

**CITY OF BRENTWOOD, MISSOURI
BOARD OF ALDERMAN MEETING
APRIL 6, 2015**

MEETING CALLED TO ORDER

Mayor Pat Kelly 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	Present	Alderman Toohey	Present
Alderman Wynn	Absent	Alderman Leahy	Present
Alderman Robertson	Present	Alderwoman Manestar	Present
Alderman Kramer	Present	Alderwoman 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 April 6, 2015

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

CONSIDERATION AND APPROVAL OF THE MINUTES

Board of Aldermen Regular Meeting Minutes March 16, 2015

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

PRESENTATION/RECOGNITION

Proclamation – Arbor Day April 17, 2015

Mayor Kelly announced that Brentwood has been a Tree City USA member for 27 years and provided a proclamation.

Proclamation – Youth Art Month (May 2015)

Mayor Kelly also provided a proclamation in support of youth art month.

Alderman Leahy made a motion to approve the Arbor Day and Youth Art Month Proclamation. Motion seconded by Alderman Toohey. Unanimous vote in favor taken; **MOTION PASSED.**

Brentwood Recreation Complex Update

Brian Nuehring (SM Wilson) announced that bids have been taken for 19 different work packages which includes the roof. There are 6 packages outstanding to be bid; kitchen equipment, site demolition and grading, ice rink amenities, landscaping and signage. Comparing the original estimate in November 2014, the project is currently \$4,728 over the original estimate. The current estimate still holds a contingency.

Alderman Leahy questioned, as some of the current bids only had one response, the impact of going out for a second bid. Nuehring responded that you would have to take into account how

the delay time would affect the job moving forward. Often you won't see any additional bidders as many resources may have already been tapped with the original bid. Procedures are not being jeopardized by receiving one bid.

PUBLIC HEARING

A Petition For A Change In Zoning From "LID" Light Industrial District To "PD" Planned Development Overlay District For 290 Hanley Industrial Ct. (20K320883)

Director Wyse announced that the petitioner is requesting to rezone 290 Hanley Industrial Ct. from "LID" Light Industrial District to "PD" Planned Development Overlay District to facilitate use of a portion of the existing building for a resale store to support the Miriam Foundation. There is an existing warehouse user in the building which requires a Conditional Use Permit (CUP) under the "PD" district regulations.

In considering the request, P&Z highlighted the compatibility of PD zoning in the area (the future for the Industrial Park and Strassner Dr). It was concluded that PD did represent an appropriate use and the applicants request represented an incremental approach that's private property driven. A motion was made at P&Z to recommend approval by a vote of 5-0. The City's code requires a site plan to be submitted in conjunction with the change in zoning and is also listed for this meeting. The Comprehensive Plan future land use designates this area as a regional mixed use development.

Karen Smith, Harrison, commented that the property leads you back to Don Musick of which the city has a history. She cautioned the board to make sure we have done our due diligence to ensure the community gets what they want going forward. She also offered comments of Musick's previous contributions to Pat Kelly's campaigns. She later apologized if the property is not owned by Musick and added that tax records must reflect Musick because of the property management.

Robert & Stacy Horner, Ironman Sound, stated that they share the building space of the proposed development and had concerns with parking, traffic and the lack of knowledge of the project until receiving the post card. It was suggested that they speak with the landlord in regards to their lease agreements which includes parking. Director Wyse clarified that there is no proposed change to the current tenant and 2 notices were sent to the property owners.

Louise Charboneau, Madge, questioned if the second part of the public hearing was for the previous speaker. Director Wyse replied that the PD does have a petition that would authorize the current tenant to stay however, if the change of zoning were not done with the existing user in place, they would be considered a legal use within that building because they were already occupying the building. She announced her attendance at the planning meeting as well as the site plan meeting and the representative requested a text amendment to include research and development which was not presented originally and has since been removed, however now the request includes outside storage (Wyse replied that it will be covered in the next petition). She added that the project appears to be rushed and commented on what she believed to be interconnected relationships between P&Z members; perhaps the board cannot put as much trust in them as they should.

Denise Soebbing, Porter, encouraged the board to wait to make a decision until the new board and mayor are seated. She commented that the developer has a history with the city and other businesses should not be told to talk to their landlord. She added that they can't necessarily make changes after the project is approved as in her case with the Watering Bowl. She commented that rushing this project is wrong and appears personal.

Mayor Kelly commented that DCM and Don Musick have nothing to do with that property. The property is owned by the Holcamp Family who also owns the Fontbonne Building, the Red Bull

Building and others. He added that we are going through the normal processes for a rezoning application of which is being done to accommodate interested tenants who will be sharing the space. The owners of the property would not be going through this to get a new tenant in if they had plans to kick the old tenant out.

Rob Goltreman, DCM Group, clarified that DCM and Don Musick has no ownership of the property 290 Hanley Industrial; they are a third party property management company for this entity. Ironman Studios leases approximately 13,000 sq ft of this property leaving 8400 sq ft available. Miriam School/Foundation has approached with interest in occupying the remainder of the space which precipitated this process because their use is not listed in the zoning.

Andy Thorpe, Executive Director (Miriam Foundation) stated that he runs the Miriam School in Webster Groves and all of the proceeds, where currently the store is in Maplewood, goes to scholarships at the Miriam School. They have attended 2 P&Z meetings, the committee and now the Board; he added that the process does cover a length of time. They operate a high end resale; all furniture is donated then sold and all net profit goes back to Miriam School. There are 2 full time staff with the remainder volunteers. Their current lease is up in November and they are in a time crunch as if this space doesn't work, they would be in a crunch to find an alternate location.

Mark Wilson 2214 Hatton Lane, disagreed with previous comments and stated that this is not something that the business would simply go back to speak with the landlord. When businesses and residents are impacted, we should be respectful enough to address them. Public trust must be earned and integrity must be demonstrated to get it in return.

Mayor Kelly closed the public hearing at 7:36 pm.

A Petition For Conditional Use Permit And Site Plan Approval For A Warehouse And Outdoor Storage Associated With A Retail Use At 290 Hanley Industrial Ct

Director Wyse explained the site location and the proposed space, on the back half of the building. There are several changes to the site plan from the current conditions; most notably the parking area along the north side of the building. They are proposing to pull the parking lot away from the building to allow green space and have created a plaza area at the retail storefront. At the last public hearing there was talk about the outdoor storage and the applicants noted that they would like to keep some of their patio sets outside; they have included a fence to screen it from Strassner and there was a condition from P&Z to remove the existing metal canopy. P&Z noted several conditions of approval which include:

- The telephone pole in front of the proposed storefront be moved underground. In the event the service cannot be put underground, the pole shall be relocated to prevent conflict with the new storefront;
- The telephone pole next to the existing warehouse user be screened with landscaping;
- Additional bushes be installed along the Strassner Rd. frontage;
- The canopy over the proposed outdoor storage area be removed;
- Scones be installed along the entire façade along Strassner Dr.;
- That the HVAC unit be moved behind the proposed sight-proof fence or installed and screened on the rooftop; and
- Complying with code requirements for the drive aisle width

With these recommendations, the planning and zoning commission recommended approval by a vote of 4-1. Further discussions were held to explain the parking requirements; the spaces shared by Fontbonne (exclusive lease) were not taken into consideration when meeting the city's minimum parking requirements.

Stacy & Robert Horner, Ironman Sound, disagreed with the plan proposed as it does not accommodate the way they are currently operating; the parking proposed impacts their ability to continue to operate and may cause safety issues with the semi-trucks operate.

Rob Goltreman, clarified that Ironman does not have access to the new proposed entrance and no ingress egress would be impeded by Miriam taking the back part of the building. From the landlord's perspective, they will abide by the current lease for Ironman and the parking stated within the lease so that it is not broken in any fashion. He explained the DCM acts as an asset manager for the property and it is common for the property manager to attend and the absence of the owner.

Aldermen questioned in response thif the spaces were being counted for the separate users or being counted as one unit. Wyse replied that this is the first he has heard of Ironman having an exclusive parking lease; the combined requirement is 49 spaces.

Denise Soebbing, 2612 Porter, commented that will all of the different information being presented to the board, making a decision tonight would be irresponsible. Although Miriam would be a great addition to the community, bringing them in this environment creates additional hostility. She suggested the parties get together to negotiate the arrangement.

Mayor Kelly closed the public hearing at 7:50 p.m.

Petition For Conditional Use Permit And Site Plan Approval For A Roasting And Warehousing For A Coffee Company At 1001 Hanley Industrial Ct. (20K330637)
(Alderman Leahy recused himself from the discussion because he is related)

Director Wyse announced the petitioner's proposal to locate a coffee company (coffee roasting warehouse) within an existing building with no additional site improvements proposed or necessary to accommodate the use. The subject site is zoned "PD" and is located within the Hanley Industrial Court. The subject property, along with several other properties in the area, was rezoned from "LID" to "PD" via City of Brentwood Ordinance 3886.

In reviewing the application there were two primary issues; 1) the potential for order (the applicant supplied information of equipment installed in all facilities to ensure emissions are odor free) 2) there was some curiosity about the use of trucks and deliveries onto the site (they provided information regarding anticipated truck traffic). The primary delivery truck is about the size of a FedEx or UPS truck, deliveries would come in once a week and would go out as needed. The commission recommended approval by a vote of 5-0.

There were no public questions/comments. Mayor Kelly closed the public hearing at 7:55 p.m.

BIDS

Bid Results – Brentwood Community Complex Bid Packets #2

Brian Nuehring (SM Wilson Project Mgr) announced that on March 17th bids were accepted for work packages 3-23 for additional work at the recreation complex. He reported individual recommended contractors and bid amounts for the work packages:

WP#3 – Building & Site Concretes: Concrete Strategies (\$350,474.00)

WP#4 – Micro Piles: Helitech Civil Construction (\$198,574.00)

WP#5 – Masonry: John Smith Masonry (\$248,761.00)

WP#6 – Glass & Glazing: Missouri Valley Glass Co (\$246, 797.00)

WP#7 – General Trades: Kozney Wagner Inc (\$359,800)

WP#8 – Metal Studs and Drywall: Interior Construction Services (\$124,870)

WP#9 – Acoustical Ceilings: St. Charles Acoustics (\$28,350)

WP#10 – Flooring: Flooring Systems Inc (\$143,740)

WP#11 – Painting & Coating: Rhodey Construction Inc (\$76,600)

WP#12 – Stadium Seating & Benches:

WP#15 – Fire Protection Systems: Boyer Fire Protection (\$118,221)

WP#16 – Plumbing: Merlo Plumbing (\$349,000)

WP#17 – Mechanical: Wiegmann Associates (\$715,000)

WP#18 – Electrical: Schaeffer Electric (\$511,597)

WP#20 – Asphalt Paving, Seal Coat, Striping & Signage: Vernon Jones Construction (\$55,000)

WP#21 – Site Utilities: Merlo Plumbing (\$44,200)

WP#23 – Testing & Inspections: Terracon Consulting Engineers (their work is based on a unit price schedule)

It was explained that a couple of the bids in which SM Wilson performed “value engineering”; in which to save money they go back to the contractor and take recommendations for savings. The design team then reviews and if they make sense and are prudent they will be offered for review. When reviewing the work package, there was a common neutral identified that wouldn’t work in the way it was originally designed and bid and that was the net delta to make it compliant with code. It was necessary to change the specs of work package #18 to conform. Alderman Leahy asked if the other bidders were made aware to make the adjustments so that the cost would be comparable. Michael Chiodini (Chiodini Associates) stated that Schaeffer Electric excluded sharing neutrals on their bid form and KJWW rejected it so it raised their price and no other bidder had that exclusion. Total cost for all bid packages is \$3,627,024.

When asked if the changes to HVAC systems affect efficiencies or longevity Nuehring replied that there were no changes dealing with the design of the systems. Primarily changes occurred where we were able to reuse some of the existing infrastructure for the underground components that fed into the building for both fire protection and for the plumbing scopes of work. The HVAC was unchanged.

Mayor Kelly announced that the project construction numbers are coming in pretty close to what we were hoping. The estimate for the end of the project with SM Wilson and architectural fees will be coming out of the capital improvement budget and some adjustments may need to be made when the project is completed. It is requested that the board authorize an additional \$556,269 to fund the additional cost. When the project initially started it was not anticipated that there would be a need for furniture replacement. The furniture in the building is approximately 20 years old and has some safety issues; if agreed by the board that this is a necessary cost there is a request to issue a work package at a total cost of \$135,000. The ADA Inclusion Coordinator has reviewed the plans and identified that the dasher board systems needs to be replaced as it is not complaint with ADA requirements, public entry doors are not wide enough; estimated costs are \$175,000. These costs increase the project total cost which increases the estimated construction cost for Wilson and Chiodini which is based on the total project. Total project costs are increasing from \$7,065,881 to \$7,678,695. When approved last fall, the Board authorized that \$2,017,646 be cash funded through the reserves. It is being asked that the increase is funded in the same manner.

Alderman Leahy commented that the initial project started at \$3.8M, increased to \$4.6M, approved \$6.3M and now we are up to \$7.6M. Administrator Akande agreed that these numbers are within the correct range and reminded that the original proposal from GBA was a patchwork project and not a comprehensive renovation of the recreation center. Once an architect was selected, they brought back to the board areas they felt added improvements should be made. Mayor Kelly added that we also added a construction manager as a consultant whose fees are added to the project. Aldermen Robertson stated that 4 years ago the Public Works Committee put together comparative budgets which were very similar to this amount. Alderman Leahy suggested waiting until the project is completed to make the furniture purchase, eliminating the added cost to the architect and construction manager. Parks Director Gruenenfelder replied even though you would have that savings, you would lose

the oversight of proper timing, installation and design efficiency to have a finished look with the project is complete. Alderman Manestar commented that the project may be expensive but it has been neglected for so long and is well over do. Alderwoman Saunders stated her excitement of the project but did not recall voting to increase the budget and it was clarified that this is the first time an increase was being introduced because as the bids are coming in we have a more accurate idea of the cost.

Discussion was held to clarify the cost and Finance Director Jarvis provided an explanation of funding; that the actual bond proceeds for this project are \$5,070,000. The remainder of the initial bond issue was refunding the 2003 issue. Between the bond proceeds, the grant, Ameren funds and the fund balance, there are sufficient funds to carry out the project. Originally, \$2,017,646.00 was being requested from the fund balance but now the request is for \$2,564,065.00 (the fund balance policy will still be met after the increased use). Alderman Robertson made a motion to authorize the additional funding for the project. Motion seconded by Alderwoman Manestar. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – absent; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – no; Alderwoman Manestar – yes; Alderwoman Saunders – no; **MOTION PASSED.**

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

Louise Charboneau, Madge, stated her disappointment that there was not a celebration of service on the agenda (for the retiring elected officials). She stated that appreciation for the thriving retail base but feels that the quality of life for many is diminishing. She thanked staff for the oversized postcard related to the election as well as efforts to help receive the rebate from the tax overcharge on the water bill.

Denise Soebbing, 2012 Porter, addressed the board with frustration of tar on the street from a contractor. She was previously told there was nothing that could be done; however, a citation was issued and the prosecuting attorney didn't think anything could be done unless it was witnessed. She challenged that decision and asked that it is revisited. She also noticed an improvement of the trash trucks and appreciates the police presence. She questioned what will happen when the police are no longer able to sit out. She commented that she is not receiving a response from Alderman Leahy and suggested that he goes back to using the Brentwood email. Lastly she added preference of not receiving "robo" calls from election campaigns.

Karen Smith, Harrison, commented in regards to Bill #5971, that it exhibits challenges of bringing together commercial and residential property. She reported her unfortunate accident at the intersection and the ordinance introduced is a great step in dealing with the issues of limited sight distance and narrow sheets. She added, in light of Arbor Day, the trees were previously removed with sidewalk repair and asked that they are replaced. She later commented in regards to Susan Ryan in that her incident has become a trend and we need to review how things are brought forward to ensure we are not inconveniencing existing home owners. In regards to Soebbing comments about the tar, she has similar incidents; when contractors come into the city they should not be able to cause damage and walk away.

Susan Ryan, Pine, expressed appreciation for the board support regarding her legal fees as she recalled the incident with her neighbors build. She commented that it has been interesting to learn how the board operates and added that she has become a better public speaker after having to voice her concerns during the board meetings.

Susan Lee, Eulalie, expressed her appreciation for the work currently undergo on Brentwood Blvd and asked if it will be torn up again with truck traffic for the Manhassatt Village project; if so who would be responsible. Mayor Kelly later replied that Brentwood Blvd is the responsibility of St. Louis County.

Kurt Becker, 118 Webster Ave, Webster Groves, addressed the board of behalf of the International Association of Firefighters Local 2665 (who represents Brentwood Firefighters). He shared a memo with the Board and asked that they consider interceding a that matter of....Alderman Leahy interjected and asked if the document being distributed is now a matter of open record and stated if so it should not be, the document should be kept in closed session. Saunders added her understanding that the board agreed that compensation would be held to the new board. Alderman Kramer clarified that he is allowed to pass the document out but it is up the city attorney to determine if it should be read. Attorney Albrecht stated that he cannot control what individuals do, he does not represent Becker or the Union. Alderwoman Saunders disagreed. Attorney Albrecht stated that it will be discussed and closed session and that he does not recommend it being discussed in open session.

Becker stated that in the memo they are asking the board to consider several different options as it relates to the pay plan. The city has operated without a pay plan for a number of years now and it is causing considerable harm to the competitiveness of the public employee pool and may be at risk of losing qualified members of staff. He stated that he has been able to come to negotiations with Administrator Akande and Chief Jury but unfortunately they are at odds with language that has nothing to do with the pay plan. Fire fighters have put together suggestions of what they thought the plan should look like. The city hired a consultant who has put together a recommendation of what the plan should look like. While the recommendation isn't consistent with what the fire fighters have proposed, they agreed to the proposal. He stated that both parties are in agreement that the pay plan is acceptable and there is no reason why it shouldn't proceed. They have concerns that the play is being held up over unrelated nuances and that's where the impasse and come. He asked that the board take the recommendation of the consultant and make that the pay plan for the fiscal year 2015 budget. He stated that he gives his word that no harm will come if the city choses to impose the pay plan and if need be will instruct his attorney to draft a hold harmless letter to absolve the city of any potential litigation as it relates to this pay plan being implemented in the 2015 budget.

Mayor Kelly clarified the terminology of pay plan being referred to is the step plan that the city has been discussing as recommended by the consultant. Becker stated that without that step plan in place the most junior members of the fire department don't have the structure under which they will receive to make them competitive in the market place.

Attorney Albrecht recommended that there be no discussion about anything with substance concerning the negotiations and the boards' discussion of it.

Alderwoman Saunders commented that staff in the compensation survey recommended overpaying employees for morale purposes because they were expecting to get \$100,000 so they should definitely get that. This is in the public information. The step plan, not all cities do step plan, I have supported the step plan; some cities do 10 years, 8 or 4 and I have supported that because of the nature of that position and the fact that if you are going into a burning building and you're 7 years, 15 years experience you have the same level of risk and the same also with those positions is that there is a better chance that your career could end shortly and therefore we want to get them to top pay. Both fire safety and police. The negotiation comes from us having to be fiscally responsible with resident's tax dollars and we have to make that decision as to where we want to be in the pay philosophy. We can listen to recommendations but when the recommendation and rationale is morale, that's not an adequate reason for aldermen alone to say that we are going to pay higher than other cities by \$20,000 in some instances. We have to be responsible. We've not done a compensation study in the past and

finally commissioned one that was supposed to be ready in time for the 2015 budget. But it was delivered as we were sending it to the board; consideration will definitely be taken in the 2016 budget. At that time, as a board we agreed that we were going to wait and take our time digesting the compensation package, you cannot look at just a pay plan without looking at the pension plan and other benefits; looking at the study one would realize that we are not only generous in our salary but also in benefits that puts us further over the market. It was decided as the board that we did not want to cut pay or be punitive, at the same time it is not fair to make decision to push salaries higher without looking at compensation as a whole. She added that Becker could be welcomed back when the new board is seated to take a look at the recommendations. The timing of this is it's been pushed, the pension plan was on for the March 2nd agenda, and questions were asked but the redlined version has not been seen; compensation has been on each agenda and it was believed that conclusion was gathered to wait for the new board but it keeps getting pushed at the last minute. We have a fiscal responsibility to the residents and you have a fiscal responsibility to the firemen and firemen's union. Becker added that negotiations are ongoing and the city has put forth this and it was the city suggestion that this agreement be reached in a timely manner. Meeting have been held weekly for some time now, well past the introduction and passage of the fiscal year 2015 budget with the intent of having a pay plan/step plan agreed upon by both parties so that it could be implemented by this board. Both parties reached the agreement when it came to the structured step plan, but looking at St. Louis County as a whole, there are 1M residents and about 750,000 of those residents and about 75% of property in St. Louis County are protected by fire protection districts. When looking at the way the fire service and EMS delivery is conducted in St. Louis County the vast majority of the market is not the municipal market, not the city, its fire districts and looking at the fire districts and the elite cities of which Brentwood is one, the salaries of those proposed by this consultant are in line with that group.

Karen Smith, Harrison, commented that there were significant contributions in Mayor Kelly's campaign from Brentwood Fire Community Fund and stated for anyone voting in closed session, if anyone is receiving any campaign contributions from those organizations that it would be a conflict of interest and they should recuse themselves from the vote. She also expressed appreciation to the retiring elected officials for their public service.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Alderman Leahy made a motion for the 1st and 2nd readings of Bills #5949, 5964, #5965, #5966, #5967, #5968, #5969, #5970, #5971. Motion seconded by Alderman Robertson.
VOICE VOTE TAKEN: 5 – yes; Kramer & Saunders – no; Wynn – absent; **MOTION PASSED.**

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

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. This bill will be supplemented by a future bill that addresses streets on the schedule". Attorney Albrecht read Bill #5949 by title only. Alderman Kramer made a motion to perfect Bill #5949 into ordinance form. Motion seconded by Alderman Leahy. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – absent; Alderman Robertson – yes; Alderman Kramer – yes;

Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

BILL #5949 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4619

Bill #5964 – An Ordinance Amending Title I, Chapter 100 Of The Revised Code Of Ordinances Of The City Of Brentwood, Missouri, Pertaining To Special Meetings; Providing For The Current Maintenance Of This Ordinance; Providing For The Effective Date Of This Ordinance; And Providing For The Repeal Of All Conflicting Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5964 by title only. Alderman Kramer provided the synopsis, “This is a bill to amend Chapter 110 pertaining to special meeting notices. The changes in this bill clarify who can deliver special meeting notices, where notices will be delivered, and provides for a secondary meeting notice to be delivered to Aldermen via electronic means to an email address registered at the City”. Attorney Albrecht read Bill #5964 by title only. Alderman Leahy made a motion to perfect Bill #5964 into ordinance form. Motion seconded by Alderman Toohey. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – absent; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

BILL #5964 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4620

Bill #5965 – An Ordinance Authorizing The Issuance Of Tax Increment Refunding Revenue Bonds, Series 2015 (Hanley Station Redevelopment Project) Of The City Of Brentwood, Missouri, For The Purpose Of Refunding Certain Prior Bonds, Funding A Debt Service Reserve Fund And Paying Costs Of Issuance Of The Bonds; Authorizing The Execution Of Certain Documents; And Authorizing Certain Other Actions In Connection With The Execution And Delivery Of The Bonds – 1st & 2nd Reading

Attorney Albrecht read Bill #5965 by title only. Alderman Kramer provided the synopsis, “This bill authorizes issuance of Tax Increment Financing (TIF) revenue bonds for the Hanley Station Redevelopment Project and authorizes refunding prior bonds, funding a debt service reserve fund, and paying costs of issuance of the bond”. Alderman Leahy requested an estimated savings for the lowered bond rate to be compared of refinancing. The net present value including the cost of the issuance, the savings will be between \$225,000 and \$350,000; it is also set to be closed 3 years earlier maturing in 2026. Mark Grimm clarified that the initial issuance was a public offering. Statutes have language in regards to private sale opposed to competitive offering; general obligation bond issues are sold under competitive offering where you establish a sale date and except bids on the bonds from various investment bankers; whoever has the lowest bid on that date is the winner and will sell the bonds. A private sale is essentially anything else. Saunders also questioned what other actions are being referred to for authorized execution in the ordinance. Grimm explained there are various closing certificate similar to the closing sale of a house. After questions of the final interest rate, it was stated that we are not setting the final interest rate tonight. The TIF deal on a refunding transaction has parameters included; it is in the city’s interest to hit the market on the best possible day and generally Mondays and Fridays are avoiding for better pricing midweek, the authorization would allow the flexibility to move the pricing date to maximize savings. This is the first time these bonds have been refunded and the only impact would be refunded. Attorney Albrecht read Bill #5965 by title only. The final interest rates on the bonds are unknown until priced on April 20th. The market changes daily but currently there are anticipated to be a 3.25% and 4%. It is believed that in the current market environment the city will have a savings in the interest rates; the savings threshold is about 4½% and the industry standard to do a refinancing is somewhere in the 2½%-3% range. If we are not going to achieve at least that level, Stifel won’t do the deal. There is still one parcel remaining but there would be no additional bonding request for building costs. Attorney Albrecht read Bill #5965 by title only. Alderman Leahy made a motion to perfect Bill #5965 into ordinance form. Motion seconded by Alderman Kramer. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – absent; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – absent from

the room; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes;
MOTION PASSED.

BILL #5965 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4621

Mayor Kelly clarified that when the current tenant addressed the board with issues regarding their parking and lease agreement with property owner, the statement that they need to go back to the property owner was correct. It is not appropriate for the city to get involved between a leasee and property owner. The city evaluates site plans proposed by the property owner and conditional use permits for those businesses need to be approved by the board based on the board's parameters not based on a lease negotiation. He added that he appreciates their business but those issues are under the parameter of their lease. He also added that it is not appropriate for a property owner to have a tenant and speak of major renovations and not speak with the leasee. He also added that the only reason it appears to be an issue is because of the misconception that a business owners was trying to get over on residents and because they may not be well liked. This project went through the normal process with notifications also being mailed to property owners. The existing tenants concerns are legitimate and should be addressed with the property owner.

Alderman Leahy made a motion that Bills #5966 and #5967 are sent back to Planning and Zoning for clarification of both site plan review and as parking confirms to the Brentwood Code. Motion was seconded by Alderwoman Saunders. Director Wyse noted that the parking does meet the code and it was clarified that the concern is for the owner and tenant to negotiate the agreement for layout and consideration for parking congestion. Alderwoman Saunders stated her agreement and concern that there was a sub-portion of the lot that the City may own. Director Wyse clarified that there is a small slither of land acquired by the city funded by MLP for the TDD for the public roadway extension (Strassner). Alderman Kramer stated that he looks forward to more potential rezoning of this area from an existing light industrial of a planned development for continued transition. His biggest issue is that of the existing user and tenant incongruity and suggested that it come back to the next meeting to allow them time to discuss.

Alderman Leahy and Alderwoman Saunders withdrew the previous motion. He made a motion to place Bills #5966 and #5967 on hold until the next meeting. Motion seconded by Alderwoman Saunders. Unanimous voted in favor taken; **MOTION PASSED.**

Bill #5966 – An Ordinance Amending The Zoning Map Of The City Of Brentwood To Rezone Certain Property Numbered 290 Hanley Industrial Ct. From “LID” Light Industrial District To “PD” Planned Development Overlay District And Establishing The Effective Date Of This Ordinance – 1st & 2nd Reading

On hold until the next meeting.

Bill #5967 – An Ordinance Granting Approval Of A Site Development Plan And Conditional Use Permit To Ironman Sound Studios For A Warehouse And Outdoor Storage For Miriam Switching Post At Property Numbered 290 Hanley Industrial Ct. Which Permits Under The Provisions Of Title IV, Chapter 400 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 – 1st & 2nd Reading

On hold until the next meeting.

Bill #5968 – An Ordinance Granting Amended Site Plan Approval To BFA, Inc. For Construction Of Accessible Ramps, Cart Storage, Signage And Related Site Improvements At Property Numbered 90 Brentwood Promenade Ct. Which Permits Under The Provisions Of Title IV, Chapter 400 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 – 1st & 2nd Reading

Attorney Albrecht read Bill #5968 by title only. Alderman Kramer provided the synopsis, “The bill approves a site plan at 90 Brentwood Promenade, the existing Golf Galaxy location, to add and widen accessible ramps to service the front of the building. The Planning and Zoning Commission has reviewed the request and recommended approval”. Attorney Albrecht read Bill #5968 by title only. Alderman Leahy made a motion to perfect Bill #5968 into ordinance form. Motion seconded by Alderman Toohey. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – absent; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

BILL #5968 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4622

Bill #5969 – An Ordinance Granting Approval Of A Site Development Plan And Conditional Use Permit To Dubuque Coffee Co., LLC For A Coffee Roasting And Storage Facility At Property Numbered 1001 Hanley Industrial Ct. Which Permits Under The Provisions Of Title IV, Chapter 400 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 – 1st & 2nd Reading

Attorney Albrecht read Bill #5969 by title only. (Alderman Leahy recused himself) Alderman Kramer provided the synopsis, “This bill is for a Conditional Use Permit and Site Plan Approval for a roasting and warehousing operation for a coffee company at 1001 Hanley Industrial Ct. No site improvements are proposed, so a previously approved plan has been included for reference. The Planning and Zoning Commission has reviewed this request and recommends approval”. Alderwoman Saunders stated her concern that the idea of the Hanley Industrial study was to move the park away from the industrial; perhaps a business park and now there is talk of mixed use. We have not had an opportunity to review the comprehensive plan. She asked if we know where we are going with the industrial court and if we want to keep permitting warehouses. Mayor Kelly stated that to deny them for this reason would be sending a message that at some point we would be redeveloping this area and moving the city in another direction. Alderman Kramer clarified that it is not a change in ownership but a use proposal. The planned development district is allowing this use to take place, one that we haven’t had before in the court. Attorney Albrecht read Bill #5969 by title only. Alderman Kramer made a motion to perfect Bill #5969 into ordinance form. Motion seconded by Alderman Toohey. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – absent; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – abstain; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

BILL #5969 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4623

Bill #5970 – An Ordinance Amending Title III Of The Revised Code Of Ordinances Of The City Of Brentwood, Missouri, By Amending Schedule XII, Table XII-C Relating To Areas Designated As “Slow-Children” Street; Providing For The Effective Date Of This Ordinance; Providing For The Repeal Of All Conflicting Ordinances – 1st & 2nd Reading

Attorney Albrecht read Bill #5970 by title only. Alderman Kramer provided the synopsis, “This bill is for an ordinance amending Title III of the Revised Code of Ordinances of the City of Brentwood, Missouri, by amending Schedule XII, Table XII-C relating to areas designated as “Slow-Children” street; providing for the effective date of this ordinance; providing for the repeal of all conflicting ordinances. Attorney Albrecht read Bill #5970 by title only. Alderman Leahy made a motion to perfect Bill #5970 into ordinance form. Motion seconded by Alderwoman Saunders. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – absent; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

BILL #5970 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4624

Bill #5971 – An Ordinance Amending Title III, Chapter 300 Of The Revised Code Of Ordinances Of The City Of Brentwood, Missouri By Adding A New Paragraph To Schedule III, Table III-A, No Parking At Any Time; Providing For The Current Maintenance Of This Code; Providing For The Effective Date Of This Ordinance; And Providing For The Repeal Of All Conflicting Ordinances – 1st & 2nd Reading

Attorney Albrecht read Bill #5971 by title only. Alderman Kramer provided the synopsis, “This is an ordinance amending title III, Chapter 300 of the Revised Code of Ordinances of the City of Brentwood, Missouri by adding a new paragraph to schedule III, table III-A, no parking at any time; providing for the current maintenance of this code; providing for the effective date of this ordinance; and providing for the repeal of all conflicting ordinances”. Alderman Leahy questioned if the recommendation received from CBB (Traffic Engineers) conflicts with the ordinance proposed. Director Wyse explained that what the board is currently doing is not inconsistent with the recommendation. The recommendation categories this block as a transition zone, residential driveways on the north and commercial driveway on the east mixed with cars coming from Brentwood Blvd. Within the code, it states that anything 20 feet the engineer can designate as no parking on both sides, anything less than 30 feet no parking on one side, but they can also make a recommendation for additional restrictions. The street is 24 foot faced to curb and falls within the city’s traffic engineers’ purview. They are also recommending that because there is the narrow width within the transition zone, it may be reasonable to look at both sides of the street. The proposal tonight is to restrict one side of the street, but there is also already in place a temporary restriction across the street to restrict parking during a certain time frame.

It was asked if the report also suggests that the board look at the whole distance from Brentwood Blvd over to High School; in general the recommendation was to look at these type transition areas throughout the city as to not treat this street differently than others. Attorney Albrecht read Bill #5971 by title only. Alderman Harper made a motion to perfect Bill #5971 into ordinance form. 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.**

BILL #5971 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4625

It was also suggested that this study is forwarded to the Public Safety Committee for further review of the concerns noted.

Resolution #1029 – A Resolution Of The City Of Brentwood, Missouri, Authorizing A Law Enforcement Explorer Program At The Brentwood Police Department

Alderman Kramer provided the synopsis, “This resolution is to approve a Law Enforcement Explorer Program coordinated by the Police Department. The Police Explorers would be comprised of young adults, 14-21 years of age, who have an interest in law enforcement. The program strives for the participants to be better citizens and community members while promoting high standards of scholarship, character development and physical fitness”. After questions from Aldermen it was clarified that the age group for participants is 14-21 while they must be at least 16 years of age to participate as a ride along. It was also noted that to be successful this program will require a lot of man hours that the budget may not be able to sustain. Alderman Leahy also questioned the program budget with \$40 per participant and the amount of advisory staff hours; if additional salaries would be needed to implement the program. Chief Fitzgerald replied that there will be 2 officers involved, 1 a detective and will not need to be taken off the streets. A small group of participants is anticipated and the officers should be able to manage this within their regular schedule. Alderman Kramer made a motion to approve resolution #1029 as proposed. Motion seconded by Alderman Harper. **VOICE VOTE TAKEN;** 6 – yes, Leahy – no, Wynn – absent. **MOTION PASSED.**

Resolution #1030 – A Resolution Of The City Of Brentwood, Missouri, Accepting A Parks System Master Plan

Alderman Kramer provided the synopsis, “this resolution approves the 2015 City of Brentwood Parks Master Plan. The Parks Master Plan provides guidance to meet recreation needs for the City of Brentwood”. Motion was made by Alderman Leahy and seconded by Alderman Toohey to approve Resolution #1030. **VOICE VOTE TAKEN;** 6 – yes, Leahy – no, Wynn – absent. **MOTION PASSED.**

ACCOUNTS AGAINST THE CITY

Alderman Kramer announced the warrant list in the amount of \$243067.69 and made a motion for approval. Motion seconded by Alderman Leahy. It was clarified that the 2 vehicles purchased from Sinclair Ford are 2 different vehicles hence the different amounts and the Branney Tru Value was a foreseen expense. Unanimous vote in favor taken; **MOTION PASSED.**

REPORTS OF COMMITTEES AND DEPARTMENT HEADS

Mayor Kelly commented in regards to the previous mention of needing additional police officers; going forward he challenged the board to make that decision based on statistics and crime reports which is pretty constant. He added that if it is determined that crime warrants additional officers, perhaps we should cease the DEA program where we lend an officer on a full time basis.

He also reported a new tenant for the Thomasville Furniture location in Promenade, XL Means Wear. And, Drury hotels and suits had purchased half interest in the Centre 40 Building. At some point in the future they hope to make it their operations headquarters. This may also help to facilitate the connection between their project and a roadway to Rose Ave.

Public Safety Committee, Alderman Wynn was absent.

Public Works Committee, Alderman Robertson had no report.

Director of Planning & Development, Director Wyse had no report.

Ways and Means Committee, Alderman Kramer announced the next Ways & Means Committee Meeting on April 14th at 6:30.

City Attorney Albrecht had no new report.

City Clerk/Administrator Akande had no report.

Excise Commissioner Report

A request has been made for a temporary liquor permit by Hacienda to host it’s trivia night in St. Mary Magdalen gym on April 11th. Motion was made by Alderman Leahy and seconded by Alderman Toohey to approve. Unanimous vote in favor taken; **MOTION PASSED.**

Library, Alderman Wynn had no new report.

Municipal League, there was no report.

Historical Society, there was no new report.

Closed Meeting

Legal – RSMO 610.021 (1)

Negotiations with Employee Groups – RSMO 610.021 (9)

Alderman Leahy made a motion to enter into executive session at 10:06 p.m. for legal and negotiations with employee groups pursuant to the exemption in RSMo 610.021(1)(9). Motion seconded by Alderman Robertson. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – absent; 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 10:15 p.m. with the following present: Alderwoman Saunders, Alderwoman Manestar, Alderman Leahy, Alderman Toohey, Alderman Kramer, Alderman Robertson, and Alderman Harper. Also present were City Clerk/Administrator Bola Akande, City Attorney Frank Albrecht, Labor Attorney Brian Hey, and Deputy City Clerk Octavia Pittman.

No action was taken.

Alderman Robertson made a motion to adjourn closed session and re-convene to open session at 10:20 p.m. Motion seconded by Alderman Leahy. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Harper – yes; Alderman Wynn – absent; **MOTION PASSED.**

UNFINISHED BUSINESS

None

NEW BUSINESS

Alderman Leahy expressed appreciation to Aldermen Wynn, Harper, and Robertson along with Mayor Kelly for their services over the years. He also announced the Ward 3 meeting to be held on April 28th at 7 p.m.; all are invited.

Alderman Kramer provided an update of the Manhassatt Village luxury apartment project (E4 Living); construction begins by end of April on Eager Road. There has been a change for those who follow the Town and Country parcel on Eager, (it was a previously approved professional office campus called Eager Ridge). This project has been scrapped and the property owner, MoDot, has an agreement with a new developer. This developer will be in attendance at the Richmond Heights Planning and Zoning Commission on Thursday, April 16th at 7 p.m.; they are proposing a midrise 90 bed senior living facility. With this project, they are envisioning low traffic and parking usage; the building itself will be positioned on the eastern end of the property and will be obscuring the flyover ramp we have always had issues with. This should be underway this fall after approval.

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

Karen Smith, Harrison, commented that even though Don Musick doesn't own the property, he is still very much involved with it through property and asset management. She added that she does not know him personally to say that she likes him or not, all she can do is judge him on how he has conducted business in the city. She encouraged the board to make sure there is due diligence.

Ruth Christmas, 2408 Bremerton, expressed appreciation for the improvements on Litzsinger.

ADJOURNMENT

Motion was made by Alderman Leahy and seconded by Alderman Toohey to adjourn the meeting at 10:23 p.m. Unanimous vote in favor taken; **MOTION PASSED.**

Approved on the 20th day of April, 2015.

Attest:

Pat Kelly, Mayor

Bola Akande, City Clerk/Administrator