

MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING

City Hall
Council Chambers

October 15, 2007
7:00 p.m.

Mayor Kelly opened the meeting with the Pledge of Allegiance.

Mayor Kelly stated that he and the Board received a letter today from Alderman Barb Cross of Ward 1 regarding her resignation from the Board of Aldermen effective immediately. The letter was read into the record and it will be attached to the official minutes.

ROLL CALL

PRESENT: Mayor Kelly, Alderman Marshall, Alderman Leahy, Alderman Kramer, Alderman Robertson and Alderman Wynn.

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

ABSENT: Alderwoman Clements and Alderwoman Krewson.

CONSIDERATION AND APPROVAL OF THE AGENDA OF THE REGULAR BOARD OF ALDERMEN MEETING OF OCTOBER 15, 2007

Motion was made by Alderman Leahy, second by Alderman Marshall to approve the Agenda of the Regular Board of Aldermen Meeting of October 15, 2007. All in favor none opposed.

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF OCTOBER 1, 2007

Motion was made by Alderman Marshall, second by Alderman Wynn to approve and adopt the Minutes of the Regular Board of Aldermen Meeting of October 1, 2007 as presented. All in favor none opposed.

Alderman Kramer asked for clarification of the synopsis for Bill No. 5401/Verizon Wireless Settlement Agreement in the October 1st meeting minutes. He stated that he had read the Municipal League's Newsletter, which spoke extensively about the recommendation of continued action. The recommendation was that all the cities consider forwarding 5% of the amount collected from the telephone companies to the Municipal League. In this particular situation the minutes stated that the settlement also approves the City forwarding \$5,810.00 of the settlement amount to the St. Louis County Municipal League for the expenses in resolving this matter and no legal fees are to be

paid by the City. After reading the newsletter and going back and reading the minutes he wanted to be sure that they were clear on what they approved with Bill No. 5401. The \$5,810.00 is different from 5% of the City's collection amount.

City Administrator Seemayer stated that the total settlement amount is \$131,194.21, but the amount Verizon Wireless still owes the City is approximately \$107,000. They had paid a certain amount under protest. The 5% is based on the balance still due.

Alderman Kramer asked if the money the Municipal League is asking for is to cover any legal fees.

Mayor Kelly stated that the money is going more towards the Municipal League's lobbying efforts and the work that they have put in throughout this process.

Alderman Kramer asked if the money is to cover funds going forward.

City Administrator Seemayer stated that the Missouri Municipal League incurred a number of legal expenses. He does not believe the St. Louis County Municipal League had actual legal expenses but they had some other expenses. The Municipal League will be involved in lobbying efforts going forward.

Meridian Phase 2 TIF Financing

City Administrator Seemayer stated a Ways and Means Committee meeting was held last week to discuss the TIF financing which is a little different from the way they have done it in the past. Mark Grimm attended that meeting and explained the process to the committee members.

Mark Grimm – Gilmore & Bell came before the Board and stated that he is the special counsel for the City on economic development matters and bond counsel for the City. The TIF financing involves the Meridian Development. The redevelopment agreement was entered into with DCM Management several years ago, which obligated the City to issue \$8 million of TIF notes for Phase 1 of the project. That project was completed and those notes were issued. In 2004 those notes were refinanced through a bond issue in order to lower the interest rate on the obligations. The City is currently obligated to issue \$11.6 million of TIF notes for Phase 2 of the redevelopment project, which is currently under way. The redevelopment agreement states that the notes will bear interest at the greater of 8% or prime, prime is currently 7.75%, so those notes would bear interest at 8%. If the City issues TIF notes on that project at the 8% interest rate, the notes would stay outstanding until the maturity date of December 18, 2023 based on the projected revenues as calculated by Development Strategies. Historically, with the Promenade, Brentwood Square, Dierbergs projects or Phase 1 of this project, notes were issued at the outset that indicated to the developer that when TIF revenues are generated you have the right to be reimbursed from the TIF revenues for eligible project costs. Once the project is complete revenue projections are done. On each of the previous projects the City has done a bond issue in order to lower the interest rates on the bonds and insure that the

project is paid off as quickly as possible. For tax reasons and due to the construction and lease up risks there is also a substantial drop in the interest rate when the notes are refinanced into a long-term bond issue. Therefore, it has historically been in the City's best financial interest to do a bond issue as soon as possible after substantial completion to refinance the notes that have been issued to the developer. The City, in doing those bond issues, has always waited until substantial completion of the project to insure that the project was completed to its satisfaction and to have a good prediction of the tenants and revenue stream and know that the bonds would be paid off substantially prior to the final maturity. Thus the bondholders would be repaid.

The developer requested that the City take a different approach on this project, which is to do a bond issue upfront, rather than issuing notes and waiting until the project is complete, to finance the project costs. Those funds would be held in escrow and disbursed as construction advances. The proposal has been for a bond issue that is secured by a letter of credit at a variable interest rate and the bonds would be sold in \$100,000 denominations to institutional bond funds. Since the bonds would be secured by a letter of credit, so that whether or not the TIF revenues are generated, it is the bank, not the bondholders, that takes that risk. They have been working with the developer and its counsel and letter of credit banks the transaction is legal and meets all the tax requirements and to make sure that the proposal from the letter of credit bank is clear that only the TIF revenues, not any other revenues of the City, would be pledged towards this bond issue.

A bank based in Denver, Colorado will provide a letter of credit for the financing. Based on the preliminary calculations it would be expected that the bonds would be paid off a couple years in advance of the 2023 maturity date. The advantage from the developer's standpoint is that the bonds are issued upfront. The advantage from the City's standpoint is that it increases the likelihood of the TIF paying off a couple of years earlier than it otherwise would be.

Alderman Leahy asked what is the guaranty that everything will be paid back if no TIF money is generated until the properties are open and generating the sales tax. If there is a delay or something goes wrong in construction they will still end up with that locked in period of processing the money.

Mr. Grimm stated that the obligation is in somebody else's hands. Ultimately it is the developer that bears the risks. Under this proposal the developer would have construction guarantees to the City and the banks as collateral. There are substantial construction guarantees backed by personal guarantees as well as an initial lease up guaranty.

Alderman Leahy stated that as he understands the process the construction company holds the TIF notes until the project is up and running and then it is converted to the bond or available for any investor to buy into it and the sales taxes then generated to get those paid back. The bank is going to give a letter of credit that says they support the funding behind it, but there is no encouragement for the developer to get the project built and up

and running in a timely manner because his bonds are already sold. The developer has to get them paid back, but the developer still has that 2023 window to beat.

Mr. Grimm stated that the construction and lease up guarantee have timeframes within which they must occur.

Richard Rothman – Legal Counsel for DCM Management came before the Board and stated that the bonds would be issued. The proceeds allocated to Phase 2 would not go to the developer. They would be held by the bank. As the developer completes the project and makes construction draws on their loan the bank which is committed to loan them about three times the amount of these bonds is going to allow those draws to occur. In regards to the project being completed, not only is the developer not getting the money, the developer literally has to build the project to get the money from the bank.

Alderman Leahy stated as they discussed in the Ways and Means Committee meeting there is a cost of processing the money versus the cost that they would normally incur by working through the notes to the bonds. It is the understanding that by moving into this new method, they end up saving that differential in the long term for the City, so there is a benefit in this action.

Mr. Grimm responded that Alderman Leahy was correct. When the Promenade bonds were last refinanced the City obtained a municipal bond insurance policy to insure the repayment of the bonds. There is a difference between a bond insurance policy and a letter of credit. They are different types of credit enhancements. With the bond insurance policy there is a significant upfront payment made to the bond insurance company. With the letter of credit there is an annual payment made to the letter of credit bank. In either scenario, you are paying a fee to a third party credit enhancer and because of that credit enhancement it significantly lowers the interest rate on the debt. From a tax standpoint they require that calculation be performed to guarantee the amount paid for the credit enhancement is less than the savings that would result from structuring the transaction that way. While many smaller cities do not do a variable rate debt very often for a variety of reasons, this structure is actually very similar to what the City of Kirkwood used on the Kirkwood Commons project, which was a bond issue, secured by a letter of credit. In that case you have a retail project as opposed to a mixed-use project. Although that project is larger it also has a higher concentration of retail. The Meridian has a higher concentration of office and real estate taxes. In one respect this project is a lot more stable and less risky than the Kirkwood Commons project. The City of Kirkwood determined that was a lower cost method of financing payable solely from TIF revenues.

Alderman Kramer stated that the development has seen an evolution that has had many changes and one of the questions that he asked in the Ways and Means Committee meeting is the potential change going forward. He had noted with interest that certain parts of the country experienced an upturn in commercial demand as opposed to the residential demand. Alderman Kramer asked Mr. Skop if he perceives any changes going forward in the next phase.

Alan Skop – President of DCM Management came before the Board and stated that they do not perceive any changes at all. In building 4, which is 175,000 square feet, 25,000 square feet are retail and it is 14% complete. They have a letter of intent signed by a 37,000 square foot tenant and they anticipate no changes. With regards to building 5, which is a 35,000 square foot building, they have a signed lease with Missouri College. It is 67% preleased with some retail on the first floor. Those two buildings are under construction. Mr. Skop stated that they have a letter of intent signed with Starbucks, but because of the road situation they will probably open in spring as opposed to the fall.

Mr. Grimm stated that if the Board authorizes moving forward with this it is a 60-day process for doing a transaction. His guess is one of the meetings in December would be a possibility for final action. As with any bond the Board would be presented with a bill approving all the various bond documents for final action.

Mayor Kelly asked if the City needs a resolution to move forward.

Mr. Grimm stated that the City is being asked to sign a commitment letter and a motion of the Board would be acceptable for the city attorney.

Motion was made by Alderman Wynn, second by Alderman Marshall to move forward with the bond issuance for the Meridian project. Roll call: Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes.

BIDS – None

HEARING OF ANY MATTER OF PUBLIC INTEREST UPON REQUEST OF ANY PERSON PRESENT - None

Public Hearing – Conditional Use Permit/Truman Bank

Mayor Kelly announced a public hearing for a Conditional Use Permit for Truman Bank would now be heard at 7:15 p.m.

Mayor Kelly asked if there were any comments from the audience. There were none.

Mayor Kelly announced at 7:16 p.m. the public hearing would be continued to the next BOA meeting.

Public Hearing – New Zoning Regulations/Video Services and Utility Facilities

Mayor Kelly announced a public hearing for implementation of new zoning regulations regarding video services and utility facilities would now be heard at 7:30 p.m.

Mayor Kelly asked if there were any comments from the audience. Hearing none, Mayor Kelly announced the public hearing closed at 7:31 p.m.

Public Hearing Continued – Amend Sign Code Ordinance

Mayor Kelly announced the public hearing to amend the sign code ordinance would now be continued at 7:31 p.m.

Mayor Kelly asked if there were any comments from the audience. Hearing none, Mayor Kelly announced the public hearing to amend the sign code ordinance closed at 7:32 p.m.

Public Hearing Continued – Conditional Use Permit/8300 Eager Road

Mayor Kelly announced a public hearing for a Conditional Use Permit for 8300 Eager Road would now be continued at 7:45 p.m.

Mayor Kelly asked if there were any comments from the audience. Hearing none, Mayor Kelly announced the public hearing closed at 7:46 p.m.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Bill No. 5393 – Business License Fee

Motion was made by Alderman Marshall, second by Alderman Robertson to remove Bill No. 5393 from the agenda. Roll call: Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, no; Alderman Robertson, yes; Alderman Wynn, yes.

Bill No. 5398 – Video Services Providers Act

Motion was made by Alderman Robertson, second by Alderman Marshall to remove Bill No. 5398 from hold. All in favor none opposed.

First and Second Readings of Bills

Motion was made by Alderman Leahy, second by Alderman Robertson to give Bills No. 5398, 5402 and 5403 first and second readings. All in favor none opposed.

Mayor Kelly stated that Bill No. 5398 was previously given a first reading. There have been changes to the Bill, so it will receive two readings tonight.

Bill No. 5398 – Video Services Providers Act

City Attorney Albrecht gave Bill No. 5398, AN ORDINANCE IMPLEMENTING THE 2007 VIDEO SERVICES PROVIDERS ACT AND THE 2001 PUBLIC RIGHTS OF WAY LAW BY ESTABLISHING REGULATIONS FOR THE PROVISION OF

VIDEO SERVICES AND FOR THE PLACEMENT OF UTILITY AND SIMILAR FACILITIES IN THE PUBLIC RIGHTS OF WAY AND ON PRIVATE PROPERTY, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5398 as a Bill that establishes new regulations for video service providers due to changes in recently enacted State legislation. The Bill also provides for Right of Way regulations for all utilities and establishes provisions for placement of utilities in the Right of Ways and on private property. This Bill was drafted by the City's Special Counsel. Section 4 of the Bill deals with zoning regulations and therefore requires approval of the Planning & Zoning Commission. Once the Planning & Zoning Commission has approved the Bill it will be considered for adoption by the Board of Aldermen.

Alderman Leahy stated that he would love to make changes to Bill No. 5398 to make it a little stronger for the consumer. From what he understands from legal counsel, they are limited in being able to make changes because they must make it mirror the state statute, so he will postpone making any recommendations for suggested changes.

Motion was made by Alderman Marshall, second by Alderman Wynn to approve and adopt Bill No. 5398. Roll call: Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes.

The Mayor thereupon declared Bill No. 5398 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4089.

Bill No. 5402 – Repealing Ordinance No. 4087

City Attorney Albrecht gave Bill No. 5402, AN ORDINANCE REPEALING ORDINANCE NO. 4087 WHICH AMENDED CHAPTER 14 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, MISSOURI BY ADDING A NEW PARAGRAPH TO SECTION 14-1038, SCHEDULE LL, NO PARKING EXCEPT BY PERMIT; 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, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5402 as a Bill that repeals Ordinance #4087 which restricted parking on Bridgeport to residents only east of Brentwood Blvd. which was passed September 17th. The staff incorrectly marked the days from Thursday through Saturday. The dates should have been Thursday through Sunday.

Alderman Marshall stated that Bill No. 5403 reads Thursday through Sunday, 4:00 p.m. until 6:00 a.m. He asked if it is 6:00 a.m. Sunday morning.

City Administrator Seemayer responded that the wording is correct for the amended bill.

Motion was made by Alderman Marshall, second by Alderman Wynn to approve and adopt Bill No. 5402. Roll call: Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes.

The Mayor thereupon declared Bill No. 5402 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4090.

Bill No. 5403 – No Parking Except by Permit

City Attorney Albrecht gave Bill No. 5403, AN ORDINANCE AMENDING CHAPTER 14 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, MISSOURI BY ADDING A NEW PARAGRAPH TO SECTION 14-1038, SCHEDULE LL, NO PARKING EXCEPT BY PERMIT; 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, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5403 as a Bill that amends the traffic code by restricting parking on Bridgeport from Brentwood Blvd. to 8767 Bridgeport Thursday through Sunday 4:00 p.m. until 6:00 a.m. This Bill was reviewed and approved by the Public Safety Committee.

Motion was made by Alderman Marshall, second by Alderman Kramer to approve and adopt Bill No. 5403. Roll call: Alderman Marshall, yes; Alderman Leahy, no; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes.

Bill No. 5403 failed.

Resolution No. 944 – Provide for April 8, 2008 Election

Motion was made by Alderman Robertson, second by Alderman Leahy to approve Resolution No. 944. All in favor none opposed.

ACCOUNT AGAINST THE CITY

Motion was made by Alderman Marshall, second by Alderman Robertson to accept the warrant list dated 10/15/07 as submitted. All in favor none opposed.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor's Report

Mayor Kelly stated that Andrew Checkley with MLP and Asst. Chief Kurtz is present tonight to address the opening of Strassner Road.

Andrew Checkley/MLP came before the Board and stated that the project is going very well. They are proud to announce that on October 28th they will be opening the display model for the condominiums. The construction will continue on the hotel until January when they plan for a soft opening. They have sold 90 condominiums. The Strassner Road extension is complete. A meeting was held last week at the construction site with the construction company, fire marshal, public works director, city administration and the developer to understand what will be involved in opening that street given that there is ongoing construction taking place there. He believes that it was everybody's opinion that there is quite a bit happening now that creates public safety and liability risks in terms of opening the street at the end of October. They are two thirds complete on the north side of the street on the brick and the stuccowork. In a couple of weeks they will dig out the pool area. At the end of November they will be putting up the foundation wall for the cabana, which is at the closest proximity to the street on the north side. They hope to complete that around December 1st. On building 3, which is to the south, the building will be under roof within the next few weeks and will begin the brickwork, which should be completed by the middle of November. By December 1st they hope to complete the Strassner side of the stuccowork and be moving to the other sides of the building, which would free up the need for one of the lanes on Strassner Road. By December 1st they believe they can open one lane on each side of the median that would maintain an open position for through traffic without having to block those off for any substantial amount of time. By January 1st they will have all four lanes open completely. They are in the position to want that street open to drive condominium sales and to alleviate expected issues once Highway 40 shuts down to the west at the first of the year.

Alderman Kramer stated that regarding the original timeline for the opening of Strassner Road they had thought it was going to be July, August and then in September. Just to be clear to the residents who may like to use that road, but they do not want to have a safety problem, was the timeline affected by the construction timeline and how did the construction timeline change.

Mr. Checkley stated that the construction timeline has not changed more so understanding the logistical need and what that construction entails such as heavy equipment, etc. Many of these things take up space and have to be in proximity to the buildings. If there was anything that was a delay at all it was St. Louis County moving Strassner eight feet to the south, which put the entire site development behind about four to six months.

Alderman Kramer asked how many condominiums would be in the building once its finished.

Mr. Checkley responded 150 condominiums.

Alderman Kramer asked about the area across the street from Houlihan's and the potential for another major restaurant.

Mr. Checkley stated that they are still working with tenants that are interested in the site. They have listed the properties with Pace Properties who has a tremendous retail network.

Asst. Chief Kurtz came before the Board and stated that part of the delay was the water service. It is a combination system of private and public water mains for the fire systems for all the buildings. They went back and forth with American Water on what was going to be private and public on Strassner Road. Everything on Strassner Road is public and the roads that run off of that are private. All of that had to meet his requirements and had to be looped in. They had issues with how they were getting water to the hotel, which took time. During the summer they did four inspections on the underground water system, which meant during the excavation they would lay pipes and he would go out and inspect what they had done.

They started doing inspections of the framed up units on August 13th. His inspections started on the top floor. All of the mechanical systems go in at the top and work there way down. As it was going up they were not inspecting the first floor. They had to wait until it was totally framed up. When an inspection was done it was for all the devices for each condominium, corridors, storage lockers and furnace rooms. Those inspections would be for framing, fire blocking, fire caulking, testing of the fire sprinkler system and the separation of each unit from the other. They have been there every week and sometimes twice a week making inspections. A question came up about moving people into that building. His answer was when he had totally tested the fire alarm system for building 1 and 2, all the drywall is up, the fire doors are in place and they have an operating fire alarm system. Their anticipation of that happening is the end of the year. Because of the schedule that they have kept and have not deviated from it looks as though the end of December is when he will be finished with all the inspections and tests. The project as far as he is concerned is going very well.

Mayor Kelly stated that they want the road opened sooner than later but the question is does the Board want them to open two of the lanes in December or wait until they can open the entire road. It has not been the City's practice to take over dedication of a road until a project is totally complete. In this instance, he believes the developer would want the City to take over partial road because of some of the liability involved with public traffic going through there.

Alderman Marshall stated that they should wait because the last thing he wants to do is have the developer open the road and because of unforeseen construction they have to close it intermittently which is going to aggravate the public.

Alderman Wynn stated that he feels the same way. It seems that everything is going smoothly. They are living without it and one more month is not going to make all the difference in the world. He would rather wait.

Alderman Kramer stated that he has been, along with his constituents, a little frustrated with the weekend lack of availability of that potential thoroughfare. In light of what

seems like a storage of construction items on both sides of a traffic way that could potentially be moved over to at least one side or both of the lanes of one of the sides so that the two lanes on the other side could be available for traffic, he doesn't want to get in the way of any safety issues that would come up for the City. He asked if construction takes place on the weekend.

Mr. Checkley responded yes.

Alderman Kramer stated that it seems as though since about three or four months ago there had been an opportunity to have allowed for the passage of traffic. They have a lot of detours and many different restricted throughways in Brentwood and other cities that travelers have to deal with on a regular basis. Given a chance to vote on it he would vote on opening it as soon as possible, even at only two lanes.

Alderman Marshall stated that he feels the pain because it was his ward that voted for the TDD for the road. He does not want to inconvenience the residents to the point that they think the road is open when it is not.

Motion was made by Alderman Marshall, second by Alderman Wynn to keep the road closed. Roll call: Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, no; Alderman Robertson, yes; Alderman Wynn, yes.

City Administrator Seemayer stated just for future reference the only thing that requires a vote of five members of the Board is an ordinance, which is the majority of the elected body. Resolutions and other matters only require the majority of those present.

Mayor Kelly stated that he has gotten a commitment from Pace Properties to help landscape Strassner Road on the Applegate's corner, which is lacking. They have committed the funds to help do that and are entering into a contract with SWT, a professional landscaping architect firm. They are also looking into doing some additional landscaping on the other side of Applegate's. They are hoping to get the proposals in by the end of the month and start in the spring of next year.

Alderman Marshall stated that some of the residents on Woodsey, Spanish and Urban had requested that a screen be put up along the creek to cut down on the noise levels.

Mayor Kelly stated that they are looking at that as part of this project.

St. Louis County Economic Collaborative Committee

Mayor Kelly stated that about a year ago he was asked to serve on a subcommittee called St. Louis County Economic Collaborative Committee made up of a number of elected officials throughout St. Louis County. When they were brainstorming on what the committee was going to be doing they wanted to come up with issues that many of the communities are facing. He pointed out that housing is one of the most critical issues. He is supportive of new housing but from his own experience there are ways of doing

additions. When he brought up the housing issue a lot of the community members stated that was one of their big issues in their communities as well. They found a group in Kansas City called Suburbs Coalition. They got a grant from MARC to look at the issue a number of years ago and hired an architect, looked at the neighborhoods, and came up with the four most popular types of houses. Their goals were to come up with some ideas on home additions in order for people to stay in their homes and communities and meet the needs of their families. They took it a step further and solicited an RFP to banking institutions in the Kansas City area to see if they could come up with a program for loans to do additions to the homes. They found a credit union that would make the funds available for the program at 1% less prime. It would be a standard home equity loan. People could take out the loan and do the additions on their homes without any red tape, which is a deterrent with many programs when you are dealing with governments. The committee has decided that they will keep moving forward and try to come up with a program similar to the one in the Kansas City area. He has purchased and distributed idea books to the Board, Planning and Zoning Commission and the ARB.

Dierbergs

Mayor Kelly stated that he talked with Jerry Ebest/Dierbergs last week and he realizes that many people from the MetroLink are utilizing the Center. They are talking about having some steps put in so that people do not have to walk all the way back to enter the Dierbergs Center. Mayor Kelly stated that he would also like them to install sidewalks. He would like the Public Works Committee to look at putting a walkway for people from the MetroLink station that are trying to access Dierbergs and the Promenade.

Veterans Day

City Administrator Seemayer stated that the Veterans Day Observance would be held on Thursday, November 8th at 6:00 p.m. at City Hall.

Public Safety Committee – No report

Public Works Committee – No 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

Temporary Liquor License Request/St. Mary Magdalen School Auction

City Administrator Seemayer stated that St. Mary Magdalen is requesting a temporary liquor license for their school auction for November 17th.

Motion was made by Alderman Leahy, second by Alderman Marshall to approve the temporary liquor license for St. Mary Magdalen school auction. Roll call: Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes.

Mayor Kelly stated that the Municipal League Legislative Breakfast would be held on November 3rd at 9:30 a.m. at the Sheraton Westport Tower.

Alderman Marshall stated that they are currently working on updating the website with the information from the Recreation Center Committee meetings.

Library – No report

Municipal League – No report

Communication – No further report

Insurance Committee – No report

Historical Society – Report

UNFINISHED BUSINESS

Bill No. 5403

Alderman Marshall stated that Bill No. 5403 failed, but it passed at the last meeting. The bill tonight was for corrections to the wording of that bill. Unfortunately because of the absences legislation that has previously passed is being withheld. The residents and businesses want the parking restriction. He is very frustrated with the issue.

Alderman Leahy stated that if you check the record, he stated in the minutes of the last meeting that the process that they are using to correct a behavior problem in this area is being addressed by a parking solution. At that time he voted “no” against the bill because it is still in his opinion the wrong way to address the problem. He is maintaining the same opposition to the bill tonight. Repealing the ordinance from last month was because he brought to the Board’s attention that the bill was written wrong at that time. He voted in favor of repealing that ordinance because it was correcting a mistake. This bill can be brought back under Robert’s Rules of Order next month if there is a larger quorum.

Alderman Marshall stated that Alderman Leahy is entitled to his opinion, but this was something that passed at the last meeting, tonight they were correcting a wording error, and it was inadvertently killed.

Alderman Leahy stated that he knew that when he cast a “no” vote that he would end up killing the bill. What he did not know at the time was that they were going to have members absent. He is surprised that the bill was not placed on hold until there is larger quorum.

Alderman Marshall requested that the bill be brought back to the Board at the next meeting.

Water Feature

Alderman Kramer stated that the lighting had finally been restored at the Promenade water feature after about two and a half years. He understands that area is still being worked on.

Alderman Marshall stated that the RFP for the Recreation Center consultant has advertised.

NEW BUSINESS

Alderman Leahy stated that the Ward 3 meeting would be held on Tuesday, October 30th at 7:00 p.m. Council Chambers.

Alderman Marshall stated that with winter fast approaching he was reminded by some residents about the impassable sidewalks. When the snow is plowed businesses leave huge amounts of snow blocking the sidewalks. He would like City staff to monitor that in the winter.

ADJOURNMENT

Motion was made by Alderman Leahy, second by Alderman Wynn to adjourn the meeting at 8:26 p.m. All in favor none opposed.

Pat Kelly, Mayor

Attest:

Chris Seemayer, City Clerk