

MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING

City Hall
Council Chambers

March 17, 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, Director of Planning and Development/Asst. City Administrator Dailey, Executive Secretary Williams.

ABSENT: Alderwoman Krewson and City Administrator Seemayer.

CONSIDERATION AND APPROVAL OF THE AGENDA OF THE REGULAR BOARD OF ALDERMEN MEETING OF MARCH 17, 2008

Motion was made by Alderwoman Clements, second by Alderman Leahy to approve and adopt the Agenda of the Regular Board of Aldermen meeting of March 17, 2008. All in favor none opposed.

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF MARCH 3, 2008

Alderman Leahy requested that the minutes be amended on page 7, paragraph 5, the first sentence. His statement on the potential curb cut on Tilles Drive and McKnight Road was more of a question as to whether or not there is a 48-foot distance from the corner of Tilles Drive and McKnight Road and if that would apply in this case.

Motion was made by Alderman Leahy, second by Alderman Marshall to approve and adopt the Minutes of the Regular Board of Aldermen meeting of March 3, 2008 as amended. All in favor none opposed.

BIDS – None

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

Mayor Kelly stated that a public hearing for a Conditional Use Permit for Mattress Firm would be held at 7:20 p.m.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Alderman Leahy stated that regarding Bill No. 5431, he had an opportunity to sit down with Director of Planning and Development Dailey and made corrections to the Bill, so it could come off hold for discussion this evening.

Motion was made by Alderman Leahy, second by Alderman Marshall to remove Bill No. 5431 from hold. All in favor none opposed.

Motion was made by Alderwoman Clements, second by Alderman Marshall to remove Bill No. 5418 from the agenda. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, no; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Motion was made by Alderman Marshall, second by Alderman Robertson to remove Bill No. 5422 from hold. All in favor none opposed.

Motion was made by Alderwoman Clements, second by Alderman Leahy to give Bill No. 5422 its second reading and Bills No. 5431, 5434 and 5435 first and second readings. All in favor none opposed.

Bill No. 5422 – Through or Major Streets

City Attorney Albrecht 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 second reading.

Alderman Marshall stated that he has spoken to several residents on Eulalie Avenue and they are in favor of removing the stop sign. Several of them wanted to have both stop signs removed but he explained that the Public Safety Committee had suggested that the eastbound stop sign remain because of the limited site over the hill and the Mari-Kay residents exiting that street.

Motion was made by Alderman Marshall, second by Alderman Wynn to approve and adopt Bill No. 5422. 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. 5422 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4118.

Bill No. 5431 – Amending Chapter 25/Parking Requirements

City Attorney Albrecht gave Bill No. 5431, AN ORDINANCE AMENDING CHAPTER 25 OF THE REVISED CODE OF THE CITY OF BRENTWOOD, MISSOURI BY AMENDING SECTIONS 25-2, 25-279, 25-288 AND 25-289 PERTAINING TO THE CITY'S PARKING REQUIREMENTS AND RELATED DEFINITIONS; 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 Leahy stated that a revised Bill No. 5431 was distributed to the Board. He and Ms. Dailey went over the Bill and corrected the grammatical errors that were found. Also in their efforts, Ms. Dailey found that on the very last page of the Bill there was a Section 13 that dealt with the taverns and parking requirements on those types of establishments. According to her notes from the site plan review meeting it was agreed to be removed from the Bill. Ms. Dailey has taken it out of the revised Bill No. 5431. He asked if they needed a formal motion to remove that paragraph, since it was presented to them.

Mayor Kelly responded that the motion could be made based on the revised Bill No. 5431.

Alderman Kramer stated that they normally try to give the synopsis on all the bills in plain english, so that the residents could understand most of what is being done. He believes the synopsis for both Bills No. 5431 and 5422 were read at the last meeting. If it was missed it should be on the website at brentwoodmo.org.

Motion was made by Alderwoman Clements, second by Alderman Leahy to approve and adopt revised Bill No. 5431. 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. 5431 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4119.

Bill No. 5434 – Contract for 8318 Manchester Road

City Attorney Albrecht gave Bill No. 5434, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT ON BEHALF OF THE CITY OF BRENTWOOD, MISSOURI WITH JAMES W. LUTTRELL AND VERNA M. LUTTRELL, TRUSTEES UNDER TRUST AGREEMENT DATED DECEMBER 28, 2000, FOR THE PURCHASE OF CERTAIN REAL PROPERTY LOCATED IN BRENTWOOD, MISSOURI, KNOWN AS 8318 MANCHESTER ROAD, AND

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

Alderman Kramer read a synopsis of Bill No. 5434 as a Bill that would allow the City to purchase property located at 8318 Manchester Road for the appraised price of \$400,000. The property is located next to our Public Works facility. This Bill was reviewed and approved by the Ways & Means Committee and by the Board of Aldermen in an executive session held on March 3rd, 2008.

Alderman Kramer requested that the Mayor explain to the residents what the City is planning to use the building for.

Mayor Kelly stated that the Board decided in an effort to square off the property that was purchased this past year to purchase the property at 8318 Manchester Road, which is for sale. The business closed and the Board thought that it would be in the best interest of the City to purchase the property either for future investment or for future use by the City.

Motion was made by Alderman Marshall, second by Alderman Wynn to approve and adopt Bill No. 5434. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, no; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5434 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4120.

Public Hearing – Conditional Use Permit/Mattress Firm

Mayor Kelly announced a public hearing for a Conditional Use Permit for Mattress Firm would now be heard at 7:20 p.m.

Director of Planning and Development Dailey came before the Board and stated this request is for site plan and conditional use permit approval for 1900 South Brentwood, which is the former location of ICI Dulux Paints. The request is being made by Mattress Firm to open a 4,745 square foot retail mattress store. They will be removing some of the existing asphalt and adding some landscaped islands. They are removing the existing pole sign and will be adding landscaping in that area. The request came about because Mattress Firm is requesting a sign façade, so they are making exterior alterations to the building. If they were not making any exterior alterations, this would be a permitted use and would not require site plan approval.

Mayor Kelly asked if there were any comments from the audience.

Hearing none, Mayor Kelly announced the public hearing closed at 7:23 p.m.

Bill No. 5435 – Conditional Use Permit/Mattress Firm

City Attorney Albrecht gave Bill No. 5435, AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO MATTRESS FIRM, WHICH PERMITS UNDER CERTAIN CONDITIONS THE USE OF CERTAIN DESCRIBED PROPERTY FOR OPERATION OF A RETAIL MATTRESS STORE; PROVIDING THE CONDITIONS OF SUCH USAGE; AND PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Marshall asked about the rectangular shaped berridge panel screen on the diagram and if it is for the air conditioning unit on the roof.

Mark Eckhardt – one of the owners of Mattress Firm responded yes.

Alderman Kramer stated that he was extremely enthused by the level of dedication and expertise and the performance by the Planning and Zoning Commission members who he happened to catch on television the other night and watched the review of this particular plan. He did not catch all the conversation that took place in site plan review but once again the members did a great job.

Alderman Clements complimented them on the screening.

Mayor Kelly stated that it would be a huge improvement to the existing building. The façade will make a great impact in that area. The City is proceeding with landscaping improvements to add some street trees along the north corner of Strassner Road by Applegate's, as well as adding some additional landscaping to the berm on the south side of Strassner Road, sidewalk and crosswalk across Strassner Road from north to south.

Alderman Kramer read a synopsis of Bill No. 5435 as a Bill that would approve a Conditional Use Permit for Mattress Firm to operate a retail operation at 1900 South Brentwood Blvd., the former ICI Dulux Paint store, located next to Applegate's. This matter was reviewed and approved by the Planning & Zoning Commission and is subject to a public hearing prior to consideration.

Motion was made by Alderman Clements, second by Alderman Robertson to approve and adopt Bill No. 5435. Roll call: Alderman 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. 5435 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4121.

Mark Eckhardt – one of the owners of the Mattress Firm building came before the Board and stated that it is apparent from the walk through of the building yesterday that they are about 75% finished with the interior remodeling. He would expect that the façade, the exterior painting should be finished in the next several weeks and then they will start on the landscaping and so forth. He would expect that the job should be done by May 1st.

Alderman Leahy stated that he understands that this store would be more of a display of products and then the orders are shipped from a warehouse.

Mr. Eckhardt responded that was correct and they have another essential warehouse and the orders will be taken at this location and shipped from the central warehouse to the buyer.

ACCOUNTS AGAINST THE CITY

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve the warrant list dated March 17th. All in favor none opposed.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor's Report

Mayor Kelly requested the appointment of Chuck Sanders to the Board of Adjustment as a regular member.

Motion was made by Alderman Wynn, second by Alderman Robertson to appoint Chuck Sanders as a regular member of the Board of Adjustment. All in favor none opposed.

Public Safety Committee – No report

Public Works Committee

Mayor Kelly stated that he had given two bills to the Public Works Committee about three to four years ago with respect to rental property. One of the modeling ordinances that he had given to the Committee at the time was from the City of Maplewood. There was recently an article in the paper that they are adding additional restrictions or requirements to their Code and how successful it has been for the City of Maplewood. It seems to be one of the biggest complaints from the Brentwood residents in the Coffee with the Mayor meeting every month. He requested that the Public Works Committee review the ordinance from Maplewood and bring it to the full Board to make a decision.

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/St. Mary Magdalen Church

Excise Commissioner Clements came before the Board and stated that St. Mary Magdalen Church is requesting a temporary liquor license for their parish picnic on May 10th. Everything is in order and he recommended approval.

Motion was made by Alderwoman Clements, second by Alderman Marshall to grant the temporary liquor license to St. Mary Magdalen Church for their parish picnic on May 10th. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Temporary Liquor License/Leahy Family

Excise Commissioner Clements stated that Andrew Leahy is requesting a temporary liquor license for a family Christmas party at the Recreation Center on December 20th. His application is in order and he recommended approval.

Alderman Wynn asked if this has been done before.

Excise Commissioner Clements responded that he believes it is the first.

Mayor Kelly stated that this is the first request the City has had from a resident.

Motion was made by Alderman Robertson, second by Alderman Marshall to grant the temporary liquor license to Andrew Leahy for a family Christmas party at the Recreation Center on December 20th, 2008. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, abstain; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, no; Alderman Harper, yes.

Alderman Wynn stated that his “no” vote is nothing personal against the Leahy family. It is the increasing amount of liquor that he has a problem with.

Library – No report

Municipal League

Mayor Kelly stated that there is a bill at the State level that has been proposed that is going to institute another sales tax holiday for three days in June. Under the proposed bill municipalities would not have the ability to back out of the sales tax holiday, meaning that they would be forced to give up the sales tax for those three days. He suggested that the Board send an email to State Representatives and Senators with their concerns regarding the sales tax holiday.

Communication

Alderman Marshall stated that the Communication Committee met a week or so ago and they were approached by a company that would provide WI-FI throughout the city. They are reviewing their information and will bring a presentation to the Board. You would be able to use your computer anywhere in the city as long as you are a subscriber to this company.

Mayor Kelly stated that he serves on an economic council subcommittee through St. Louis County and they are looking at this same type of operation for the entire county. The County plan was to have free WI-FI for basis service. You would be able to log onto the Internet but at a slow speed and if you wanted a higher speed you could subscribe to a service provider. The goal was to make Internet available to everybody.

Alderman Leahy asked what other firms besides the firm that has approached the Communication Committee provides this type of service.

Mayor Kelly responded that there are a couple of firms doing it, but many of them have not been successful at it.

Alderman Marshall stated that it will be an optional service. Residents would still be able to choose any Internet service provider.

Alderman Wynn stated that he asked the firm how many poles would they need to cover the city and they said around 40 to 50.

Director of Communication McCarthy came before the Board and stated that he has received a call from John Sondag from AT&T and the city will receive carriage of the government channel on the new AT&T Uverse and may be the first in the citywide area to do so. It is basically the same type of system that they currently use to stream the video through the City's website, so he doesn't think it is going to be any big effort to have it included on their Uverse service as well.

Historical Society – No report

Recreation Center Committee

Alderman Marshall stated that a parks and recreation public session is scheduled for tomorrow night at Brentwood City Hall at 7:00 p.m.

UNFINISHED BUSINESS

Alderman Marshall asked about the status of the Barnes property and the right of way. Mrs. Barnes has asked for some kind of resolution of the situation.

City Attorney Albrecht responded that he has not had a chance to review the situation.

Alderman Marshall stated that there is a sign at Mari-Kay Court that states “no thru trucks”. They are asking that the sign be removed and replaced with a sign that states “dead end” or “no thru traffic” because they get a lot of people driving in there thinking that they could go all the way through.

Alderman Marshall stated that they have data for the Rosalie/Eulalie traffic counters for 1993 and 2003. The police department will put the counters out again to see if there has been any impact with the Strassner Drive cut through. He has also requested a count of vehicles going through the new Strassner Road section.

Alderman Marshall stated that he had a phone call from a resident about the signal at Manchester Road. If you are traveling southbound on Brentwood Boulevard and turning left going east on Manchester Road, with the two added lanes, the signal is only allowing about three cars at a time to make that turn. The time for the left turn signal has been shortened.

Mayor Kelly stated that he will be meeting with representatives from St. Louis County Highway Department tomorrow and will mention it.

Alderman Marshall stated that the strobe light at Brentwood Boulevard and Manchester Road is going off constantly. It is a huge distraction, especially at night.

City Administrator Seemayer is waiting for a report back from ATS and the operation of the red light cameras at that intersection.

Alderman Marshall asked Director of Planning and Development Dailey for an update on access between the MetroLink and the Dierbergs parking lot.

Director of Planning and Development Dailey stated responded that an application was submitted last Friday to East/West Gateway Council of Governments to install a pedestrian staircase in the middle of the Dierbergs parking lot, so passengers who are exiting from the MetroLink station to the west would be able to access Dierbergs without having to go all the way back into Hanley Industrial Court. The application also includes sidewalk connections from that pedestrian staircase headed south into Hanley Industrial and bringing the sidewalk through Hanley Industrial Court into the south entrance of the Promenade. The City will find out in May if it has received the grant.

Alderman Marshall stated that they have met with department heads about applying for grants. It is very important that the City keep it on the forefront because it is money that does not have to come out of the general fund.

Alderman Kramer stated that he believes they agreed on putting some signage up at the intersection of Strassner Road and Brentwood Boulevard to let everyone know that the extension is opened, so people can begin using it.

Alderman Marshall responded that he vaguely remembers something about signage. He does not know if it was a question as to if they could put something there or a statement requesting they put something there.

Alderman Kramer stated that he believes the Mayor suggested or agreed that they contemplate putting some signage on the strip of ground across from Applegate's indicating to the drivers on Brentwood Boulevard that the Strassner Road extension is open to traffic.

Alderman Marshall stated that when he was talking about the cut through traffic he was thinking the sign was going to be on the eastern end of Strassner Road going west for Hanley Road drivers.

Mayor Kelly stated that it would be more prudent to do a large page ad in the Pulse and the newsletter about the Strassner Road extension.

Alderman Kramer stated that he continues to get many phone calls about what happened to Borders Books. The other question that has come up after they found out what happened, which was apparently that it was human error, was if there is anything the City can recover in terms of a claim with the insurance carrier of the company that caused the issue.

Mayor Kelly stated that loss of tax revenue insurance can be purchased but the City does not have any. As far as it being human error he is unaware of that.

Alderman Kramer responded that it came from the fire marshal of the City.

Mayor Kelly stated that Borders Books has applied for permits to do restoration to the building, including the permits for the sprinkler system repairs. Even if it were human error he does not know what recourse the City would have against the loss of sales tax revenue.

Alderman Kramer stated that from what he understands from the City's fire marshal, the plumbing company has accepted responsibility for the work that was done when Brentwood Square was first constructed for the construction of the 8" water main that comes into the building. Apparently one of the joints was not torque properly and took this long to finally come undone. He inquired whether it was something the City normally inspects and found out that during the course of the normal plumbing inspection of this type the actual plumbing of the water main would have been covered, encased in the proper substances, and then a full water pressure test about 200 pounds per square inch versus the 120 that would normally flow through that pipe, would have revealed an issue. In this particular case, because it was this particular type of defect in the workmanship, it took that long to surface. It was a clear determination that was accepted by the plumbing company at fault.

NEW BUSINESS

Alderman Leahy announced a Ward 3 meeting would be held on Tuesday, March 25th at 7:00 p.m.

The ribbon cutting for Office Depot is March 27th at 2:00 p.m.

Alderman Harper reminded the residents with spring approaching and children being out on the streets and on the sidewalks to stop at the stop signs. They have received concerns about people running through stop signs, especially on High School Drive and Lawn Avenue. He thanked the police department for quickly responding to that. They set up some watches and distributed several tickets to people running through the stop signs. He asked that the residents be more cognizant, especially during school hours and pay attention and stop at the stop signs.

ADJOURNMENT

Motion was made by Alderman Leahy, second by Alderman Marshall to adjourn the meeting at 7:47 p.m. All in favor none opposed.

Pat Kelly, Mayor

Attest:

Chris Seemayer, City Clerk