

MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING

City Hall
Council Chambers

April 2, 2007
7:00 p.m.

Leanna Baudendistel led with the Pledge of Allegiance.

ROLL CALL

PRESENT: Mayor Kelly, Alderwoman Clements, Alderman Marshall, Alderman Leahy, Alderwoman Krewson, Alderman Kramer, Alderman Robertson, Alderman Wynn, Alderman Cross.

Leanna Baudendistel, Mayor for a Day.

City Attorney Albrecht, City Clerk/Administrator Seemayer, Director of Planning and Development Dailey, Executive Secretary Williams and City Treasurer Reynders.

ABSENT: None.

CONSIDERATION AND APPROVAL OF THE AGENDA OF THE REGULAR BOARD OF ALDERMEN MEETING OF APRIL 2, 2007

Motion was made by Alderwoman Clements, second by Alderwoman Krewson to approve and adopt the Agenda of the Regular Board of Aldermen Meeting of April 2, 2007. All in favor none opposed.

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF MARCH 19, 2007

Alderman Leahy stated that in the minutes of the March 19th meeting they established a discussion that took place concerning the statewide cable franchise agreement. The Mayor established some parameters that at the time were correct. An email was sent out the following day bringing them up to date with the revised legislation. He requested the email become an official part of these minutes.

Mayor Kelly stated that the email would be attached to the minutes from today's meeting but not to the March 19th meeting.

Motion was made by Alderman Wynn, second by Alderman Marshall to approve and adopt the Minutes of the Regular Board of Aldermen Meeting of March 19, 2007 as submitted. All in favor none opposed.

PROCLAMATION – LEANNA BAUDENDISTEL

Mayor Kelly stated that there is a special guest attending the meeting tonight and her name is Leanna Baudendistel. She is a Brentwood resident and is acting Mayor for the Day.

Mayor Kelly read a Proclamation for Leanna Baudendistel proclaiming her Mayor for the Day on this 2nd day of April 2007.

Leanna Baudendistel stated that her mom Donna is a great mom and her sister Simone is a great little sister too.

Mayor Kelly presented the Proclamation to Leanna Baudendistel.

BIDS - None

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

Jerald Meers – 8510 Eulalie came before the Board and stated that he is taking down a privacy fence around his property. He went to City Hall and applied for a fence permit. He asked City staff why he needed a permit for tearing down a dilapidated fence and putting up a new partial privacy fence. The response was that staff has to inspect the holes that they are putting in to replace the fence. He agreed to pay the City \$40.00 for the permit and two inspections, which will be \$15.00 each, and an extra \$30.00 for value. He stated that he is improving his property and he has to pay a value fee. It just does not seem right.

Mayor Kelly stated that there is a fee based on the price of the fence, which is what Mr. Meers is referring to as a value fee. That is based on the size of the fence or on the value of the improvement; the overall cost of the fence.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Motion was made by Alderman Leahy, second by Alderman Kramer to remove Bill No. 5370 from hold. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Cross, yes.

Motion was made by Alderman Leahy, second by Alderman Kramer to amend Bill No. 5370 by changing the amount in Section 2 to “six hundred dollars (\$600.00) per month”. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Cross, yes.

Alderman Leahy stated that Bill No. 5370 came before them after the budget for 2007 had been approved. He requested that a pay raise be considered but not take effect until January 1, 2008 after the Ways and Means Committee has had a chance to review it and provide for it in the budget. Under State Constitution, a pay raise cannot be voted and awarded to the aldermen within a present election term. If the raise were approved tonight four of the aldermen would have a pay raise that could possibly take effect in January 2008. The other four aldermen would have to wait until after the April 2008 election to receive the raise.

Motion was made by Alderman Cross, second by Alderman Leahy to further change the date to after the municipal election in April 2008, so that all eight aldermen receive the raise at the same time.

Alderman Wynn stated that if it will not be done next year why not wait until then to make the change.

Mayor Kelly stated that if it were approved now it would be put into the budget for next year.

Alderman Cross stated that it is something that they talked about a year ago in the Ways and Means Committee meeting and they didn't act on it at that time and they didn't want to act on it right before the election, so the Ways and Means Committee decided that they just wanted to get it done.

Mayor Kelly suggested that the Bill could be effective after the certification of the April 2008 municipal election.

Alderman Cross withdrew her motion and Alderman Leahy his second.

Motion was made by Alderman Cross, second by Alderman Leahy to amend Bill No. 5370 by establishing that the Bill will be effective after the certification of the April 2008 election results. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Cross, yes.

Motion was made by Alderwoman Clements, second by Alderman Kramer to give Bill No. 5370 first and second readings. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Cross, yes.

City Attorney Albrecht gave Bill No. 5370, AN ORDINANCE REPEALING ORDINANCE NO. 3565 OF THE CITY OF BRENTWOOD, MISSOURI, AND ENACTING IN LIEU THEREOF A NEW ORDINANCE RELATING TO COMPENSATION FOR MEMBERS OF THE BOARD OF ALDERMEN; PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES; AND

PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Motion was made by Alderman Leahy, second by Alderman Kramer to approve and adopt Bill No. 5370 as amended. Roll call: Alderwoman Clements, no; Alderman Marshall, no; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, no; Alderman Wynn, no; Alderman Cross, yes.

With the vote being four (4) in favor and four (4) against the legislation, Mayor Kelly voted "yes" in favor of adopting Bill No. 5370 as amended.

The Mayor thereupon declared Bill No. 5370 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4066.

Alderman Marshall stated that as they are drafting legislation and taking it to committees, he asked that everything go through City Administrator Seemayer and is labeled revision 1, 2, 3 etc.

Mayor Kelly stated that it is important that they try whenever they can to take any bills through committees. It would alleviate a lot of problems and confusion.

City Administrator Seemayer stated that the Board is currently receiving \$425.00 per month. It will be increased to \$600.00 per month.

ACCOUNTS AGAINST THE CITY

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve the revised warrant list dated 4/2/07. All in favor none opposed.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor's Report

Mayor for a Day

Mayor Kelly stated that Leanna Baudendistel is a third grader at Mark Twain School. The last couple of years they have had a raffle at Mark Twain School picnic to have one of the children be Mayor for the Day where they attend a meeting to help the Mayor perform his duties at the Board level.

Election Day

Mayor Kelly encouraged everyone to vote tomorrow.

Executive Session

Mayor Kelly announced an Executive Session/Real Estate Matter would be held following the regular meeting.

Public Safety Committee – No report

Public Works Committee – No further report

Director of Planning and Development – No report

Ways and Means Committee – No report

City Attorney – No report

City Clerk/Administrator – No report

Excise Commissioner – No report

Library – No report

Municipal League – No report

Communication – No report

Insurance Committee – No report

Historical Society – No report

UNFINISHED BUSINESS

Alderman Marshall stated that he met with several of the residents from Rosalie/Eulalie regarding the sewer project that will be happening shortly. There were some concerns about where some of the stakes were placed as far as what they had agreed to late last year. He will be doing a walk through with MSD on Wednesday afternoon to verify where everything is.

Mayor Kelly thanked Alderman Marshall for setting that up. It alleviates a lot of confusion.

Alderman Kramer stated regarding the statewide cable franchise agreement, the City is still going to get the franchise fee. As far as complaints that the residents have, will the complaints have to go from the residents to the City and then to the state?

Mayor Kelly stated that the residents would have to call the Public Service Commission, which is a state run agency. He is sure AT&T will have a consumer hotline.

City Administrator Seemayer stated that if the residents contact the City, staff will do their best to try to help them but the City will have no control whatsoever.

Alderman Leahy asked for an update on Rock Hill and the dispatching situation.

Mayor Kelly stated that Rock Hill has approved a new contract with the City of Brentwood.

City Administrator Seemayer stated that the City has received nothing from them at this point.

Alderman Leahy asked if the new transaction helps the dispatcher services and getting full-time positions filled or is the City going to continue working with part time people to fill in the shifts.

Mayor Kelly stated that could be discussed at the Public Safety Committee meeting.

City Administrator Seemayer stated that the City would use a combination of full-time employees and permanent part time employees.

Mayor Kelly stated that the City received a \$10,000 grant to purchase some new recycle containers. The City will purchase 200 of the roll out dumpsters just for recyclables.

Alderman Marshall asked for an update on the sewer project on Helen Avenue.

Mayor Kelly stated that MSD has rescinded their contracts with the contractor that was in charge of that project. The contractor still has not completely left the site. MSD could not put the contract out to bid until the contractor was off the site. His understanding is that it did go out to bid a couple of weeks ago and they hope to have the contract awarded and have construction start by the end of May. The resident that has the biggest problem where the sewer literally goes underneath their house had three to four inches of water in their entire basement again on Saturday night. He and Alderman Marshall worked to get a restoration company out to the resident's house and the company spent most of the day on Sunday cleaning out the basement.

Mayor Kelly stated that the MetroLink signs are in place off Eager Road. The garage is almost ready to be opened. The bridge is being put into place for the walkway from the garage to the building.

Alderman Marshall stated that he had a couple of residents complain about the number of garages that are going up and how the skyline is getting full of those garages. It is important to realize that they are going to be building surrounding the garages and the impact of those garages will be lessened substantially with the other buildings going up along those garages. The garages are to facilitate the developments that are going in.

Mayor Kelly stated that the plans for the Meridian office building have been turned in. In regards to the MLP project the elevator and the stairway shafts are in place for the hotel. The foundation for the hotel should be poured this week and they will start framing out that building. They have sold 72 condominiums and need to sell two more to have everything in place to fully construct the north and the south buildings.

NEW BUSINESS

Meeting

Ward 3 meeting will be held on Tuesday, April 24, 2007 in the City Hall Council Chambers.

Director of Communication McCarthy came before the Board and stated that the City has been waiting for a fiber optic uplink, which will cure any number of problems with what you see on BTV 10. He has been assured that it will be operative by April 15th. If you go to the Brentwood City website, you will see BTV 10 on the Internet from anywhere in the world. He asked that everyone bear with them for the a few weeks regarding the color and some of the graphics. The color spectrum on television is different than the color spectrum on your computer monitor and it is affecting what you see on the Internet site.

Recess

The meeting was recessed at 7:40 p.m. for an Executive Session/Real Estate Matter.

Executive Session

Motion was made by Alderman Leahy, second by Alderwoman Clements to reconvene the meeting at 7:50 p.m. All in favor none opposed.

Motion was made by Alderwoman Clements, second by Alderman Robertson to enter into an Executive Session on a Real Estate Matter at 7:51 p.m. All in favor none opposed.

After discussion, motion was made by Alderman Marshall, second by Alderman Wynn to give Bill No. 5376 its first and second readings. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Cross, yes.

City Attorney Albrecht gave Bill No. 5376, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT ON BEHALF OF THE CITY OF BRENTWOOD, MISSOURI WITH HARRY BUSH, TRUSTEE UNDER THE INDENTURE OF TRUST OF HARRY BUSH DATED DECEMBER 19, 1991, FOR THE PURCHASE OF CERTAIN REAL PROPERTY LOCATED IN BRENTWOOD, MISSOURI, KNOWN AS 8330 MANCHESTER ROAD, AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Motion was made by Alderman Leahy, second by Alderman Marshall to approve and adopt Bill No. 5376. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, no; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Cross, yes.

The Mayor thereupon declared Bill No. 5376 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4067.

Motion was made by Alderman Leahy, second by Alderman Marshall to return to open session at 8:11 p.m. All in favor none opposed.

ADJOURNMENT

Motion was made by Alderman Leahy, second by Alderman Robertson to adjourn the meeting at 8:12 p.m. All in favor none opposed.

Pat Kelly, Mayor

Attest:

Chris Seemayer, City Clerk