

MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING

City Hall
Council Chambers

February 4, 2008
7:00 p.m.

The Mayor 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 Harper.

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

ABSENT: Executive Secretary Williams.

CONSIDERATION AND APPROVAL OF THE AGENDA OF THE REGULAR BOARD OF ALDERMEN MEETING OF FEBRUARY 4, 2008

Mayor Kelly requested that Bill No. 5428 be moved up on the agenda to item D, (a).

Motion was made Alderwoman Clements, second by Alderman Marshall to approve and adopt the Agenda of the Regular Board of Aldermen meeting of February 4, 2008 as amended. All in favor none opposed.

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF JANUARY 7, 2008

Motion was made by Alderwoman Clements, second by Alderman Marshall to approve and adopt the Minutes of the Regular Board of Aldermen meeting of January 7, 2008. All in favor none opposed.

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

Correction:

Page 12, first paragraph - change the amount of \$100,000 to \$98,500.

Motion was made by Alderman Kramer, second by Alderman Leahy to amend the Minutes of the Regular Board of Aldermen meeting of December 17, 2007. All in favor none opposed.

Motion was made by Alderman Robertson, second by Alderman Wynn to approve and adopt the Minutes of the Regular Board of Aldermen meeting of December 17, 2007 as amended. All in favor none opposed.

BIDS – None

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

Shirley Ferguson – resident at the corner of Rosalie and Swim Club Lane came before the Board and stated that last April she appealed to the Ways and Means Committee to grant her a deed for 25 feet of easement that adjoins her property on the west side. She did so because in June of 2001 Mayor Kelly signed a quitclaim deed for the same easement strip for Mrs. Barnes, her neighbor to the north at 8662 White Avenue. For forty plus years, she and her husband and others unsuccessfully tried to claim their easements. Karen Carthy, the former owner on White Avenue had tried in vain to acquire the extra 25 feet in order to solve her title problem, which had to do with her front steps being over her property line. When she died and her house was sold, somehow the new owner Mrs. Barnes magically received a quitclaim deed from the City in order to solve the very same title problem. Acquiring the extra 25 feet, then gave Mrs. Barnes room to construct the garage. She reasoned that now she could not be denied this same 25 feet continuation of easement that the City gave her neighbor. All those years, they had been prevented from making improvements to their home and while her plans are less ambitious now she would like to extend part of her fence to accommodate storage for her bicycle. Little did she suspect what opposition she would face, mainly from Alderman Marshall who insisted that Mrs. Barnes had no deed. He said the City would never give up any easement because of the private Brentwood Swim Club. Forty-five years ago their first quitclaim deed failed because of Swim Club interests. Currently they want to put up a sign on her corner but there would be ample room beyond the 25 feet. In May, Mr. Beimdiek was hired to research the ownership of Swim Club Lane and concluded that, backed by Missouri Statute; the quitclaim deed that was given to Mrs. Barnes was an illegal act and is invalid and void. The City seemed to take this illegal act very lightly with Mayor Kelly suggesting that it was merely bad advice from the City Attorney. It is unlikely that Mr. Murphy acted out of ignorance of the law because the City was informed of the proper legal procedure to follow from Karen Carthy's title company. The City was supposed to vacate the easement as a first step. If this were so innocent, the City would want to investigate and correct the error. She asked if anyone has spoken to Mr. Murphy about the issue. Mr. Beimdiek suggested that the vacation could still be done to make things right and legal. He said that it would not make any sense only vacating the Barnes easement and recommended, as did the Mayor, that the entire strip from Rosalie north should be vacated. Alderman Marshall remains adamant that only the Barnes section be vacated. In the fall there was to be a vote on whether to vacate. However this plan was scrubbed and the matter referred to the Public Works Committee. She was told that she could attend the December meeting, since her easement issue was on the agenda. The Public Works Committee is dominated by Swim Club members. Chairman Robertson was clearly disturbed by her presence and refused to entertain any

input from her and totally ignored her. She brought data showing legal ownership, past and present of easement by adjoining property owners and tried at the end of the meeting to present the material but was treated as though she was invisible. Now she has been told that the Public Works Committee would recommend a vote against vacating. If this Board is to vote on this, she thinks it only proper that those Swim Club members with their conflicts of interest refrain from voting. According to Mr. Beimdiek the simplest solution would be to vacate. However this probably will require a survey and she supposes the Board is unwilling to spend the money. Adjoining property owners have paid for their surveys. Was a survey done when the Board of Aldermen gave permission for the Swim Club to pave the road? If not, wouldn't the ethical solution be for the Swim Club to pay for the survey now. After all they got the taxpayers to pay for Mr. Beimdiek's study that will benefit them. As she is sure the City will agree to do the maintenance of the road to nowhere. We taxpayers will have to pay for that, although 1/3 of the members are not even Brentwood residents. To get this matter finally settled she will probably have to pay an attorney. Why is she as a taxpayer always stuck with the bill? You public servants have finagled for yourselves hefty salary increases that the taxpayers have to pay. How about some performance to justify this? She expects the highest standards of integrity, honesty and impartiality, objectivity, fairness, transparency and all that good stuff. She does not pay the elected officials to wheel their power in favor of special interests. She is appalled how having the right connections can influence city hall to subvert the legal process. The publicity that comes out of this entire fiasco will reflect very badly upon the City of Warmth. Incidentally she has free DVD's of easement discussion segments from the earlier BOA meetings before the television blackout if anyone would like them.

First and Second Readings of Bill No. 5428

Motion was made by Alderwoman Clements, second by Alderwoman Krewson to give Bill No. 5428 first and second readings. All in favor none opposed.

City Attorney Albrecht gave Bill No. 5428, AN ORDINANCE AUTHORIZING THE ISSUANCE OF TAX INCREMENT REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 2008 (HANLEY STATION REDEVELOPMENT PROJECT) OF THE CITY OF BRENTWOOD, MISSOURI, AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE BONDS, its first reading.

City Administrator Seemayer stated that the final numbers have been inserted in the copies distributed to the Board tonight.

City Attorney Albrecht excused himself from the meeting because of illness.

Alderman Kramer read a synopsis of Bill No. 5428 as a Bill that authorizes the sale of TIF Bonds for the Hanley Station project. Currently TIF Notes are outstanding and being held by the developer. Once the notes are sold as bonds the interest rate is greatly reduced

and the amount of time needed to repay the bonds drops significantly because of the lower interest rate.

Mark Grimm – Gilmore & Bell came before the Board and stated that there were two changes in Bill No. 5428. In Section 1 the final number is \$8,785,000 and in Section 4 the principal amount of the outstanding notes of \$5,000,000 was filled in.

Jim Lahay – Stifel Nicolaus & Company came before the Board and stated that the interest rate on the bonds is 5.50%. The interest rate on the notes that they are refunding was 7.50%, so it is being reduced from 7.50% to 5.50%. Based on the projections of revenues as prepared by Development Strategies the bonds would be projected to pay off by May of 2020. As everyone may recall, the Board approved the additional amount of \$1,250,000, which is included in the amount as well. The bonds are callable which means that they could be refunded on May 1st of 2015.

City Administrator Seemayer gave Bill No. 5428, AN ORDINANCE AUTHORIZING THE ISSUANCE OF TAX INCREMENT REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 2008 (HANLEY STATION REDEVELOPMENT PROJECT) OF THE CITY OF BRENTWOOD, MISSOURI, AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE BONDS, its second reading.

Motion was made by Alderwoman Clements, second by Alderman Leahy to approve and adopt Bill No. 5428. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5428 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4108.

Update from American Traffic Solutions

Adam Tuton/Chief Operating Officer with American Traffic Solutions came before the Board to give an update on the red light camera program. The equipment is under construction and they expect to have both sites up and running within ten days. It took a lot of time to work things out with St. Louis County and local property owners like Pace Properties who is giving them permission to install cameras on their right of way. They are excited that it is moving forward. He believes everyone will be excited when the cameras start operating and you start to see driving behavior changing for the better in the city.

Mayor Kelly asked what is the length of time for the construction of the cameras.

Mr. Tuton stated that each site should take three to five days, but it depends on the weather.

City Administrator Seemayer stated that any projects, because of the highway 64/40 construction have to be done at night.

Alderwoman Clements asked a representative from American Traffic Solutions to remind the viewers of the location of the cameras.

Mr. Tuton stated that the cameras would be located at northbound and southbound Brentwood Boulevard at Manchester Road and southbound Brentwood Boulevard at Rose Avenue. Missouri Society for the Blind gave the City permission to put the camera on their property at no cost to the City and Pace Properties at Brentwood Square did the same for the southbound approach.

Alderman Kramer asked Mr. Tuton to remind the audience of the trial or warning period and the location of a sign before the intersection to identify the red light camera intersections.

Mr. Tuton stated that each approach would have signage about 300 feet in advance of the intersection. For a 30-day period, at the start of the program, there will be a warning period where warning letters will be mailed to violators and there will be some press releases about the sites, etc.

Alderman Kramer asked if ATS has had any contact with St. Louis County and if they would have a problem with the intersection of Brentwood Boulevard and Eager Road being the next one on the list.

Mr. Jason Norton/Property Manager/ATS came before the Board and stated that with the planned I-64/40 shutdown they had an issue with constructing cameras there. Now that the highway is shutdown he believes traffic patterns have calmed down and they plan to go back and address it.

Alderman Leahy stated that the contract was signed in November of 2006. They are fifteen months down the road and he specifically asked the question during the selection process how long it would take to get the cameras up and running and they were assured that it would take 60 days for installation and 30 days of testing, so 90 days to the outset. From his research he understands that part of the delay was with St. Louis County and getting the permits processed. St. Louis County is informing him that the City lost time because payment was not submitted with the permit request.

Mr. Norton stated that the majority of the delay was with the St. Louis County because it was a new program. Many other issues had to be negotiated with the County before they would even receive permits. Once they did there were issues about the format of how the permits had to be submitted. The requirements of the drawings and technical issues were quite different from MoDOT and other permitting agencies around the country. They had some very specific and unique requirements to which they had to adapt. In terms of the permitting fees, they paid the County on behalf of the City.

Mr. Norton stated that St. Louis County process is that they approve the plans first and then send it to the clerk. The clerk notifies them of the cost of the permit and they pay the fee at that time. That was all done within one day.

Alderman Leahy asked where did the City lose fifteen months of effort.

Mr. Norton responded that Brentwood would be the first. Clayton, Richmond Heights, Country Club Hills, Dellwood, Hazelwood and Creve Coeur are all behind Brentwood waiting on St. Louis County to develop their process.

Alderman Leahy pointed out that Creve Coeur has their cameras up and running.

Mr. Norton stated that Creve Coeur has them installed at MoDOT owned intersections. St. Louis County intersections are not installed.

Alderman Leahy stated that he is very frustrated over being told that it could be done within 90 days and fifteen months down the road it is still not done. That is poor performance.

Mr. Norton stated that Brentwood is the pioneer on St. Louis County roads. Many of the issues were not under their direct control. They worked very hard with all of the permitting agencies and everyone involved.

Alderman Leahy stated that the State of Missouri currently has legislation pending dealing with the red light cameras and where the revenue goes and processing of the tickets, etc. Is ATS actively working with the State legislature to educate them on this program and bringing them on board versus being at odds with the cities?

Mr. Norton stated that they have three lobbyists in Jefferson City working closely with the Senate, House of Representatives, governor's office and all the interested parties. Numerous bills have been filed.

City Administrator Seemayer stated that ATS is already complying with the parameters in most of the bills that were filed.

Public Hearing – Amendment to Chapter 25

Mayor Kelly announced a public hearing for the amendment to Chapter 25 would now be heard at 7:25 p.m.

Director of Planning and Development Dailey came before the Board and stated that the Planning and Zoning Commission recommended approval for the text amendment at its last meeting. The text amendment is to add dry cleaning facilities with processing to the conditional use list in the planned development district. In addition, the Planning and Zoning Commission is recommending adding coin operated laundries to the conditional

use list and the retail service commercial, planned development and general commercial districts.

Alderman Marshall asked for elaboration on the text amendment.

Director of Planning and Development Dailey stated that prior to the Planning and Zoning Commission's meeting she had talked to staff and elected officials to try to find out why dry cleaning with processing was not included in the conditional use list in the planned development district as it is in general commercial and retail service commercial which are similar types of zoning districts. To the best of her knowledge, she found out that it was inadvertently left out of the list. In the permitted use list, in the planned development district, it refers back to general commercial but the planned development district has its own conditional use list. They thought it was an oversight.

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

Alderman Kramer asked if this is coincidental with an application coming forward or has there been any talk of the old Colonial Cleaners site.

Director of Planning and Development Dailey responded that it is not coincidental. There has been a lot of interest in the Colonial Cleaners site. She believes a dry cleaning business purchased the property and then discovered that it was either permitted or a conditional use. Staff felt that it was appropriate after looking at the other districts where it is a conditional use in the Zoning Code to add it to the conditional use list in the planned development district. There has been no application submitted by that property owner to date. This is just a staff generated text amendment.

With no further comments, Mayor Kelly announced the public hearing closed at 7:28 p.m.

Petsmart Conditional Use Permit Extension

Tom Smallwood – Stinson, Morrison, Hecker LLP came before the Board and stated that unfortunately due to the I-64/40 construction Petsmart wasn't ready to commence construction of the build out to accommodate the pets hotel that was granted last year. The retailer wants to time it properly for a grand opening and get a good feel for what kind of impact the highway has on the traffic counts, etc. Petsmart is asking for 180-day extension on the conditional use permit. They anticipate starting construction this year.

Motion was made by Alderman Wynn, second by Alderman Leahy to grant an extension of the conditional use permit for Petsmart for 180 days. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

First and Second Readings of Bills

Motion was made by Alderwoman Clements, second by Alderman Leahy to give Bills No. 5422, 5423, 5424, 5425, 5426, 5427, 5429 and 5430 first and second readings. All in favor none opposed.

Bill No. 5422 – Through or Major Streets

City Administrator Seemayer gave Bill No. 5422, AN ORDINANCE AMENDING CHAPTER 14 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, MISSOURI BY DELETING A PARAGRAPH IN SECTION 14-1030, SCHEDULE DD, AND ADDING IN LIEU THEREOF A NEW PARAGRAPH TO SECTION 14-1030, SCHEDULE DD, RELATING TO DESIGNATION OF CERTAIN STREETS TO BE THROUGH OR MAJOR STREETS; 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 reading.

Alderman Kramer read a synopsis of Bill No. 5422 as a Bill that amends the traffic code by deleting the westbound stop sign on Eulalie where it intersects with Mary Kay Ct. The eastbound stop sign is not affected by this legislation. This bill was reviewed and approved by the Public Safety Committee.

Alderman Wynn stated that the last time this happened was when Harry Williams was an alderman and they put the stop signs in. Alderman Wynn stated that he was the only one that voted against putting it in. He stated that the residents should be notified. He believes he gave some misconception when he was before the Public Safety Committee that somehow he would contact the residents. He has not contacted them and was wondering if they should be contacted before they vote on the Bill No. 5422.

Alderwoman Clements stated that she has no problem with putting Bill No. 5422 on hold. She was under the impression that the residents in that area had been contacted. The discussion in the Public Safety Committee was for safety reasons and probably more weather related when you are starting up the hill to stop. The stop signs as she recalls were put up primarily to help the Mari-Kay Court residents make turns out of there. The biggest problem is turning left. That is why they have determined that leaving the eastbound stop sign would still benefit those residents.

Alderman Marshall requested that City staff send a letter to the residents on Mari-Kay Court and the east block of Eulalie Avenue.

Motion was made by Alderman Wynn, second by Alderman Marshall to place Bill No. 5422 on 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 Harper, yes.

Bill No. 5423 – Operation within Parking Lots, Drive-ins and Private Ways

City Administrator Seemayer gave Bill No. 5423, AN ORDINANCE AMENDING CHAPTER 14 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, MISSOURI BY DELETING SECTION 14-162(a), AND ENACTING IN LIEU THEREOF A NEW SECTION 14-162(a), AS IT RELATES TO OPERATION WITHIN PARKING LOTS, DRIVE-INS AND PRIVATE WAYS; 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 for Bill No. 5423 as a Bill that amends our traffic code by adding the word stopping to Section 14-162 which regulates operating a vehicle in parking lots. This Bill was reviewed and approved by the Public Safety Committee.

Alderman Wynn asked why the Bill was before the Board now.

Alderwoman Clements stated that because people coming out of Walgreens have a tendency to not look to the left of the alley from Litzsinger going south into the Rec Center and they just make the right turn to go onto Litzsinger, it was suggested by one of the Parks Department employees that for safety reasons a stop sign be put up at the western most end of the Walgreens lot to get people to stop and look before they turn. The reason for the Bill is that nowhere in the Code does the word “stopping” actually appear regarding parking lots, etc.

Alderman Robertson stated that he thought the Code change was going to clean up the Code so they could enforce regulations on parking lots.

Mayor Kelly stated that the Walgreens issue is the reason it came up. The Bill is not to put up the stop sign but to enforce stop signs in parking lots, etc.

Motion was made by Alderwoman Clements, second by Alderman Marshall to approve and adopt Bill No. 5423. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5423 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4109.

Bill No. 5424 – Operating a Motor Vehicle with Tinted Windows

City Administrator Seemayer gave Bill No. 5424, AN ORDINANCE AMENDING CHAPTER 14 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF

BRENTWOOD, MISSOURI BY DELETING SECTION 14-353.1. (a) AND ENACTING IN LIEU THEREOF A NEW SECTION 14-353.1. (a), AS IT RELATES TO OPERATING A MOTOR VEHICLE WITH TINTED WINDOWS; 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. 5424 as a Bill that amends our traffic code by adding a provision that regulates tinting car windows. This Bill was reviewed and approved by the Public Safety Committee.

Alderman Leahy stated that the Code is bringing tinted windows up to a 35 percent luminous. The Code gives you the option of establishing if the tinted windows are factory installed it would not be a citable offence. Is it possible that the factory-installed tinted windows could exceed the 35 percent? How do you prove factory-installed tinted windows as opposed to someone having them tinted?

Alderwoman Clements stated that their hope is that they are not going to come across too many of the factory-installed windows. It alarms her to see vehicles with tinted windows where you cannot see in the front, back or sides. The police are looking forward to getting the tint testers and being able to start giving tickets.

Alderman Kramer stated that there was a presentation given by Chief Knight and they are very concerned about the safety of the officers in the vicinity of a vehicle that may have some intended harm behind that tinted glass. They have apparently taken action to procure the testing ability to be able to discern if in fact it is beyond a shadow of a doubt in violation of the law.

Alderwoman Clements stated that the people that have their windows tinted for medical reasons carry something with them stating that medical necessity.

Alderman Marshall clarified that Bill No. 5424 mimics the State statute.

Motion was made by Alderwoman Clements, second by Alderman Kramer to approve and adopt Bill No. 5424. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, no.

The Mayor thereupon declared Bill No. 5424 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4110.

Bill No. 5425 – Agreement with Planning Design Studio, LLC

City Administrator Seemayer gave Bill No. 5425, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BRENTWOOD, MISSOURI TO ENTER INTO A PLANNING AND DESIGN SERVICES AGREEMENT WITH PLANNING DESIGN

STUDIO, LLC TO ASSIST THE CITY WITH THE I-64 ENHANCEMENT PLANS; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5425 as a Bill that authorizes the Mayor to enter into a contract with Planning Design Studio for the purpose of designing landscape & street enhancements to the Brentwood/Eager/Hanley Rd. areas in conjunction with the Highway 40 project. The total cost for these services is \$14,200. The City anticipates applying for grants for the actual enhancements. The Ways & Means Committee reviewed and approved this contract.

Alderman Leahy asked why hasn't the City gotten request for proposals

Mayor Kelly responded that primarily because this company is doing a lot of the work along the I-64/40 project with the MoDOT contractor. Their ongoing work with MoDOT is going to give the City an advantage in reducing the costs and getting the plans completed.

Alderman Leahy stated that if the City did not do RFPs how can they be 100% sure that the City has the best price.

Mayor Kelly stated that it is more logical to deal with Planning Design Studio, so that Brentwood will not be the only city along the corridor that is going to bring in another landscaping design company to design the Eager/Brentwood intersection when Planning Design Studio is working along the entire project.

Alderman Leahy stated that it is fiscally responsible for them to make sure that they have competitive bidding. You have a \$14,000 potential bill possibly exceeding that value if other changes or things come up in the process in which the City has not competitively bid. They should at least run through that option. They are under no great time frame.

Director of Planning and Development Dailey stated that the Cities of Brentwood, Richmond Heights and Frontenac were contacted initially by the landscape architectural firm that is working with Gateway Constructors, the selected developer for the I-64/40 project. They met with them and were given an idea of what sort of work could possibly be done but their time was of the essence. They never heard back from them and then Planning Design Studio contacted them. MoDOT has their own landscape architectural firm and Gateway Constructors has their own firm. Time is of the essence because there are certain things that they could put in place for irrigation, lighting, any changes to the plans of the I-64/40 project that might be possible such as landscape medians around Brentwood and I-64/40. They need to get those designed now and make those requests for any possible changes in the design of those areas.

Mayor Kelly stated that time is of the essence if they want it to be part of the actual project. If they are able to get the design done and know what they want to do they can

try to apply for grants to get it done as part of the project. He thinks it is the right contractor because of their ongoing work on the project with MoDOT.

Alderwoman Clements asked if any landscape work is going to be done at McKnight and I-64/40.

Director of Planning and Development Dailey stated that she does not know offhand but she can request the landscape plans for that area.

Motion was made by Alderman Marshall, second by Alderman Robertson to approve and adopt Bill No. 5425. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, no; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5425 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4111.

Bill No. 5426 – Agreement with SWT Design, Inc.

City Administrator Seemayer gave Bill No. 5426, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BRENTWOOD, MISSOURI TO ENTER INTO A LANDSCAPE ARCHITECTURAL DESIGN SERVICES AGREEMENT WITH SWT DESIGN, INC., REGARDING A MASTER PLAN FOR THE BRENTWOOD AND LITZINGER STREETScape; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5426 as a Bill that authorizes the Mayor to enter into a contract with SWT for architectural and planning services to design a landscaping and or architectural project for the southwest corner of Brentwood & Litzsinger. The amount of this contract is \$6,250.00. Once a design is agreed upon, the City will seek private donations from the community to fund the work. The Ways & Means Committee reviewed and approved this contract.

Mayor Kelly stated that a portion of the land was donated by St. Louis County when they were getting rid of some of their excess properties that they no longer needed. He has spoken to the Sansone Group, which owns the Walgreens building about additional space if needed and they said they would be willing to work with the City on that.

Alderman Marshall stated that the green space that is there now used to be Litzsinger Road before they put the curb in. How did St. Louis County get control of that?

Mayor Kelly stated that St. Louis County controls as much as 200 feet of the major intersections and Brentwood Boulevard area is one of them. He has talked to a representative of West Community Credit Union and they are amenable to allowing the relocation of the utility box onto their property, so that it is not the focal point of the landscaping on the other side.

Alderman Kramer stated that it came up in the Ways and Means Committee meeting that the only downside of this is that there is a possibility of St. Louis County coming back and wanting to take the 25 feet on Brentwood Boulevard they have allotted for Walgreens and Fifth Third Bank.

City Administrator Seemayer stated that they have to make sure that whatever ends up there takes that into account.

Motion was made by Alderwoman Krewson, second by Alderwoman Clements to approve and adopt Bill No. 5426. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, no; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Cross, yes.

The Mayor thereupon declared Bill No. 5426 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4112.

Bill No. 5427 – Cannon Design, Inc.

City Administrator Seemayer gave Bill No. 5427, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BRENTWOOD, MISSOURI TO ENTER INTO AN ARCHITECTURAL AND PLANNING SERVICES AGREEMENT WITH CANNON DESIGN, INC., FOR THE NEEDS ASSESSMENT/COMPREHENSIVE FEASIBILITY STUDY FOR A CITY OF BRENTWOOD COMMUNITY RECREATION CENTER; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5427 as a Bill that authorizes the Mayor to enter into an agreement with Cannon Design, Inc. for the purpose of providing a needs assessment and comprehensive feasibility study for the Brentwood Recreation Center. The amount of this contract is \$73,800. This contract came through the Ad Hoc committee for the recreation center. The Director of Parks & Recreation and the City Attorney have reviewed it.

Motion was made by Alderman Marshall, second by Alderman Robertson to approve and adopt Bill No. 5427. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5427 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4113.

Bill No. 5429 – Signage Plan

City Administrator Seemayer gave Bill No. 5429, AN ORDINANCE AMENDING ORDINANCE #3721 WHICH APPROVED A SIGNAGE PLAN AS PART OF THE

SITE DEVELOPMENT PLAN FOR DIERBERGS BRENTWOOD POINTE TO AUTHORIZE AN AMENDMENT TO THE SIGNAGE PLAN; PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE; AND, ESTABLISHING THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer stated that there were conversations and comments from the residents regarding lighting issues on the Dierbergs Brentwood Pointe lot. He asked for an update.

John Koncki - Dierbergs Markets came before the Board and stated that they had Metropolitan Lighting to do some adjustments on the lights. They did the adjustments, but they found out subsequently it was inadequate and it did not fix the problem, so they went out and did a drive-through on that ramp and better understood where the lighting problem was. Because the current fixture could not be adjusted, they are looking to adapt that current fixture with metal. It should be resolved within a couple of weeks.

Their intention for the façade is to begin on April 1st and then sign manufacturing and so forth would come thereafter. The stores will be opened in late summer or fall.

Alderwoman Clements asked which building are they replacing.

Mr. Koncki stated that it is Building E. Currently you will see True Advantage fitness and Hallmark. They will be taking both of those locations. When Famous Footwear first came to them they were a little surprised because they already have a DSW. They explained that nationally they have done this on several other sites and found it to work very well for both of them. They have enough of a difference in their product line that it is attractive and will get some crossover traffic.

Alderman Leahy stated that the signage location is facing the parking lot. Are they going to come back and ask for signage on the backside of the building?

Mr. Koncki responded that it would only face towards the interior of Brentwood Pointe.

Alderman Kramer read synopsis of Bill No. 5429 as a Bill that approves an amendment to the site plan for Brentwood Pointe by amending the signage plan to allow Famous Footwear to erect a sign above their location. This amendment to the site plan was reviewed and approved by the Planning & Zoning Commission.

Motion was made by Alderwoman Clements, second by Alderman Leahy to approve and adopt Bill No. 5429. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon upon declared Bill No. 5429 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4114.

Bill No. 5430 – Dry Cleaning or Laundry Facilities and Coin Operated Laundries

City Administrator Seemayer gave Bill No. 5430, AN ORDINANCE AMENDING CHAPTER 25 OF THE REVISED CODE OF THE CITY OF BRENTWOOD, MISSOURI BY AMENDING SECTIONS 25-257(c), 25-258(c) and 25-259(c); ALLOWING DRY CLEANING OR LAUNDRY FACILITIES AND COIN OPERATED LAUNDRIES; 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. 5430 as a Bill that amends the Zoning Chapter by allowing dry cleaning or laundry facilities and coin operated laundries as a Conditional Use under the Planned Development District. This amendment was reviewed and approved by the Planning & Zoning Commission.

Alderman Wynn asked if there were any interest to have a dry cleaning facility there.

Director of Planning and Development Dailey stated that she believes an operation from California has purchased the Colonial Cleaners property.

Alderman Marshall stated that several people have shown interest in the property but because of the parking situation it has not been beneficial to them. It always worked well for Colonial Cleaners because people spent two to three minutes picking up and dropping off laundry. One of the concerns he has always had is if an office or something similar move in there they would be using the street for parking, so he is very happy that another dry cleaning facility would be going in there.

Motion was made by Alderman Marshall, second by Alderman Robertson to approve and adopt Bill No. 5430. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5430 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4115.

ACCOUNTS AGAINST THE CITY

Motion was made by Alderman Marshall, second by Alderwoman Clements to accept the warrant dated 2/4/08 as submitted. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, no; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor's Report – None

Public Safety Committee

Tilles Drive Curb Cut Request

Alderwoman Clements stated that she believes everyone received an email from City Administrator Seemayer concerning the Thornton family at 9121 Tilles Drive. They have requested a curb cut onto McKnight and that could only be granted by the Board of Aldermen. They bought the new home that was built last year and the ARB required the builder to not put the garage facing Tilles. They would like the curb cut to go towards McKnight so that they could go out either way. She and Alderman Harper have agreed that they do not have a problem with granting them the curb cut.

Alderman Marshall asked if there would be an entrance on both Tilles Drive and McKnight Road.

Alderwoman Clements responded yes.

Alderman Kramer asked about the urgency to get the curb cut done.

Alderwoman Clements responded that she does not believe it is a time issue. They just moved in and having been in the house for a couple of months they are finding that a curb cut would work better when exiting the driveway.

Alderman Kramer stated that he does not have a problem with it but would like it discussed at the committee level. He stated that if there were no time crunches he would recommend it going to committee.

Alderman Leahy asked about the distance from Tilles and McKnight to where their driveway would cut into McKnight and if they would be creating a problem for other residents coming out of Tilles Drive by having a car exiting a driveway so many feet down the road from them.

Mayor Kelly stated that they have already set a precedent. They had the same question with the resident that lives at the corner of Sonora and McKnight who wanted to have their driveway exit to McKnight and Sonora. There are driveways and entrances all along that corridor. It is like anywhere else, you just have to drive safely.

Motion was made by Alderman Kramer, second by Alderwoman Clements to send the curb cut request to the Public Safety Committee for review. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Mayor Kelly asked for the consideration of another curb cut request from the new owners of Southside Roofing. They would like to install a curb cut on Strassner Road, which

was a recommendation of the Planning and Zoning Commission when the road was put in but the property owner at the time did not want the curb cut.

Public Works Committee

Alderman Robertson stated that one of the Public Works Committee reports dealt with the Swim Club issue. The Committee voted against vacating any right of way along Swim Club Road at this time.

Alderman Marshall stated that he thought he had read in the minutes that the City Attorney would rectify the mistake made on the Barnes property.

City Administrator Seemayer stated that Mr. Rubin's request was denied.

Mayor Kelly stated that City Attorney Albrecht would look at the Barnes property issue and see what can be done to rectify the situation.

Alderman Kramer stated that at the Public Works Committee level he believes there were some comments about Don Beimdiek making recommendation about the Barnes property versus Frank Albrecht.

Alderman Robertson stated that they are waiting for some legal input from Mr. Beimdiek. His understanding is that they are not doing anything regarding Mrs. Barnes property.

Alderman Marshall stated that he disagrees. They made a procedural call and vacated the property. Mrs. Barnes is not in compliance with the property line. If that is not correct they either need to take care of it now or when she sells the property.

Alderman Robertson stated that the vote was not to vacate any right of way.

Alderman Marshall stated that in the minutes it stated that the property of Mrs. Barnes would be reviewed by the City Attorney to rectify her problem.

Alderman Leahy stated that Mrs. Barnes property is not vacated. The City issued a quit-claim and that is where the procedural issue is. She has title insurance that says her property now exceeds out and takes in that right of way. That is why the City Attorney needs to write a letter advising her that it is their legal opinion that it was a procedural error and that she doesn't own the property she thinks she owns. From there you may have a dispute from the landowner as to who really does own that property and that may generate some further actions.

Alderman Marshall stated that Mrs. Barnes also spent between \$1,000 - \$2,000 moving utilities in compliance with what the City had requested. If they do not vacate that property and she has to get an attorney, do they need to refund that money?

Alderman Kramer stated that before they discuss the issue any further it would be his recommendation that they go back to the thought process which he thinks came from the Public Works Committee that they were going to get some legal advice from Don Beimdiek about this particular topic. Then the Board could decide if they want to do anything, nothing or take his recommendation.

Mayor Kelly stated that he believes Mr. Beimdiek has already told them what needed to be done to rectify the problem. It is just a matter of whether they want to have it done or not. Whether it was a mistake or not, the City needs to rectify the problem. The City created a situation that puts the property owner in a bad situation.

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

City Administrator Seemayer stated that St. Mary Magdalen Parish is requesting a temporary liquor license for their fish fries to be held on February 6, 8, 15, 27, 29, March 7, 6, 14 and 21.

Motion was made by Alderman Leahy, second by Alderwoman Clements to grant the temporary liquor license to St. Mary Magdalen Parish for their fish fries on the dates mentioned. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Library – No report

Municipal League – No report

Communication – No further report

Historical Society

Alderman Leahy stated that the City has authorized both the Historical Society and Brentwood Chamber of Commerce to use a room in the Public Works facility. He understands that they have no hold harmless agreement from either group. If someone gets hurt the City will be the responsible party.

Mayor Kelly responded yes.

Alderman Leahy asked if it would be proper to make the request to both groups that they supply the City with a hold harmless agreement.

Mayor Kelly stated that the Chamber of Commerce might be able to do that. The Historical Society does not have the resources to have an insurance policy to cover something like that.

Alderman Leahy stated that if they are an official group of the City then they need to be added to the City committee list.

Mayor Kelly stated that they have been using space within City property for a number of years. They will check into it.

Recreation Center Committee

Mayor Kelly stated that he had a request from Jeff Viers who works at Eagle Bank that he would like to join the Recreation Center Committee. He is not a Brentwood resident but would like to be involved in the community. He thought that this might be an area that he may be able to give some good input.

Alderman Kramer stated that they have a lot more in the way of minutes and background information on the website now.

Motion was made by Alderman Marshall, second by Alderwoman Clements to appoint Jeff Viers/Eagle Bank to the Recreation Center Committee. All in favor none opposed.

UNFINISHED BUSINESS

Alderwoman Clements stated that for the last two to three months Alderman Kramer has been sending them emails with updates on the I-64/40 closures and she would like to thank him for that.

Alderman Marshall stated that there are many walkers in Brentwood and when it snows they are having problems with businesses on Brentwood Boulevard plowing their lots and blocking the sidewalks. He believes it is part of the Code that they have to keep the sidewalks clear. He requested the Code be enforced or warning be sent to the commercial property owners not only to clean their lots but to also keep the sidewalks clear.

NEW BUSINESS

Alderman Marshall requested that the Public Safety Committee look at the drive-thru at Walgreens. People going west on the south side of Walgreens from the drive-thru to exit onto Litzinger do not stop. They continue going and a couple of times he has almost

witnessed accidents there. He suggested putting something on the Walgreens building that would alert drivers of the traffic.

Alderman Clements and Mayor Kelly complimented the Public Works Department for doing an outstanding job of keeping the streets cleared when it snows.

Alderman Wynn stated that it is nice to have Alderman Krewson back. He has been a friend of hers for a long time.

Alderman Leahy announced a Ward 3 meeting would be held on Tuesday, February 26th at 7:00 p.m.

ADJOURNMENT

Motion was made by Alderman Clements, second by Alderman Leahy to adjourn the meeting at 8:40 p.m. All in favor none opposed.

Pat Kelly, Mayor

Attest:

Chris Seemayer, City Clerk