

**CITY OF BRENTWOOD, MISSOURI
BOARD OF ALDERMAN MEETING
FEBRUARY 2, 2015**

MEETING CALLED TO ORDER

Alderman Lee Wynn, Mayor Pro Tem, called the meeting to order at 7:00 pm, in the Council Room of City Hall located at 2348 S. Brentwood Blvd., Brentwood, MO 63144.

ROLL CALL

The following members were present

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

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

APPROVAL OF AGENDA

Board of Aldermen February 2, 2015

Alderman Leahy made a motion to approve the agenda as submitted. Motion seconded by Alderman Manestar. **ROLL CALL:** Alderman Harper – absent; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderman Manestar – yes; Alderman Saunders – yes; **MOTION PASSED.**

CONSIDERATION AND APPROVAL OF THE MINUTES

Board of Aldermen Regular Meeting Minutes January 5, 2015

Alderman Saunders made a motion to approve the meeting minutes as submitted. Motion seconded by Alderman Toohey. **ROLL CALL:** Alderman Harper – absent; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderman Manestar – yes; Alderman Saunders – yes; **MOTION PASSED.**

PRESENTATION/RECOGNITION

None

PUBLIC HEARING

A Petition To Amend Chapter 19 Of The Brentwood Code Of Ordinances As It Pertains To Sign Regulations (Continued)

This public hearing is again continued to the next meeting for further review by Planning and Zoning.

BIDS

Hanley Industrial Court Pedestrian Improvement Project Engineering Services

Proposals were solicited for engineering services, specifically design and inspection and 15 firms responded. After reviewing, 5 firms were interviewed based on the criteria outlined in the

local public agency manual (document used by MoDOT for cities and counties who are sponsoring agents for federal transportation projects) and the engineering firm that received the highest total scores was Horner Shifrin. This was reviewed with the Public Works Committee who forwards their recommendation.

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

Melanie Hancock, Lewis Ave, commented that the painted striping which designates 2 lanes on Lewis (coming from the Shell), as mentioned at the traffic meeting only lasted a couple of months; it is no longer visible. She also stated that the run off/wet oily puddle from RPM car washing goes out 2 feet on Lewis causing cars to drive in the middle of the street. Staff will review the stripes for restriping as well as the run off from RPM.

Denise Soebbing, 2612 Porter, advocated the Boards approval of Resolution 1027 supporting a grant for the Manchester corridor as the area needs vast improvements. She also offered complaints of service from Ward 3 Aldermen and suggested if they are not willing serve they should resign and allow someone else the opportunity.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Alderman Leahy made a motion for the 1st & 2nd readings of Bill #s 5947, 5948, 5949, 5940. Motion seconded by Alderman Robertson. **ROLL CALL:** Alderman Harper – absent; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

Bill #5947 – An Ordinance Of The City Of Brentwood, Missouri, Authorizing The Mayor And/Or City Administrator To Execute An Agreement Between Horner & Shifrin, Inc. For Engineering Services; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading 4605

Attorney Albrecht read Bill #5947 by title only. Alderman Kramer provided the synopsis, “In April of 2014, the City approved Ordinance 4525 authorizing an agreement between the City of Brentwood and MoDOT for a Surface Transportation Project (STP) - Urban Program Agreement. 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. The project includes sidewalks and pedestrian lighting. The federal grant funding covers 80% of the project costs. The local match (20%) is being funded through an agreement between the City of Brentwood, Hanley Industrial Court Association, and Pelagic, LLC. Total project cost is \$938,881 (Federal Match \$751,105, Local Match \$112,776, HIC Association (\$50,000) and Pelagic Match (\$25,000) equals a total of \$75,000). Attorney Albrecht read Bill #5947 by title only. Alderman Leahy made a motion to perfect Bill #5947 to ordinance form. Motion seconded by Alderman Robertson. **ROLL CALL:** Alderman Harper – absent; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**
BILL #5947 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4605

Bill #5948 – An Ordinance Of The City Of Brentwood, Missouri, Authorizing The Mayor And/Or City Administrator To Enter Into And Execute A Sponsorship Agreement With Whole Foods Market; Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading 4606

Attorney Albrecht read Bill #5948 by title only. Alderman Kramer provided the synopsis, “This new parks program for youths ages 6 – 12 will teach participants how to incorporate healthy foods into their favorite snacks. There will be a total of six classes once a month from 10:30 a.m. – noon and a maximum of eight children per class”. Attorney Albrecht read Bill # 5948 by

title only. Alderman Leahy made a motion to perfect Bill #5948 into ordinance form. Motion seconded by Alderwoman Manestar. **ROLL CALL:** Alderman Harper – absent; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**
BILL #5948 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4606

Bill #5949 – An Ordinance Amending Title III Chapter 300 Of The Revised Code Of Ordinances Of The City Of Brentwood, Missouri, By Repealing Sections 310.030, 315.120 And 315.130 Of Said Chapters Relating To Play Streets; Enacting In Lieu Thereof New Sections 310.030 And 315.120; Providing For The Maintenance Of This Code; Providing For The Effective Date Of This Ordinance; Providing For The Repeal Of All Conflicting Ordinances – 1st & 2nd Reading 4607

Attorney Albrecht read Bill #5949 by title only. Alderman Kramer provided the synopsis, “Three sections of the Brentwood Municipal Code refer to Play Streets (Title III, Chapter 300, Traffic Code, Section 310.030, 315.120 and 315.130). In 2014, the Public Safety Committee and the Board of Aldermen voted not to make any changes to language in the code as Play Streets legislation was too restrictive. The Public Safety Committee recommends the Board of Aldermen delete in its entirety, the last sentence in Section 310.030, delete Sections 315.120 and 315.130 in its entirety, and insert a new Section 315.120 that refers to Slow-Children”.

Alderwoman Saunders clarified that we will be going back to what we had before and questioned if Hatton and Lawn will be the only two slow children streets. Administrator Akande replied that there is also the 8900 Block of White Ave from Annalee to High School which is still listed in the traffic schedule. Saunders stated that Parkridge was always a slow-children street and asked if can remain. Administrator Akande suggested the request to add Parkridge could go through the Public Safety Committee and that the Police can review or to make a motion for the police review at this time; which is the process. After questions of how Parkridge was removed, Alderman Wynn stated the possibility of signs being added on streets but no ordinance being adopted.

Alderman Leahy questioned the terminology being used as “Caution Children” markings are around the high school and if the reference is the same. Administrator Akande stated that “Caution Children” is not referenced in the code, Public Works did these markings. Alderman Leahy also questioned the removal of section 315.120 which allows the City Traffic Engineer to determine which streets should be classified and since this is being removed there is nothing that says how streets get classified. Administrator Akande clarified that the process would be to consult with the police department, they do an assessment to determine how fast cars are going and an observation. Alderman Leahy questioned if this is the process, should it be in the code because removing 315.120 there are no means of evaluation.

Alderwoman Saunders questioned if Public Works Safety revisited this topic (it was on their agenda in January). Alderman Wynn suggested placing the bill on hold. Administrator Akande suggested bringing back changes to the next meeting showing someone designated to determine how streets are designated. Alderman Leahy added next he is looking to establish what streets we are working with, to get some consistency in what term we are using (caution children, slow children, children at play), and the process.

Alderman Kramer clarified that the original intent of Bill #5949 was not to affect the traffic schedule or streets include but to simply reverse an action being considered but determined that it was not necessary. This bill will just reverse this action, not to affect the amount of names of streets being included.

Alderwoman Manestar commented any street with children will want the sign and evaluations based on the speed trailer will be skewed because people slow down when they see it. She also

stated that the signs are meant to caution drivers that children are on the streets and asked if all of the signs could say the same thing.

Attorney Albrecht explained that the way the ordinance is set up calls for the board to specifically designate those streets that would qualify as slow-children streets by adding them to the schedule. Once this is done, if a police officer saw a violation it would be a traffic ordinance violation like any other. Somewhere along the line, slow-children signs may have been put up to accommodate some concerns but without them being specifically designated for enforcement.

Alderwoman Saunders stated her disagreement, the play street said you can only be on those streets if you had intended business and we decided that's not what we wanted to do. As far as these two streets getting the designation, the charts haven't been paid attention to in years because no one knows when Parkridge was on or when it came off. It's not fair to keep these streets when others have been removed. She also stated her misunderstanding of the moving violation and what would be enforced. Attorney Albrecht clarified that the penalty would be up to the maximum fine permitted in our ordinances and the violation would be any vehicle perceived not to have slowed and approached with caution at a street designated as slow-children; but this is a matter for determination by the board. The other signs, such as those that say caution children, do not make it slow-children streets and hence subject to enforcement. After additional questions, Albrecht also explained that the justification for keeping the streets currently listed is for the board to determine. Alderwoman Saunders stated her belief that the code was not keeping up with the practice and she will go back and research related ordinances.

Additional comments were rendered that the signs only alert individuals that kids are present but does not include any specifics for enforcement. Alderman Leahy made a motion to send Bill #5949 back to the Public Safety Committee and that they evaluate caution signs throughout the city of Brentwood and designate streets appropriately and bring it back. Motion seconded by Alderwoman Saunders. **ROLL CALL:** Alderman Harper – absent; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

Alderman Toohey asked that it is made clear what we are trying to achieve when sending it back to committee as it has been back and forth a couple of times.

Bill #5950 – An Ordinance Authorizing The Mayor And/Or City Administrator Of The City Of Brentwood, Missouri To Enter Into And Execute An Engagement Letter And Confidentiality Agreement With Cook And Riley, LLC; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading 4608

Attorney Albrecht read Bill #5950 by title only. Administrator Akande stated that last fall the Board of Aldermen authorized the mayor and city administrator to enter into and execute the 8th Amendment To And Restatement Of Redevelopment Agreement of the City and Eager Road Associates. Within this document, section 2.3, states that the city may engage, at the expense of the trust for the TIF obligation, a 3rd party approved by the developer and the city to act as an agent to monitor the sales tax collection on a monthly or quarterly basis. Both the developer and the city agree to Cook and Riley LLC. Following the approval, we approached Cook and Riley and they have provided for consideration an engagement letter and confidentiality agreement that will allow the city to release the sales tax report that we get from state. The cost for this annual service is \$8000 and will be paid from the city's TIF obligation.

Alderman Kramer provided the synopsis, "This bill is for an ordinance authorizing the mayor and/or city administrator to enter into and execute an Engagement Agreement and Confidentiality Agreement with Cook & Riley, LLC to monitor sales tax collections pursuant to Section 2.3 of the Eighth Amendment to and Restatement of Redevelopment Agreement. The

Confidentiality Agreement would allow the City to share the monthly sales tax reports sent to the City from the Missouri Department of Revenue”.

Alderman Leahy requested clarification of the contracts; the engagement letter states that they have 60 days to review and submit reports and the payment arrangements are outlined so that they are not matching the timeframe for services rendered. Daniel Cook (Cook & Riley) stated that he has no issue with changing the pay dates. Alderman Leahy also questioned a previous problem of bad reporting from businesses within the area; what is it that we will be getting to help identify miscoding to not repeat the same problem. Administrator Akande replied that given the previous experience, we will be able to look at trends to determine any red flags and we will be sending out letters to businesses (and developer) within the district to provide them with the proper code to ensure awareness. Alderman Leahy stated that if a business still makes a mistake, it is the city’s problem and asked if there is any way to get around that. Mark Grimm (Gilmore Bell) explained that previously the city did not obtain monthly sales tax reports. And as mentioned, with these reports staff can now monitor trends. Section 2.3(d) of the redevelopment agreement specifically says, other than taking the steps set forth the city will have no duties, obligations, or liability in connection with the collection of positive sales tax revenues. The city is engaging Cook & Riley as a second set of eyes. Alderman Leahy also clarified that sales and utility taxes will be used in the formulas as the engagement letter says this information will not be included. Mark Grimm responded that they are included in the formulas only if the developer provides the information that enables the city to do the calculations. At this point the developer has not provided this information and therefore the city has no obligation to do those calculations.

Alderwoman Saunders questioned if we need permission for the Missouri State Department of Revenue. Mark Grimm responded that the DOR has seen the agreements and is comfortable. She also asked where the bonds are sitting right now and Grimm responded that they are with the developer.

Alderman Leahy made a motion to amend the agreement (page 2) the installment payment for June to be changed to August and the payment for December to be February. Motion seconded by Alderman Toohey. After additional questions, Administrator Akande clarified that the calculation fee is specifically for the TIF (\$15,000 annually) as outlined in the trust indenture for fees related to the administrative function performed by the city. **ROLL CALL:** Alderman Harper – absent; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

Attorney Albrecht read Bill #5950 by title only. Alderman Leahy made a motion to perfect Bill #5950 into ordinance form as amended. Motion seconded by Alderwoman Manestar. **ROLL CALL:** Alderman Harper – absent; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**
BILL #5950 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4607

Resolution #1026 – A Resolution of the City Of Brentwood, Missouri, Adopting A Parks And Recreation Policies And Procedures Manual

Alderman Kramer provided the synopsis of Resolution #1026, “This is a resolution adopting a parks and recreation policies and procedures manual which serve as a reference guide by outlining the policies, procedures, rules and regulations relating to the Department’s day to day operations”. Alderman Leahy made a motion to adopted Resolution #1026. Motion seconded by Alderman Kramer. **ROLL CALL:** Alderman Harper – absent; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

Resolution #1027 – A Resolution Supporting The City Of Brentwood’s Application For A Surface Transportation Grant And Congestion Mitigation And Air Quality Program Sponsored By East-West Gateway Council Of Governments For A Portion Of Manchester Road

Administrator Akande announced that this discussion started in the Public Works Committee and they asked when we have additional information to bring it back to the committee. As the entire board needs to vote on direction the committee chair recommended it go before for the Board of Aldermen.

Director Wyse explained that there is not a lot of time because applications are due in 2 weeks. At the last public works meeting, staff presented the idea of picking up the same exact project that was submitted in 2013 and did not receive funding. There was fairly generous support at public works with some questions for staff to go out and do some additional research. One of the main things brought up was the idea of engaging with property owners along this corridor for their support. Without having directly talked with a lot of the businesses, it is fairly evident that the design may be seen as a negative in the time crunch we have; primarily because there are several of the parcels that have head in parking along the front of the building and removing the u-gutter or swale and installing a curb would be limiting access and essentially render those front parking areas useless. There are several particularly on the north side of the road where that is the only parking and several others were that is the majority of the parking. We are concerned that in the time crunch, we could render a lot of these buildings unusable or that the public opposition could be a detriment to the project in the long run. A couple of alternatives were outline to address the issue; *Alternative 1: Removal of the existing u-gutter, installation of new vertical curb and gutter, installation of new storm sewers, replacement of sidewalk, and pavement restoration* – This is the alternative that has been discussed to date.

The advantage of this alternative is that is repairs the full extent of the right-of-way. However, the project costs are high and may inhibit the success of receiving a grant for the funding. This project will also have impacts to commercial parking areas along the corridor that will need to be considered. Additionally, the project limits could be adjusted to reduce project costs. The original project was approximately 0.48 miles in length. *Alternative 2: Replacement of the sidewalks only* – This option would address the deteriorating sidewalk condition along the corridor. The advantage of this alternative is that is reduces costs while still addressing pedestrian mobility in the corridor. The disadvantage of this alternative is that is does not address the u-gutter or roadway conditions within the corridor. MoDOT has not yet informed the City if they would support this alternative. *Alternative 3: A combination of the u-gutter / curb and gutter to minimize property impacts, replacement of sidewalks, and pavement restoration* – This seeks to minimize property owner opposition and balance improvements and business needs. The primary disadvantage of this alternative is MoDOT approval is highly uncertain with the proposed condition that will change in various areas of the corridor. At this point direction is needed from the board on what alternative, what are some of the goals to focus on to put the application together to hopefully address the desires and meet the goals of the board.

Alderwoman Saunders stated her understanding that at the public works meeting we were going to have another meeting but Chairman Robertson decided to waive that. Part of that was to have the engineers before us because we had talked about doing it in various phases and I was assuming to see drawings and have the technical expertise and Bola had indicated that Lee Canon would be present tonight. Also, when speaking on the 2013 application, it was stated that it would be the basis for the application and business owners had bought into it. Director Wyse responded that there were several letters of support that went along with the application but it was not every business along Manchester Road. She stated her concern of the application being denied in 2013 and not submitting an application in 2014, the short time frame and not having met with engineers, the fact that we don’t have support from all property owners and it not being enough time to get it done. Administrator Akande stated efforts to get

it done but what has changed is the support from MoDOT, they are not requiring more comprehensive work which raises the cost. Meetings were held with EastWest Gateway to learn what can be done differently in hopes for points to make the application more viable and we were told that the project cost should be approximately \$1.3M. MoDOT is requesting the city remove 4 inches of the resurface increasing the cost to \$4M.

Questions were raised of what can be done to get the cost to \$1.3M; the project is in MoDOT's right of way and would require their support. Staff is considering alternative 3 which may bring the cost down and limit the impact to the property owners guarantying greater support. Approving the resolution indicates to staff to continue to work with CBB to submit the application.

Alderman Leahy stated his concerns that the way we are looking to approach it we have reached the neighborhood of \$4M expenditures and asked if this can be reduced by doing the curbs and gutters on the south side of Manchester, impacting on one property versus six on the other side. Administrator Akande agreed that this would be entertainable and stated that there was a recommendation to do the project in phases; the application being submitted would be phase one. Discussion continued with questions of comments made at a recent Mayor's Coffee stating this is not a doable project; Administrator Akande replied that his comments were his perception and the flooding study conducted by CH2MHill was considered.

Alderman Robertson offered comments that the city can't do anything without MoDOT's cooperation, of which they are not; it would be a waste of money. Alderman Leahy suggested it may be necessary to try something different to get it passed. Alderwoman Saunders made a motion to approve Resolution #1027 with the hopes of submitted a grant application that we can win. Motion seconded by Alderwoman Manestar. **ROLL CALL:** Alderman Harper – absent; Alderman Robertson – no; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – no; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

ACCOUNTS AGAINST THE CITY

Alderman Kramer made a motion to approve the warrant list date February 2, 2015 in the amount of \$233,588.60. Motion seconded by Alderman Leahy. **ROLL CALL:** Alderman Harper – absent; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

REPORTS OF COMMITTEES AND DEPARTMENT HEADS

Mayor Kelly was absent.

Alderman Wynn offered comments of being thankful for his 24 years as alderman for such a wonderful city serving for so many people.

Public Safety Committee, Alderman Wynn had no new report.

Public Works Committee, Alderman Robertson had no new report.

Director of Planning & Development:

Discussion of Surface Transportation Grant Application for Manchester Road – Adopted earlier in the meeting.

Ways and Means Committee, Alderman Kramer announced the next meeting will be held Tuesday, February 10th in the Council Chambers.

City Attorney Albrecht had no new report.

City Clerk/Administrator had no new report.

Excise Commissioner Report

None

Library, Alderman Wynn had no new report.

Municipal League, there was no new report.

Historical Society, there was no new report.

Closed Meeting, none

UNFINISHED BUSINESS

Alderwoman Saunders stated that the 2013 grant application had a preliminary submittal date in February with a final submittal date in March and questioned if this was the case for this year. It was clarified that the dates were changed to January/February and staff met with EastWest Gateway in January to discuss.

Saunders also commented that the application also stated that MoDOT will resurface the pavement under a separate project. Director Wyse clarified that MoDOT previously committed to the pavement but is now saying they will not pay for that work but is requiring it to be done.

NEW BUSINESS

Alderman Leahy announced the next Ward 3 meeting will be held February 24th at 7 pm and all are invited.

Alderman Kramer welcomed one of the city's newest restaurant; Einstein Bagels and Dickies BBQ.

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

Louis Charboneau, 8833 Madge, offered comments of the slow-children signs, will the word slow still appear? (this will be considered when it goes back to public safety). She also offered comments of the Manchester Road Corridor, at the Mayor's Coffee it was stated that MoDOT does object to the city doing the project in pieces. She suggested if there is anything that we can do, some type of beautification of greens and planters would also work.

Denise Soebbing, 2612 Porter, stated her agreement that even if we can't do the big project on Manchester, smaller improvements would be helpful and could still make a difference.

Melony Hancock, 2627 Lewis, clarified the reasoning of the ward Aldermen no vote on the resolution and if it was because there is no possibility of getting the project approved (no). She offered complaints of area properties in disarray and urged a push of the business owners.

ADJOURNMENT

Alderman Leahy made a motion to adjourn the meeting at 8:19 pm. Motion seconded by Alderwoman Saunders. Unanimous vote in favor taken; **MOTION PASSED.**

Approved as submitted on the 2nd day of March, 2015.

Attest:

Pat Kelly, Mayor

Bola Akande, City Clerk/Administrator