

## **MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING**

City Hall  
Council Chambers

January 7, 2008  
7:00 p.m.

The Mayor led with the Pledge of Allegiance.

Roll Call

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

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

ABSENT: Alderwoman Krewson and City Treasurer Reynders.

### **CONSIDERATION AND APPROVAL OF THE AGENDA OF THE REGULAR BOARD OF ALDERMEN MEETING OF JANUARY 7, 2008**

Motion was made Alderman Wynn, second by Alderman Leahy to approve and adopt the Agenda of the Regular Board of Aldermen meeting of January 7, 2008. All in favor none opposed.

### **CONSIDERATION AND APPROVAL OF THE MINUTES OF THE SPECIAL BOARD OF ALDERMEN MEETING OF DECEMBER 20, 2007**

Motion was made by Alderman Leahy, second by Alderwoman Clements to approve and adopt the Minutes of the Special Board of Aldermen meeting of December 20, 2007. All in favor none opposed.

### **CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF DECEMBER 17, 2007**

Motion was made by Alderman Robertson, second by Alderman Leahy to approve and adopt the Minutes of the Regular Board of Aldermen meeting of December 17, 2007.

Alderman Kramer asked about the status of Bill No. 5415 regarding the settlement agreement.

City Administrator Seemayer responded that it has been executed as of last Friday.

Alderman Kramer stated that if that were the case then it would appear that they needed to either produce more minutes for the executive session or go back and clarify that particular business to be in conformance with the Sunshine Law.

Mayor Kelly asked Alderman Kramer what is it that is not in conformance.

Alderman Kramer responded that the minutes have to be more complete than they are. For example, Bill No. 5415 is noted in the minutes as being read but there is no notation of what was read or any dollar amount. He understands what the intent was but they need to be in compliance.

Mayor Kelly requested that City Attorney Albrecht review the executive session minutes.

Alderman Robertson withdrew his motion and Alderman Leahy his second.

**BIDS** – None

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

Kathy O'Neill – 1716 Bluejay Cove came before the Board to voice her opinion on the relocation of the post office. She stated that not enough people attended the Coffee with the Mayor's meeting to know that the proposal could lock them into a small post office for five, ten or twenty years. Having someone sort their mail in Shrewsbury or some place else, drive to Brentwood to deliver it and drive back to pick up their car is not going to help their delivery times. She wrote and submitted a petition with thirty signatures to Mayor Kelly. She stated that when people heard about the proposal to have less than a full service post office in Brentwood they were upset because they do not want less than a full service facility in Brentwood.

**INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS**

Bill No. 5418 – Business License Fee

Motion was made by Alderman Marshall, second by Alderman Leahy to place Bill No. 5418 on hold and send it back to committee for further review.

Alderman Leahy stated that Bill No. 5418 is regarding the consideration of raising fees for banking institutions. There are five different categories listed for banking institutions in the Code, none of which use the term in Bill No. 5418. In talking with a few representatives from the nine institutions, two of them submitted emails to him. Alderman Leahy read a letter into the record from First Bank Brentwood Pointe which stated that "First Bank would like to go on record opposing the recommended increase of the Business License fee for Financial Institutions from 10 cents a square foot with a maximum of \$500.00 to a flat charge of \$6,000.00. This new figure represents an

unreasonable 1200% increase from the current maximum fee charged. Upon discussion with our Tax Department, the \$500.00 fee that the Brentwood Pointe First Bank (inside Dierbergs) currently pays is the highest Business License fee any of our branches in the St. Louis metro area pays. If this fee is approved, this will greatly effect contributions to the various groups and organizations in the City of Brentwood that First Bank currently partners with. Finally, this "Flat Fee" does not take into consideration the footprint of the Financial Institution. The First Bank in Brentwood is located, as stated above, inside of Dierbergs Brentwood Pointe. The branch has no drive up and has about 1000 sq. ft. of space located in the front of the store. This would be a large burden on a small branch to have to pay an average of \$500.00 a month to do business in Brentwood. We would appeal to the Alderman in the City of Brentwood to reconsider this "Flat Fee" increase to financial institutions".

Alderman Leahy read into the record a second email from Gary Hinrichs/West Community Credit Union which stated that "I received word today of pending action before the Board of Aldermen this evening (Jan. 7, 2008) concerning the placement of a request to Brentwood residents on the ballot to increase the annual Brentwood banking business fees from \$500 to \$6,000. Although I do think it is important for us to pay "our fair share", as other businesses in Brentwood do, I think \$6,000 is excessive. If this increase were passed, it would cause us to have to weigh the cost of the many contributions we make to Brentwood community. This includes such activities as sponsorship of the Sounds of Summer, Brentwood Days, the 5K Run, the Brentwood Foundation, contributions to Brentwood Parks and Recreation programs, our many donations to the schools and other community organizations such as the churches, our scholarship program, etc. I would propose a more reasonable annual business fee of perhaps \$2,500 instead. Thank you for your time and consideration. If you like to discuss this in greater detail I would be pleased to meet with you at your convenience".

Alderman Leahy requested that Bill No. 5418 be sent back to committee for further review of the value that they may be looking to charge, defining of the institutions, along with ATM locations and if they should be included as part of the arrangement.

Alderman Wynn expressed concern about the letter from West Community Credit Union, which states that they may withhold contributions to some wonderful organizations if the Board does not do something about the fee. He stated that if West Community Credit Union wants to help those organizations they would do anything they could to help them, but say that they will not if the City raises their fee. Giving to a worthwhile organization should be at the heart of what you are doing.

Alderman Marshall stated that the Board is not passing the increase. It will be decided by the voters of the city of Brentwood.

Alderman Kramer stated that the raising of the fee has been studied extensively over the year. He has seen more than a few of the balance sheets of lending, banking and financial institutions that would be affected by the Bill. To hear that \$6,000 is going to prevent them from contributing to some very worthwhile causes and that they are crying

that it would be a difficult proposition for them, he finds himself a little bit disingenuous. During the meetings they talked about a way to possibly scale things or separate the amount for the credit union differently from regular banks. However, not wanting to discriminate against anyone, the Bill was proposed for everyone. He would be against Bill No. 5418 going back to committee for further discussion.

Roll call on placing Bill No. 5418 on hold and send it back to committee for further review: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, no; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Cross, yes.

#### First and Second Readings of Bills

Motion was made by Alderman Leahy, second by Alderman Robertson to give Bills No. 5419, 5420 and 5421 first and second readings. All in favor none opposed.

#### Bill No. 5419 – Designating Fire Lanes

City Attorney Albrecht gave Bill No. 5419, AN ORDINANCE AMENDING CHAPTER 14 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, MISSOURI, SECTION 14-1002, SCHEDULE B-1, BY DESIGNATING FIRE LANES FOR THE HANLEY STATION DEVELOPMENT AREA; 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. 5419 as a Bill that amends the traffic code by designating fire lanes for the Hanley Station Development. The fire marshal recommended the areas to be designated.

Motion was made by Alderwoman Clements, second by Alderman Wynn to approve and adopt Bill No. 5419. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5419 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4105.

#### Bill No. 5420 – Settlement Agreement

City Attorney Albrecht gave Bill No. 5420, AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH AT&T MOBILITY AND THE CITY OF BRENTWOOD AND ASSIGNING A PERCENTAGE OF THE SETTLEMENT PROCEEDS TO THE ST. LOUIS COUNTY MUNICIPAL LEAGUE, its first and second readings.

Tim Fishesser – Director of St. Louis County Municipal League came before the Board and stated that the settlements represent two years of back taxes and six years of litigation. The Board of Directors of the League, many of whom are mayors, noted that they did not have to pay legal fees because the companies are paying the legal fees, so that saved the cities a lot of money. There was a feeling that in order to preserve this settlement and to examine other taxes that should or shouldn't be paid to municipalities and try to have greater legislative activities that all of you might become engaged in, that some of the funds could be set aside for the new special activities, none would go into the core budget of the League. They have had a fantastic response. Almost 90% of the cities are in already. Their main goal is to make sure, to the extent that they possibly can, that the legislature does not tamper with the settlements and try to preserve all the revenue sources. The whole theory behind all of this is stability for their members. He appreciates the efforts of all the cities to try to establish the fund. The money will be set-aside in a special fund to work on those projects that focus on enhancing, preserving, or stabilizing municipal revenues, dealing more with the legislature in that process. They want to work with the cities to make sure they don't just deposit checks in the bank when they come into the cities, but that the methodologies that are used by the companies to calculate the checks are being done properly. They found out that Sprint was paying far less taxes than the other cell phone companies because of the way they wanted to interpret long distance cell phone calls. That affected both the sales tax and the gross receipts tax. They have requested that Sprint cease that procedure and they have agreed on the gross receipts tax. They are still debating on what to do with the sales tax. All the companies should pay taxes the same way. A special task force will report regularly back to the cities on what they are doing with the money.

Mayor Kelly stated, for clarification, that after a long battle there has been settlement with the cellular companies and many of the municipalities are benefiting from it by receiving settlement checks for back taxes. The Municipal League has asked that the municipalities contribute 5% of the cities' settlement fees to the Municipal League so that they can continue to do some of the things that Mr. Fishesser has talked about to make sure that municipalities are protected in the future on items of this type.

Alderman Kramer stated that Bill No. 5420 is regarding the AT&T settlement. He is a user of AT&T Wireless and he has compared notes on an infrequent basis with City Administrator Seemayer about the municipal taxes that are charged as a percentage of our service fee. It seems like the rate that they are told as being charged versus what shows up on the receipt is sometimes varied by a number. The rate of municipal tax that is supposed to be charged against our service fee versus what the actual number is that is charged to them seems to be different.

Mr. Fishesser responded that if AT&T has your address located in the wrong city, they might be charging another city's rate. It is a problem nationally and one they would like to work on. St. Louis County has an excellent database of where every home and business is located. For example, if you have a property tax for your home in Brentwood and your home is in a certain school district or fire district, the County knows exactly

which city every address is located in. They were wondering if they could send that database to the big companies and request that they use it, which would ensure that the money is going to the proper city.

Alderman Kramer asked if there was a methodology behind arriving at the 5%.

Mr. Fishesser stated that the Board of Directors talked about it and if you were a city that was formerly part of the litigation before the class was arranged, the legal fee agreement called for 25% contingency for the attorneys, but the companies are paying that fee now. Their Board of Directors thought that 5% instead of 25% seems like a reasonable number. Their goal is if all the cities continue to contribute like they have been they would put together about \$1 million. The goal of the committee was to try to earn about 5% on that and just use that money for new activities. However, if some of you thought there were major tax problems that are discovered and you have to spend more than that then the Board of Directors would consider that. The goal was to try to set up an endowment. Although \$1 million sounds like a lot, the amount coming into the Missouri municipalities are going to be around \$130 million just from the back taxes, but the cities will continue to receive the money in the future. The Board of Directors thought that 5% was a reasonable number of the back taxes, not of any future money.

Alderman Leahy stated that he has been consistently voting against the settlements because the phone companies have had six to nine years of collecting a tax. Why is it a good thing that the companies only have to pay a two-year back tax and not pay the tax that customers have had to pay every year? If the attorneys are being paid from the companies and you all are being paid and the cities are being paid there is still more money out there. What happened to the tax that he paid on his bill that is not being covered back? Is that profit to somebody?

Mr. Fishesser stated that it depends on whether the company tried to collect the tax. The tax is unusual and is a tax on the company, but like any company's expenses they can pass it onto the consumer. On utility taxes, gross receipts taxes; they tend to put it on the bill. It makes it look like a customer's tax but it is really a tax on the company. Some of the companies had started collecting this tax going back toward the early days of the lawsuit and some have just collected it more recently. Most are going to have to dip into their corporate treasure to pay the back taxes. They have not collected all of the taxes from people. The legislature was pressing the cities to settle. He is not saying that they were totally pro company but they made it pretty clear that if they were going to go after a huge amount of money they would probably pass a state law that caps the amount of revenue that cities could receive from these sources. The company bill was for two years of back taxes originally, but they were going to force you down to 5% over two years, so you couldn't collect 8% anymore. The legislature could still try to force it down but the companies agreed not to come back and try to force the rate down to a cap of 5%. He felt that the cities were better off to try to settle, get the two years of back taxes and be stable in the future where the cities retain control of their rates, instead of having the legislature mess with it.

Alderman Leahy asked what happens to the money that has been paid for the seven years that has not been addressed.

Mr. Fishesser stated that the companies wanted to know exactly what their back tax liability was and a lot of the cities said they want future stability without any interference of rates. He does not think there is any company that is going to pocket any money that they have collected from citizens as a result of the two-year agreement.

City Administrator Seemayer stated that once they started collecting it they delivered it to the cities to be paid under protest and held in escrow.

Alderman Kramer read a synopsis of Bill No. 5420 as a Bill that approves a settlement agreement with AT&T Mobility for back taxes owed to the City in the amount of \$289,384.93. This amount consists of a direct cash payment of \$176,578.52 and a release of funds held in escrow under protest of \$112,806.41. The agreement also requires AT&T to collect the tax going forward. The bill would also authorize the City to forward 5% of the direct cash payment (\$8,828.93) to the St. Louis County Municipal League for future lobbying efforts.

Motion was made by Alderman Robertson, second by Alderman Marshall to approve and adopt Bill No. 5420. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, no; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5420 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4106.

#### Bill No. 5421 – Conveyance of Strassner Drive

City Attorney Albrecht gave Bill No. 5421, AN ORDINANCE ACCEPTING THE CONVEYANCE OF STRASSNER DRIVE AND AUTHORIZING THE MAYOR OF THE CITY TO EXECUTE A POST-DEDICATION UNDERTAKING AGREEMENT AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE CONVEYANCE OF STRASSNER DRIVE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5421 as a Bill that allows the City to accept the new portion of Strassner Drive from MLP and the Hanley Station TDD. The Bill also provides for MLP to repair the roadway due to ongoing construction until the project is substantially completed.

Mayor Kelly stated that it was the City's contention because of the deeds that were going to be recorded with St. Louis County that an ordinance was not required for the City to take over the conveyance of Strassner Road, but the attorney for MLP wanted the dedication to be in ordinance form. Their main concern is the liability of having Strassner Road open while they are doing construction. They want the liability to be the City's because they are opening it at the City's request. His main concern was that

during their final construction if there was damage to slabs because of a concrete truck etc., that the repairs were done before it is officially the city's.

Alderman Marshall asked if the City has inspected Strassner Road.

City Administrator Seemayer responded that Strassner Road has been inspected as it was being constructed.

Alderman Leahy asked if the City will be taking over snow removal, etc.

Mayor Kelly responded yes.

Alderman Kramer asked about the timeline of the construction still to take place.

Andrew Checkley - MLP came before the Board and stated that as far as the condominium construction they should be done with the last building by the end of February. The interior of it should be done by May.

Alderman Kramer asked when would there be no further need for the use of the street for storage of the equipment.

Mr. Checkley responded that by the end of February they would not need to be in the street at all.

Alderman Kramer asked if they would need to be on the street to do any construction until May.

Mr. Checkley stated that he does not believe so, other than to traverse from the rear to the front of the building. They have spoken to the public works department about short-term permits that they will need on an hourly basis.

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve and adopt Bill No. 5421. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5421 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4107.

### **ACCOUNTS AGAINST THE CITY**

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve the revised warrant list dated 1/7/08.

Alderman Leahy asked about the HVAC contract amount and if it is pertaining to the Recreation Center.

Mayor Kelly stated yes.

Alderman Kramer asked about the amount from St. Louis Automatic Sprinkler Company for the underground sprinkler system and whether it is for the public works facility on Manchester Road.

Mayor Kelly responded yes.

Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, no; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

### **REPORTS OF COMMITTEES AND DEPARTMENT HEADS:**

#### Mayor's Report

#### Executive Session

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

#### Post Office

Mayor Kelly requested that a copy of Kathy O'Neill's petition be attached to the record, a letter dated January 4<sup>th</sup> from Alderman Kramer with respect to the post office, as well as a copy of an email that he received from Paul Zimny, a Brentwood resident and a real estate broker representing some of the property owners in Hanley Industrial Court. These individuals would like to see a full service post office facility in the city of Brentwood.

The Mayor clarified that the process the post office is using has to do with the post office regulations and not the City's. Representatives from the post office had contacted him in November and stated that they wanted to start the process over regarding the location of the post office in Brentwood and that they wanted to hold a public meeting. The next closest date to hold the public meeting was at the Coffee with the Mayor. It was advertised in the Pulse and on BTV 10 and was a very well attended meeting. The Mayor read a letter into the record that he received from the post office as follows: "This is a follow-up to the recent public meeting held on December 21, 2007, regarding postal plans to re-establish a postal presence in the City of Brentwood, MO. In accordance with postal regulations, we will keep your office and the local community advised as we consider relocation of the present office. Due to a recent notice of a Termination of Lease from our current lesser, the postal service will begin the Solicitation process immediately. Our first consideration is to expand the existing postal facility, but in this particular situation, this would not be an option. Therefore, we will plan to solicit for both an existing building and vacant sites to construct a new facility. If we find that an existing building is not suitable, then we will construct a new facility. We find that we

would ideally need approximately 2,000 interior square feet. In the event another building or site must be identified, every effort will be made to keep it within close proximity to the preferred area. Your office or any member of the community may appeal to this decision within the next 30 days. Your letter should be directed to the Vice President, Facilities, and addressed to my attention at the address shown in this letter. A response will be provided within 15 days.”

Mayor Kelly stated that the area where the post office is occupying is going to be redeveloped and they have been given notice that they have to leave that facility. Their first goal is to look for a temporary location in the city of Brentwood. Mayor Kelly stated that when he met with representatives from the post office they told him that they were only looking for \$2,000 square feet of retail space in the city of Brentwood because that is all they have been allocated for fund wise. That it may be possible the mail carriers could move to Brentwood in the future but it was highly unlikely because of automations they have done in the postal service, excess space at the mail carriers facility in Webster Groves that’s not being utilized and the fact that they have reduced the number of routes in the city of Brentwood over the last couple of years. It is his understanding that they do not intend to bring the mail carriers back to Brentwood. The question that was asked at the public meeting was what would it entail if they wanted the mail carriers to come back to the city of Brentwood. The representative from the post office said that they would have to go back, get in line for the next budget allocation, and ask for the money to build a 7,000 square feet facility for the mail carriers and the retail space. The other issue is finding a 1.75 to 2 acre lot on Brentwood Boulevard or Manchester Road.

Alderman Kramer asked for copies of the letter from the post office. He stated that his understanding of the December 21st meeting was that if they were to find an area within the city limits of the city of Brentwood that contain space that would allow them to have the carriers and it was not going to be cost prohibitive they would be unwise not to consider that. It was clear that they want to have all options brought to the forefront for consideration and if that allowed them to have everything they want without having to spend a whole lot of money they would be crazy not to take a look at it.

Alderman Marshall stated that the proposal for the 2,000 square feet retail center for Brentwood and not having the mail carriers in Brentwood has brought up concerns about the mail delivery suffering. He has lived in Brentwood all of his life and his mail is delivered and it does not make a difference if they are distributing it in Brentwood or from Webster Groves. In talking with residents in the city of Brentwood they want a location to drop off packages, pick up stamps and conduct business. He does not think that a distribution center is going to make or break what the residents want. The residents want a postal presence in Brentwood. He does not want to see anything disrupt the possibility of them coming back and making a presence in Brentwood. He would hate the Board to say that they would hold out for a distribution center and then have them move over to one of the other municipalities.

Alderwoman Clements stated that she agrees with Alderman Marshall. She does not think that strong-arming the post office is a way to go. If they can get a retail space in

Brentwood it is like getting your foot in the door. At least Brentwood would get the post office back. They said at that meeting that they would hope in the future to be able to expand and bring the full facility back. She would like to see them get at least the retail back.

### Traffic

Mayor Kelly stated that the traffic has been fantastic. He has had debates with St. Louis County on a number of occasions in the past that a significant amount of traffic on Brentwood Boulevard is going to Highway 64/40, not to Clayton. He thinks that is obvious now in the mornings because you can see the reduction in traffic. His unprofessional survey in driving by the shopping centers over the weekend is that Brentwood's parking lots are just as full as they usually are on the weekends. Traffic at Brentwood and Eager Road has been very good.

### Highway 64/40 Landscaping

Mayor Kelly stated that he and Ellen Dailey have met with Planning Design Studio, a landscape design company that is working for MoDOT on the Highway 64/40 landscaping design project. One of the areas that are still under consideration is the area between Eager Road and what will be the new north ramp for the highway, as well as some of the green space on the north side of Eager Road from the entrance to the inner belt to a little further east along that corridor. He would like to enter into a contract with the landscape design company to come up with some concepts for the area along Eager Road/Brentwood Boulevard and then staff would try to pursue some grants to fund it. He requested that the Ways and Means Committee review the contract. Mayor Kelly stated that he would also like to enter into an agreement with SWT to have them do some preliminary design work for the area in front of Walgreens, which could be a focal point for Brentwood Boulevard and a town square type atmosphere. He would like to make it a community effort in getting the businesses and residents involved in helping to fund the project.

### Red Light Cameras

Mayor Kelly stated that City Administrator Seemayer has received some emails from ATS, the red light camera company which states that they are having trouble getting an easement from Pace Properties to put a pole on their property for the light at Rose Avenue. His biggest issue is that they have known that they needed to put it there for over a year. They are requesting to put it in one of their nicely landscaped areas. Mayor Kelly stated that the City should terminate the contract. The cameras were supposed to be operational by last April and have been delayed. They have not done what they said they were going to do and he thinks it will be a problem in the future as well.

Alderman Kramer stated that he has looked at the updates provided by the company and they point significantly to St. Louis County. He thinks it is unwise and unfair to continue to question the workmanship or abilities of ATS without having them present to defend

themselves. Perhaps it would be wise to invite them to a meeting to interact about the topic rather than continuing to level the objections.

Mayor Kelly stated that he does not have any problem with having them come before the Board. They were told when they entered into the contract with ATS that they had everything worked out with St. Louis County and that it was all ready to go.

Alderman Leahy suggested sending the contract to the Public Safety Committee for review with the city attorney. He has been in contact with ATS over the past fourteen months and has not been happy with what he has heard from them.

Alderman Kramer stated that if they had an opportunity for ATS to come before the Board before sending the issue to committee, perhaps that would be a shorter step.

Alderman Leahy stated that because of the holiday in January it would have to be done at the first meeting in February.

City Administrator Seemayer stated that ATS indicated to him that they were very close at Brentwood/Rose and at Brentwood/Manchester. Now it is reversed because they got permission from the Society for the Blind. They never submitted the permit to St. Louis County because they were working with the Society for the Blind. The City has to submit some paperwork for a special use permit to St. Louis County for Brentwood and Manchester Roads, which came from ATS last week.

Alderman Wynn stated that he does not know if they should meet with the Board first. If they meet with the committee first you could find out where they stand.

Alderwoman Clements stated that she would be happy to have the committee look at the contract with the city attorney before they come before the Board.

Alderman Kramer stated that when they are invited to attend a Public Safety Committee meeting that they are informed that they have the option to come before the Board first or later.

#### Alderwoman Krewson

Mayor Kelly stated that he has spoken to Alderwoman Krewson and she is starting to get her strength back. She was tempted to come to this meeting tonight but she was encouraged to wait until the next meeting. She has been keeping up to date with everything and hopes to be back soon.

#### **Public Safety Committee**

Alderwoman Clements announced that she would like to hold a Public Safety Committee meeting this week. One of the items that were brought to her attention for committee review was the speed limit and stop signs on Strassner Road.

**Public Works Committee – No report**

**Director of Planning and Development – No report**

**Ways and Means Committee**

Alderman Marshall stated that he would be scheduling a Ways and Means Committee meeting next week to review the requested item(s). He would like a subcommittee created to look at grant possibilities to include the department heads and any alderman that would want to participate.

Mayor Kelly stated that he and Ellen Dailey are working on a grant to replace the Litzsinger bridge. One of the issues of that bridge is that it causes some of the flooding problems in Hanley Industrial Court. They plan to attend a workshop and Ms. Dailey will put together a grant application and move forward on that.

**City Attorney – No report**

**City Clerk/Administrator – No report**

**Excise Commissioner – No report**

**Library – No report**

**Municipal League – No report**

**Communication – No report**

**Historical Society – No report**

**Recreation Center Committee – No report**

**UNFINISHED BUSINESS**

Alderwoman Clements stated that our new recycling bins are outstanding. She has had neighbors; after they saw theirs at the curb, inquire about getting one.

A Ward 3 meeting will be held on Tuesday, January 29<sup>th</sup> in the Council Chambers at 7:00 p.m.

Alderman Kramer stated that MoDOT has blocked the western most Promenade entrance for some time and he has asked Ms. Dailey if she could find out about the possibility of getting it opened and the timetable.

Mayor Kelly stated that it was his understanding, at least when they first closed it, that they were going to keep it closed during the entire project because they didn't want people slowing down to make that right turn because it's down to one lane.

Director of Planning and Development Dailey stated that a representative from MoDOT had stated that because the lanes are going to be shifting during construction they were not sure if they would be able to keep them open on a continuous basis. No new updates since then.

### **NEW BUSINESS**

Alderman Marshall stated that they have twice as much traffic going through the Rosalie/Eulalie/Helen and Dorothy neighborhood. He has had some complaints from residents and has asked them to be patient until the public learns about the Strassner cut through. If the amount of traffic does not improve there are residents that would like to see something else done.

Mayor Kelly stated that the police could put out the traffic/speed device, which will count the cars also.

### **Recess**

Motion was made by Alderman Leahy, second by Alderwoman Clements to call for a recess at 8:26 p.m. All in favor none opposed.

Motion was made by Alderman Leahy, second by Alderman Wynn to reconvene the meeting at 8:34 p.m. All in favor none opposed.

### **Executive Session**

Motion was made by Alderwoman Clements, second by Alderman Marshall to enter into executive session on a real estate matter at 8:35 p.m. All in favor none opposed.

After discussion, motion was made by Alderman Leahy, second by Alderman Marshall to allow the post office to consider the annex building or the dental building for lease. Roll call: Alderwoman Clements, no; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, no; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Motion was made by Alderwoman Clements, second by Alderman Marshall to return to open session at 9:12 p.m. All in favor none opposed.

### **ADJOURNMENT**

Motion was made by Alderwoman Clements, second by Alderman Leahy to adjourn the meeting at 9:13 p.m. All in favor none opposed.

Regular Board of Aldermen Meeting Minutes  
January 7, 2008

---

Pat Kelly, Mayor

Attest:

---

Chris Seemayer, City Clerk