreciation to the community for support and an opportunity to be a part of the community; much time and financial resources were dedicated to these efforts.

**Susan Ryan, Pine Ave**, commented in regards to the terms fair, honest, transparent, respectful and professional; these are things that are expected on a routine basis and over the past couple of years this has not been exhibited during meetings. She added that we should all have been able to walk away from the BHGH decision knowing that they have been given a fair opportunity.

**Barbara McGee**, announced disappointment with the actions and comments of the Board of Aldermen.

**Steve Bowman, 8901 Bridgeport**, clarified that the Brentwood School is the only K-12 District in the state of Missouri to receive 100% on the rating system.

**Kathy Thomas, Madge Ave**, asked for a vote of those in attendance that were interesting in the Board reconsidering BHGH; on their behalf, she asked the Board to determine the real issue. After questioning members of the Board; (Mayor Kelly) if Eagle Bank is involved in financing the project – no; (Kramer) objection to BHGH moving on an appropriate site – not on an appropriate site; (Robertson) been asked to bid on the project – no; (Leahy, Saunders, Manestar) stated they have no objection to BHGH – all agree would be a good fit for the community on an appropriate site. Hearing this, she asked that the Board reconsider BHGH decision, giving an open and honest discussion.

**Louise Charboneau, 8833 Madge**, stated her belief that the board has had an open and honest discussion and finally has a Board that will listen to residents; she provided examples of other community's decisions to deny prominent projects. She offered additional comments of agreeing to disagree and that residents also expect to be treated fairly.

**Karen Smith, Harrison**, requested a copy of the letter that went out to residents. She stated that procedures are in place for a reason and it's a dangerous path to not following those procedures. She added that the way BHGH was presented was problematic; there are different models available that could have been researched. She questioned if they are flexible to a smaller project on this site and offered comments of being willing work with the community. She stated her belief that the issue has degraded the community and hopes that BHGH will think twice about how they approach communities in the future. Now is the time to get back on track; for the community to work on restoring faith in each other and also encouraged the Board to look into filing a claim against the bond.

#### **INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS**

Alderman Kramer made a motion for the 1<sup>st</sup> & 2<sup>nd</sup> readings of Bills #5787, #5788, #5789, #5790, #5791. Motion seconded by Alderman Robertson. Unanimous vote in favor taken; **VOICE VOTE TAKEN**; 6 – yes; Harper – absent; Leahy – no; **MOTION PASSED**.

(Removed) **Bill #5785 – An Ordinance Amending The Zoning Map Of The City Of Brentwood To Rezone Certain Property Numbered 8817 Madge Avenue From “B” Single Family District To “PD” Planned Development District And Establishing The Effective Date Of This Ordinance – 1<sup>st</sup> & 2<sup>nd</sup> Reading**

(Removed) **Bill #5786 – An Ordinance Granting Approval Of A Site Development Plan And Conditional Use Permit To Boys Hope Girls Hope Saint Louis For A Children’s Home At Property Numbered 8815 And 8817 Madge Which Permits Under The Provisions Of Chapter 25 Of The Brentwood Code Of Ordinances The Development Of That Site; Providing The Conditions Of Such Development; And Providing For The Effective Date Of This Ordinance – 1<sup>st</sup> & 2<sup>nd</sup> Reading**

**Bill #5787 – An Ordinance Amending Chapter 12 Of The Revised Code Of Ordinances Of Brentwood, Missouri By Deleting Article XIII In Its Entirety, And By Adding In Lieu Thereof A New Article XIII As It Relates To A Pilot Program For Mobile Food Vendors; Providing For The Effective Date Of This Ordinance; Providing For The Current Maintenance Of This Code; And Providing For The Repeal Of All Conflicting Ordinances – 1<sup>st</sup> & 2<sup>nd</sup> Reading**

Alderman Leahy made a motion to postpone the discussion and vote on Bill #5787 until a full board is present. Motion seconded by Alderman Kramer. **ROLL CALL:** Alderman Harper – absent; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

**Bill #5789 – An Ordinance Authorizing The Mayor And/Or City Administrator To Enter Into An Agreement With Hays Companies To Provide Services As A Professional Benefits Broker For The City Of Brentwood; Providing For The Repeal Of All Conflicting Ordinances; And Providing For The Effective Date Of This Ordinance – 1<sup>st</sup> & 2<sup>nd</sup> Reading**

Attorney Albrecht read Bill #5789 by title only. Alderman Kramer provided the synopsis, “This Bill is for an ordinance authorizing the mayor and/or city administrator to approve an agreement with Hays Consulting. Review has been conducted of proposals received to secure the services of a professional benefits broker that will ensure the City is receiving the most competitive pricing on benefits offered to full time staff. At its May 30<sup>th</sup> meeting, Ways and Means Committee recommends approval”. Attorney Albrecht read Bill #5789 by title only. Alderman Leahy made a motion to perfect Bill #5789 into ordinance form. Motion seconded by Alderman Wynn. **ROLL CALL:** Alderman Harper – absent; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

**BILL #5789 IS HEREBY PASSED AND ORDINANCE #4457 IS ASSIGNED TO SAID BILL.**

**Bill #5790 – An Ordinance Authorizing The Amendment Of The City Of Brentwood’s Current Employee Handbook Providing Information Technology Security Policies And Policies Regarding Political Activities, Standards Of Conduct, Shift Pay, Compensatory Time, Overtime, Vacation Time, Sick Leave, Funeral Leave, And Substance Abuse; And Providing For The Effective Date Of This Ordinance – 1<sup>st</sup> & 2<sup>nd</sup> Reading**

Attorney Albrecht read Bill #5790 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 information technology security policies and policies regarding political activities, standards of conduct, shift pay compensatory time, overtime, vacation time, sick leave, and substance abuse. These changes were vetted by the city’s labor counsel”. It was clarified that changes were made and Alderman Leahy made a motion to remove Bill #5790 for further correction. Motion seconded by Alderman Kramer. **ROLL CALL:** Alderman Harper – absent; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

**Bill #5791 – An Ordinance Approving A Final Subdivision Plat Of A Parcel Located At 2508 Bremerton Road Into Two (2) Single-Family Residential Lots And Establishing The Effective Date Of This Ordinance – 1<sup>st</sup> & 2<sup>nd</sup> Reading**

Attorney Albrecht read Bill #5791 by title only. Alderman Kramer provided the synopsis, This Bill is for an ordinance approving a final subdivision plat of a parcel located at 2508 Bremerton Road into two (2) single-family residential lots and establishing the effective date of this ordinance. Planning and Zoning Commission recommends subdivision plat approval as both a preliminary and final plat”. Attorney Albrecht read Bill #5791 by title only. **ROLL CALL:** Alderman Harper – absent; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

**BILL #5791 IS HEREBY PASSED AND ORDINANCE #4458 IS ASSIGNED TO SAID BILL.**

A five (5) minutes recess was taken at 9:00pm.

**Resolution #998 – A Resolution Providing For The Sale And Consumption Of Beer, Wine And Liquors, As Provided For In The Brentwood Municipal Code**

Alderman Kramer provided the synopsis, “It has been the current practice to allow participants to bring alcohol into the Maddenfest Celebration. The two reasons main reasons for considering the change were: (i) Safety of the participants. Although infrequent, there have been times in the past that participants who have brought in their own alcohol have consumed too much and have posed a safety threat to the rest of the crowd (ii) Alcohol is sold on site by Brentwood businesses and this change of practice would increase their sales during the event. City Attorney, Frank Albrecht says that if outside liquor is not to be brought into the park, he recommends the resolution be amended to permit the sale and consumption of liquor on the premises, but to specifically prohibit bringing outside liquor onto the premises, other than authorized vendors. Public Works Committee concurs with staff recommendation”. Alderman Kramer made a motion to approve Resolution #998. Motion seconded by Alderman Saunders. **ROLL CALL:** Alderman Harper – absent; Alderman Wynn – no; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

**ACCOUNTS AGAINST THE CITY**

Alderman Kramer made a motion to approve the September 9, 2013 Warrant List in the amount of \$321,621.72 (which includes \$114,935.56 for grant pass thru and the emergency IT recommendations). Motion seconded by Alderman Toohey. Unanimous vote in favor taken; **MOTION PASSED.**

**REPORTS OF COMMITTEES AND DEPARTMENT HEADS;**

**Mayor Kelly,** offered a reminder of the annual MML conference next week. He also announced efforts to appoint Justin Wyse to fill the position of Director of Planning & Development/Assistant City Administrator. Wyse was welcomed aboard and allowed an opportunity to give a brief introduction of previous experience and background. Alderman Robertson made a motion to approve the appointment of Justin Wyse. Motion seconded by Alderwoman Saunders. **ROLL CALL:** Alderman Harper – absent; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

Gratitude and well wishes were expressed to Ellen Rottjakob for her years of dedication and service as the Director of Planning & Development/Assistant City Administrator.

**Public Safety Committee**, Alderman Wynn announced the upcoming meeting on September 19<sup>th</sup> at 5:30pm. Alderwoman Saunders also reported complaints of the missing crosswalk at Harrison & High School (there are no signs alerting drivers of the need to stop for pedestrians in the crosswalk) and requested the committee discuss.

**Public Works Committee**, Alderman Robertson had no new report.

**Director of Planning & Development**

None

**Ways and Means Committee**, Alderman Kramer announced the next meeting on September 19<sup>th</sup> at 6:30pm. In light of the conflict with the Redevelopment (353) Corp meeting, committee members will work to reschedule an agreeable time.

**City Attorney Albrecht**, had no new report.

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

**Excise Commissioner**

**Temporary Liquor License: OB Clarks (1921 S. Brentwood Blvd)** requests a temporary license to hold a booth during Brentwood Days; the dates on the application were corrected to read September 20<sup>th</sup> and 21<sup>st</sup>. Alderman Kramer made a motion to approved temporary liquor license as amended. Motion seconded by Alderwoman Manestar. **ROLL CALL:** Alderman Harper – absent; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

**Temporary Liquor License: Immerse by Atlas (836 Hanley Ind. Ct)** requests a temporary license to host a party September 19<sup>th</sup>; 5-7pm, for 75 people serving beer, wine and spirits. Alderman Robertson made a motion to approve the temporary liquor license. Motion seconded by Alderwoman Saunders. **ROLL CALL:** Alderman Harper – absent; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

**Library**, Alderman Wynn reiterated the 75<sup>th</sup> anniversary celebration 9/18 @ 5:30pm; the will also have a performance by the Symphony Quartet.

**Municipal League**, Mayor Kelly had no additional report.

**Historical Society**, Alderman Wynn had no additional report.

**Closed Meeting**, none; it was originally scheduled for the appointment of personnel that was handled earlier in the meeting.

**UNFINISHED BUSINESS**

Alderman Robertson offered comments that his support for BHGH was clear; they submitted a superior application with detailed analysis. He stated that he is at a loss in understanding why the residents on that street would be opposed when this project would have protected them from redevelopment. He added, if residents want the city to put out an RFP for redevelopment for sales tax; he'd be happy to do that.

Alderwoman Saunders responded to earlier comments stating that while she champions behind her ward, she will never vote specifically by a ward issue; she always votes by what is in the

best interest of the city and we don't want turf wars. She added that she appreciates the expertise of Planning & Zoning, however they offer recommendations.

Alderman Toohey responded to earlier comments of the reserve; there was a motion at Ways & Means for a higher limit but the best compromise was 10%/15%. Alderwoman Saunders commented that she made the motion for a minimum fund balance for 25% and could not get a seconded.

Alderman Wynn commented that it is difficult to know what each resident wants and is thinking; he makes the decision based on what he believes is right.

**NEW BUSINESS**

Alderwoman Saunders made a motion to file on the bond; the claim has already been prepared and presented to the city. Mayor Kelly recommended having this discussion in executive session at the next meeting; it is necessary to discuss the recommendation made from legal counsel in previously. Alderman Leahy asked that staff review the bond amounts as well.

Alderman Kramer reported that Metro St. Louis is preparing to propose a new Rapid Bus Transit System; an open house will be held 9/11, 5:30-7:30 at Richmond Heights.

Alderwoman Saunders announced the Ward 1 meeting Tuesday, September 10<sup>th</sup>, 6:30pm @ city hall. She also requested the topic of Data Mining is placed on the Ways & Means committee meeting agenda for discussion.

Alderman Leahy announced the Ward 3 meeting Tuesday, September 24<sup>th</sup> @ city hall, 7:00pm and all invited.

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

**Susan Ryan** questioned if it will be necessary for the board to vote to approve the IT emergency equipment purchase if it will be using reserve funds. A discussion as held and it was clarified that it will be taken from capital or may be able to fund using budget savings; this is unknown until the end of the year.

**ADJOURNMENT**

Alderman Wynn made a motion to adjourn the meeting at 9:40pm. Motion seconded by Alderman Robertson. Unanimous vote in favor taken; **MOTION PASSED.**

**Approved with amendments the 7<sup>th</sup> day of October, 2013.**

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Mayor Pat Kelly

Attest:

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Bola Akande, City Clerk/Administrator