

**CITY OF BRENTWOOD, MISSOURI
BOARD OF ALDERMAN MEETING
OCTOBER 7, 2013**

MEETING CALLED TO ORDER

Mayor Pat Kelly called the meeting to order at 7:00pm, in the Council Room of 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:

| | | | |
|--------------------|---------|-------------------|---------|
| Alderman Harper | Present | Alderman Toohey | Present |
| Alderman Wynn | Present | Alderman Leahy | Present |
| Alderman Robertson | Present | Alderman Manestar | Present |
| Alderman Kramer | Present | Alderman Saunders | 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.

APPROVAL OF AGENDA

Board of Aldermen October 7, 2013

Alderman Saunders made a motion to amend the agenda by having the closed session immediately upon the arrival of the attorneys representing the personnel matter. 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 Saunders made a motion to approve the agenda as submitted. Motion seconded by Alderman Toohey. Unanimous vote in favor taken; **MOTION PASSED.**

CONSIDERATION AND APPROVAL OF THE MINUTES

Board of Aldermen Special Meeting Minutes September 9, 2013

After noted corrections, Alderman Saunders made a motion to amend the Board of Aldermen Special Meeting Minutes of September 9, 2013. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

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

Board of Aldermen Special Meeting Minutes September 30, 2013

After noted corrections, Alderman Saunders made a motion to amend the Board of Aldermen Special Meeting Minutes of September 30, 2013. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

Alderman Leahy made a motion to approve the minutes as amended. Motion seconded by Alderman Saunders. **Voice Vote Taken;** 5 – yes; Harper/Manestar – abstain; **MOTION PASSED.**

PRESENTATION/RECOGNITION

Employee Service Awards – Carol Moses, Court Administrator (40 years)

Mayor Kelly recognized Carol Moses for 40 years of service in the Court Department; from October 8, 1973 to October 8, 2013. Municipal Judge Ron Hill also offered words in recognition of Carol’s dedication and Carol expressed appreciation of everyone’s support.

PUBLIC HEARING

None

BIDS

Compensation Consultants

At the request of the Board of Aldermen and Ways & Means Committee staff issued a request for proposals to conduct a comprehensive compensation study to include wage and benefits. The City received four responses; Sterling & Sterling (\$40,800), Gallagher/Fox/Lawson (\$46,624), CBIZ (\$27,750), and Higbee Associates (\$29,650). Staff conducted interviews of CBIZ and Higbee; it was apparent that Higbee demonstrated the best in-depth knowledge and their references concurred. Staff recommended the selection of Higbee Associations. As this item is not budgeted, it would require 6 affirmative votes of the Board to move forward pursuant to the fund balance policy.

Right-of-Way Negotiator Services (Litzsinger Road Project)

MoDOT requires that the City submit an RFP and request at a minimum 3 proposals from MoDot approved negotiators. Two bids were received; OR Colan Associates (\$92,250) and BLA (\$93,075). Based on staff’s review, prior performance, and information from the engineering firm, staff recommends the selection of OR Colan. The costs are also within the estimated amount for these services for this project.

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

Jim Pozzo, 2211 St. Clair, questioned why there was a difference in the code for the bonding of the Mayor and city administrator; there’s one million in the code and the actual bond is one hundred thousand. He also stated his understanding that the city administrator runs everyday operations of the city, the mayor ensures the city is operating according to state laws, city codes and manages the Board of Aldermen meeting, and the city attorney advises city officials of what they can/cannot do according to all laws and ordinances. The state audit report contained information that state laws and city ordinances were violated, costing the city public funds and the public official bond is there to protect this event. The alderman need to approve filing Seemayer’s bond as it is their responsibility as an elected official.

Hazel Cormier, Ward 1, questioned requirements to become an alderman; if you must reside in your ward? She also asked how residents are to understand their aldermen’s stance on issues. Acknowledging Alderwoman Saunder’s Ward 1 meeting, she asked to be included on the mailing list and also if Alderman Harper holds informational meetings. Alderwoman Saunders stated that she voluntarily holds these meetings. There are signup sheets available at the meeting for those wanting to join the mailer and they can also send an email. Alderman Harper stated that he does not hold informational meetings, but residents are welcomed to contact him at any time.

Denise Soebbing, 2612 Porter, reminded everyone that the issue of the dogs barking at the Watering Bowl has not been resolved. The sound wall has been installed but is not successful. She added that her neighbors are also complaining. She stated that he agreed that the noise

would not be an issue when he originally requested approval, and asked if assistance can be gained in getting this facility into compliance.

Mayor Kelly closed public comment and responded that the engineer that designed the sound wall admitted that it was installed incorrectly; they are working with the owner to correct this issue. Kelly also agreed with Mrs. Soebbing that these questions were asked and they would have to come into compliance. Alderman Leahy suggested releasing a lesser number of dogs at a time. Alderwoman Saunders asked that this issue is made a priority with staff.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Alderman Kramer made a motion for the 1st & 2nd Reading of Bills #5787, #5793, #5794, #5795, #5796, #5797, #5798, #5799, and #5800. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

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 – 1st & 2nd Reading

Attorney Albrecht read Bill #5787 by title only. Alderman Kramer provided the synopsis. “This Bill is for an ordinance that would allow a pilot program for mobile food vendors for a period of twelve (12) months from the adoption of the ordinance in order to discern the impacts of mobile food vendors on the City of Brentwood, its businesses and inhabitants. Planning and Zoning Commission recommends approval”. Alderman Leahy asked that the board consider i) changing that food trucks are a permitted operation at city owned parks to during special events (i.e. Maddenfest, concerts at the park), ii) that they are allowed to go into other commercial venues with written ownership permission (already included), iii) consider a 60 day window to explore other areas within city limits to determine if there is interest and amend the fee. Alderman Leahy made a motion to amend the bill to grant a 60 day exploratory permit to registered truck owners at no permit fee; upon applying for the permit, the fee will not exceed \$150 per calendar year. Motion seconded by Alderman Robertson. Alderman Kramer commented that Brentwood does not spark enough interest for lunch time food truck vendors and suggested the parks department or other administration work to create a special event specifically for food truck vendors. Alderwoman Saunders agreed that it would be more suited for special events as the city currently has enough variety for lunch time. Alderman Wynn questioned the investment for food trucks versus restaurants and Mayor Kelly responded that some of the restaurants do have food trucks, in which they add truck sales to those of their restaurant. However others pay sales taxes to the municipality in which the sale is made. Mayor Kelly commented that although he believes small businesses should be encouraged, food trucks should be limited to special events as they could be damaging to sales of brick and mortar businesses. Discussion continued of how permit fees would be assessed and the purpose of the fee being assessed to control the amount of vendors allowed. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – no; Alderman Toohey – no; Alderman Leahy – yes; Alderwoman Manestar – no; Alderwoman Saunders – no; Mayor – no; **MOTION FAILED.** Alderman Kramer made a motion to amend Bill #5787 by removing permitted operation on private property and various business districts, and adding that the City may from time to time, advertise for, solicit, or otherwise make arrangements with one or more food truck operators for city or city-owned business sponsored food truck events to be held in city-owned parks, and that any application for charity events on private property may be allowed only with approval by the City Administrator on a case by case basis. Motion seconded by Alderwoman Manestar. **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. Discussion continued regarding proposed amendments, and Alderman Wynn made a motion to place Bill #5787 on hold until the next meeting. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

Bill #5793 – An Ordinance Authorizing The Mayor And/Or City Administrator To Execute A Professional Services Agreement On Behalf Of The City Of Brentwood, Missouri With O.R. Colan Associates, For Right-Of-Way Negotiator Services For The Litzsinger Road Improvement Project; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5793 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 for right-of-way negotiation services for the Litzsinger Road Improvement Project (STP-5438(608). A federally funded project consisting of mill and overlay, curb and gutter, sidewalks and street lighting which will bring much needed pedestrian improvements to an area that experiences a heavy volume of pedestrian traffic. Public Works Committee recommends approval”. After questions from the Board, it was clarified that it is a joint project with Rock Hill and they are paying 25% of the 20% total project match requirement, the process of Right-of-Way negotiation is standard, the cost included are best estimated and it is difficult to determine if the budget will be exceeded, and also that the engineer will destroy their records in 3 years however both MoDOT and the City will have records as well. Attorney Albrecht read Bill #5793 by title only. Alderman Leahy made a motion to perfect Bill #5793 into ordinance form. Motion seconded by Alderwoman Manestar. **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.**

BILL #5793 IS HEREBY PASSED AND ORDINANCE #4460 IS ASSIGNED TO SAID BILL.

Bill #5794 – An Ordinance Granting Approval Of A Site Development Plan For Exterior Renovation Of An Existing Building And Related Site Improvements At Property Numbered 8821 Manchester Road Which Permits Under The Provisions Of Chapter 25 Of The Brentwood City Code The Modification 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 #5794 by title only. Alderman Kramer provided the synopsis, “This Bill is for an ordinance approving site plan approval for proposed exterior building renovation of an existing building and site improvements at 8821 Manchester Road for a future tenant. Planning and Zoning Commission Subcommittee recommends approval of application”. Rich Burner with Aldan Investments clarified that there are plans to restore the façade. Attorney Albrecht read Bill #5794 by title only. Alderman Leahy made a motion to perfect Bill #5794 into ordinance form. Motion seconded by Alderwoman Saunders. **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.**

BILL #5794 IS HEREBY PASSED AND ORDINANCE #4461 IS ASSIGNED TO SAID BILL.

Bill #5795 – An Ordinance Authorizing The Installation Of One (1) Additional Fire Hydrant In The City Of Brentwood – 1st & 2nd Reading

Attorney Albrecht read bill #5795 by title only. Alderman Kramer provided the synopsis, “this Bill is for an ordinance amending and authorizing the installation of a new fire hydrant at designated locations cited in the attached plan - No. 34 Northcote Avenue”. Attorney Albrecht read Bill #5795 by title only. Alderman Wynn made a motion to perfect Bill #5795 into ordinance form. Motion seconded by Alderwoman Saunders. **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.**

BILL #5795 IS HEREBY PASSED AND ORDINANCE #4462 IS ASSIGNED TO SAID BILL.

Bill #5796 – An Ordinance Authorizing An STP-Urban Program Agreement With MoDOT Relating To The Hanley Industrial Complex Improvements Project; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5796 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 MoDOT for the Hanley Industrial Court Pedestrian Improvement project. This agreement must be executed before obligation of federal funds and authorization of reimbursable work. Federal funds for Preliminary Engineering (PE) have been programmed in FY 2015 for this project and will be available to the City on October 1, 2014. Total project cost is \$938,881 (Federal Match \$751,105, Local Match \$112,776, HIC Association and DCM Match (\$75,000). The project starts from the intersection of Strassner Drive and Hanley Industrial Court west along Strassner Drive to Memorial Park. Also from the north side of the Hanley Industrial Complex along Hanley Industrial Court south to the intersection of Hanley Industrial Court and Bernard Drive”. Discussions were held in regards to clarifying that DCM and HIC Association are obligated, in writing, to fulfill their requirement. Administrator Akande clarified that they have submitted a letter stating their commitment which was included in the application accepted by MoDOT. Attorney Albrecht stated that he would need to review the letter. Alderwoman Saunders made a motion to move forward with Bill #5796 with the condition that we will receive something legally binding from HIC and DCM. Motion seconded by Alderman Leahy. After further discussion the motion was withdrawn. Alderman Leahy made a motion to place Bill #5796 on hold, giving the Attorney time to review to ensure that the \$75,000 pledged by private parties is legally binding. Motion seconded by Alderwoman Saunders. **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.**

Bill #5797 – An Ordinance Of The City Of Brentwood, Missouri, Adopting A Policy For Ambulance Fee Applicability; Providing For The Effective Date Of This Ordinance; And Providing For The Repeal Of All Conflicting Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5797 by title only. Alderman Kramer provided the synopsis, “this Bill is for an ordinance adopting a policy for ambulance fee applicability policy and procedures for uncollectible charges. The language in the amended policy defines what is an uncollectible ambulance charge, how the city would proceed with uncollectible ambulance charges and the procedures for writing them off. The policy recommends that the uncollectible charges be presented to the Ways and Means Committee and approval by the Board of Aldermen before the charge is written off. In addition, the policy outlines billing for services for residents versus non-residents. Both Ways and Means and the Public Safety Committee approved the initial policy recommendation. This month, Public Safety approved staff presenting to the Board of Aldermen how uncollectible charges would be written off”. Attorney Albrecht read Bill #5797 by title only. Alderman Leahy made a motion to perfect Bill #5797 into ordinance from. Motion seconded by Alderwoman Saunders. **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.**

BILL #5797 IS HEREBY PASSED AND ORDINANCE #4463 IS ASSIGNED TO SAID BILL.

Bill #5798 – An Ordinance Of The City Of Brentwood, Missouri, Adopting A Vehicle Replacement Policy; Providing For The Effective Date Of This Ordinance; And Providing For The Repeal Of All Conflicting Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5798 by title only. Alderman Kramer provided the synopsis, “this Bill is for an ordinance authorizing the City of Brentwood’s Vehicle Replacement Policy for the City’s vehicle and equipment fleet. The policy establishes efficient and effective delivery of municipal services by providing customer departments with safe, reliable, economical and

environmentally sound transportation and related support services that are responsive to their needs and that preserve vehicle value and equipment investment. Public Works Committee recommends approval". Attorney Albrecht read Bill #5798 by title only. Alderwoman Saunders made a motion to perfect Bill #5798 into ordinance form. 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 – yes; **MOTION PASSED.**

BILL #5798 IS HEREBY PASSED AND ORDINANCE #4464 IS ASSIGNED TO SAID BILL.

Bill #5799 – 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 – 1st & 2nd Reading

Attorney Albrecht read Bill #5799 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. Ways and Means Committee recommended approval at the August 29, 2013 meeting”. Alderman Leahy made a motion to amend the bill by clarify that employees can be allowed at polling places on election day and that overtime should be authorized by your supervisor in writing. **MOTION DIES FOR LACK OF SECOND.** Alderman Toohey made a motion to amend the policy by adding the overtime should be authorized/approved by the supervisor. Motion seconded by Alderman Kramer. **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.** Alderwoman Saunders questioned record retention as stated in the IT policy. She stated that there is no reason to get rid of data and asked that the full system backups are kept forever. After continued discussion, Alderman Leahy made a motion to place Bill #5799 on hold until the next meeting. Motion seconded by Alderman Harper. **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.** Alderman Leahy also asked that section 3.3 of the IT policy is reviewed and suggestion is made for other alternatives of how and where to store passwords.

Bill #5800 – An Ordinance Authorizing The Mayor And/Or City Administrator To Execute A Professional Services Agreement On Behalf Of The City Of Brentwood, Missouri With Higbee Associates, For Comprehensive Compensation Consulting; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5800 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 Higbee Associates for compensation study. At its September 18th meeting, Ways and Means Committee recommended approval”. (The bill was inadvertently not printed for review). Alderman Kramer reminded that it must be determined how the service will be paid for, as it was not included in the budget. He stated his opinion that it is included in the 2014 budget and not included as an emergency in the 2013 budget. Alderwoman Saunders commented that we were to have the compensation survey in October when making budget decisions. She stated that she is fine with waiting until 2014 but we will not be able to make compensation decisions for this years budget without the study; the goal was that when we passed the budget we would have this. Alderman Kramer added that he is of the belief that the city has the responsibility going forward to have this reference point for the ability to have a cap on positions within the city for the residents to be aware that there are guidelines/limits for salary increases and bonuses. Alderwoman Saunders stated that she has pushed for the study prior to being on the board and has been told of its importance by Ways & Means and HR. Every other city has the study. But you can’t make compensation decisions in the dark,

we can keep things status quo until we get it but we cannot move on because we do not know where we stand. Mayor Kelly added that the only compensation that is included in the budget is the merit raise that employees would be able to attain this year. If you are looking to freeze a salary (and in some cases this is already being done) if you are looking to hire a new employee (we do refer to neighboring cities for pay and requirements), we have also obtained a survey from several neighboring cities to give us an idea of where our employees are and it included healthcare benefits and deductibles, sick days – how many they can keep and accrue and how they are paid out. Having a comp study would be a good tool to have but may not be used for this budget. After further questions of comparable cities, Alderwoman Saunders made a motion to approve Higbee Associates. Mayor Kelly questioned how it would be paid for and Administrator Akande reminded that we would have to make a budget adjustment. Alderwoman Saunders added that these are fundamental tools that should have been put in place long ago, they are costly and we want to increase reserves but we have operated with this level of reserves, the city just put a fund balance policy in place that will take time to get there (the minimum is 10% and I would like to see it as 25%) but these are fundamental structures and we will have to look and see where we can cut to put them in place. Alderman Kramer asked if we can pass this tonight and fund it in 2014 but we will be making a precedence against our own policy by funding something in 2013 that is not an emergency. Alderwoman Saunders asked how we were planning to fund the IT cooling system and Administrator Akande replied that there should be some remaining funds from capital. Saunders stated that this can be funded from capital based on the life of the document. Mayor Kelly stated that this is not a capital expense. Capital expenses are things like equipment and buildings. Alderman Toohey agreed with Alderwoman Saunders and stated that capital items are based on life. He added that he does not see much benefit in funding it this year as we won't have it by the time we do the budget. Alderman Leahy stated that he does not find the study to be in the benefit of the city. We have brought forward to Ways & Means information from the 91 municipalities that the Municipal League has made available as a resource. He also reminded of his previous question that dependent on the findings, is the board willing to cut pay and benefits and no one is stating that they are willing. He does not see a need and will vote no. Discussion continued regarding Brentwood being at the top of the pay scale and when vacancies occur we often get many applicants. Alderman Kramer reiterated his pledge as a member of Ways and Means and as a hopeful participant in moving the bill forward when it is funded (during the 2014 budget process) and in the meantime, made a motion to place Bill #5800 on hold. Motion seconded by Alderman Harper. **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.**

Motion was made by Alderman Leahy and seconded by Alderman Kramer to take a 5 minute break. Unanimous vote in favor taken; **MOTION PASSED.**

ACCOUNTS AGAINST THE CITY

Alderman Kramer made a motion to approve the warrant list in the amount of \$221,026.56. Motion seconded by Alderwoman Saunders. Unanimous vote in favor taken; **MOTION PASSED.**

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor Kelly, announced a new appointment to the Library Board, Toni Ponder. Alderwoman Manestar made a motion to approve the Library Board appointments. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED.**

Public Safety Committee, Alderman Wynn announced the next meeting on October 17th at 5:30pm.

Public Works Committee, Alderman Robertson announced the next meeting on October 9th at 4:30pm.

Director of Planning & Development
None

Ways and Means Committee, Alderman Kramer announced that the 2014 budget will be presented at the next meeting, October 22nd at 6:30pm.

City Attorney Albrecht had no new report.

City Clerk/Administrator Akande had no new report.

Excise Commissioner

Temporary Liquor License: Immerse by Atlas (836 Hanley Ind. Ct)

Alderman Leahy made a motion to approve the special use permit for the 10/23/13 event. Motion seconded by Alderwoman Saunders. Unanimous vote in favor taken; **MOTION PASSED.**

Alderman Leahy made a motion to approve the special use permit for the 10/25/13 event. Motion seconded by Alderwoman Saunders. Unanimous vote in favor taken; **MOTION PASSED.**

Library, Alderman Wynn had no new report.

Municipal League, Mayor Kelly had no new report.

Historical Society, Alderman Wynn had no new report.

UNFINISHED BUSINESS

None

NEW BUSINESS

Alderman Leahy announced that the Ward 3 meeting will be held Tuesday, October 29th at 7pm and all are invited.

Alderwoman Saunders made a motion that we keep all of our documents regardless of the statute of limitation until we can determine costs and so forth. Municipal Judge Ron Hill explained the requirements to keep and destroy certain documents as they relate to courts. Alderwoman Manestar seconded the motion. Discussion was held and it was announced that we currently are not destroying any records. Alderwoman Saunders amended her motion by excluding court documents. Alderman Toohey asked for an opinion of if there are any legal liabilities for keeping records against the retention policy. It was agreed that until this time, no records will be destroyed. The motion and second were withdrawn.

Alderman Kramer provided an update that Former Alderman Golfin has recently celebrated his 90th birthday.

Closed Meeting,

Alderman Wynn made a motion to enter into executive session at 9:28pm to discuss legal and personnel matters pursuant to RSMO 610.021(1)(3). Motion seconded by Alderwoman Saunders. **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.**

Mayor Kelly called the closed session to order at 9:37pm with the following members present: Alderman Harper, Alderman Wynn, Alderman Robertson, Alderman Kramer, Alderman Toohey, Alderman Leahy, Alderwoman Manestar, and Alderwoman Saunders. Also present were City Administrator Akande, City Attorney Albrecht, Deputy City Clerk Pittman, and McMahon Berger (Brian Hey & Jim Foster).

Legal

No action was taken.

Personnel

Alderman Toohey made a motion to accept the recommendation of McMahon Berger; that the city send the state audit report to the insurance carrier asking that they forward it to the bonding agency to review. Motion seconded by Alderman Robertson. **ROLL CALL:** Alderman Harper – no; Alderman Wynn – no; Alderman Robertson – no; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – no; Mayor Kelly – abstain; **MOTION FAILED.**

Alderwoman Saunders made a motion to file a claim on Seemayer’s bond directly with the bonding agency. 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 Toohey made a motion to adjourn the closed meeting and reconvene to open session at 10:09pm. Motion seconded by Alderwoman Saunders. **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.**

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

Karen Smith, Harrison, questioned the results of closed session and also stated her disappointment that the compensation survey was not approved. She stated she was unaware of the pending decision to file against the bond for Seemayer but believes it is important to do so as the funds could be used on other city functions. She also asked if anyone knew why the board at that time did not.

Alderwoman Saunders informed of the actions in Closed Session, that the motion to file the claim had failed. She stated that everyone thinks that I’m wrong for questioning the professionals but somewhere along the line we are getting wrong advice. She stated that it is very complicated; the new employee manual had attendance pay included and yet it’s against state statute and now we are taking it out. How are we supposed to know that when the manual is approved by attorneys and the state auditors come and say its illegal. There is always two sides with attorneys arguing the opposite thing; you take the advice but we still have to use our professional judgment when making these decisions. I feel that this is money loss, we should have filed on that bond from the get go. I agree with Karen, I don’t know why we didn’t do it right away but this is not anything to do with the embezzlement and it’s nothing to do with the firemen overtime. These were other losses that were incurred based on the state audit.

Alderman Toohey exited the meeting at 10:16pm.

ADJOURNMENT

Aldерwoman Saunders made a motion to adjourn the meeting at 10:17pm. Motion seconded by Alderman Kramer. Unanimous vote in favor taken; **MOTION PASSED.**

Approved the 21st day of October, 2013.

Attest:

Mayor Pat Kelly

Bola Akande, City Clerk/Administrator