

MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING

City Hall
Council Chambers

September 15, 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, Director of Planning and Development/Asst. City Administrator Dailey and Executive Secretary Williams.

ABSENT: None.

CONSIDERATION AND APPROVAL OF THE AGENDA OF THE REGULAR BOARD OF ALDERMEN MEETING OF SEPTEMBER 15, 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 September 15, 2008 as submitted. All in favor none opposed.

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF AUGUST 18, 2008

Motion was made by Alderwoman Clements, second by Alderman Wynn to approve and adopt the Minutes of the Regular Board of Aldermen meeting of August 18, 2008 as submitted. All in favor none opposed.

ACCEPT CERTIFIED ELECTION RESULTS – AUGUST 5TH PRIMARY ELECTION

City Administrator Seemayer read the certified results of the August 5th Primary Election as follows:

Proposition A

To raise the business license fee for savings and loan or credit unions in excess of 700 square feet to \$2,500 annually: yes - 584, no - 359

Proposition B

To raise the business license fee for a bank, trust company or loan agency in excess of 700 square feet to \$3,000 annually: yes - 615, no - 326

Proposition C

To raise the business license fee for a savings and loan or credit unions under 700 square feet to \$500 annually: yes - 599, no - 315

Proposition D

To raise the business license fee for a bank, trust company or loan agency under 700 square feet to \$500 annually: yes - 605, no - 307

Proposition E

Establish a fee for Automated Teller Machines of \$100 each: yes - 501, no - 428

Proposition F

Amend the business code for certain types of businesses to pay \$.10 cent a square foot with a minimum of \$50.00 annually: yes - 554, no - 351.

Motion was made by Alderman Leahy, second by Alderman Marshall to accept the certified election results. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

RECOGNITION OF POLICE OFFICERS

Chief Knight came before the Board and stated that as you all are aware a tragic incident occurred in Maplewood in July of this year. Several of Brentwood's officers were first responders on the scene. This incident had a horrific ending for a Maplewood firefighter. They responded and acted professionally. Lieutenant Paul Ferber was instrumental in trying to get assistance to one of the officers that were down. There were shots being fired and no body really knew from what direction they were coming, so they acted the way they needed to. They put their own lives aside and did what they had been sworn to do. He is very proud of Lieutenant Ferber, Officer Gibson and Officer Nilson. Unfortunately Officer Nilson was not able to be here tonight because of a death in his family. Officer Gibson was one of the first responders and provided cover for Lieutenant Ferber and other officers while they were trying to locate the individual. They did a phenomenal job. Part of the delay in doing the recognition, since it happened in July, was the chiefs' review of the videotapes, police reports and asking for different commendations and so forth. Without waiting for the completion of that, he decided to recognize Brentwood officers tonight. Chief Knight presented Lieutenant Ferber with a departmental commendation for merit of bravery and Officer Gibson with a departmental commendation for his commendable performance on the same day at the same incident.

PROCLAMATION – BRENTWOOD PUBLIC LIBRARY

Alderman Wynn read a proclamation in honor of the Brentwood Library's 70th anniversary, which is attached to the minutes.

John Furlong, Director of the Brentwood Library came before the Board and thanked the Board for acknowledging them on their 70th year. He invited everyone for birthday cake on Thursday.

Alderman Wynn stated that he has been liaison to the Library Board for several years as an alderman. They are a great bunch of people that work together well. They are not paid, but they enjoy what they do and have a sense of accomplishment. He appreciates them very much.

Alderwoman Clements stated she got her start being involved with the City of Brentwood on the Library Board and served as president of the Library Board before she was first elected to the Board of Aldermen in the 1980's. It is a wonderful place.

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 on the east side of the abandoned streetcar right of way came before the Board and stated that she prepared her speech before learning that the Board would be voting on vacating her neighbor's easement this evening, although they will not be voting on hers. She appealed to Mayor Kelly to insist that the Board come to a determination on the disposition of the 25-foot strip of easement running from Rosalie Avenue north to White Avenue along the right of way. This last remaining 300-foot strip has not been used by the City for over 50 years and vacating it would serve to correct two errors executed by the City, the most recent being in 2001 when the City gifted this 25-foot strip to her neighbor to the north. As you all know this action was subsequently found to be illegal, so therefore null and void because the City neglected to first vacate this property. If, in truth, the City has not already vacated her neighbor's easement can you imagine the distress and worry that she now suffers because she built an expensive garage and driveway on property that she now learns she does not own. Can you identify with that? Error number two occurred probably before some of you were born way back in the early 60's when the City, without the authority to do so, gave to the Brentwood Swim Club permission to pave a road on top of this abandoned streetcar right of way which legally should have reverted to the adjoining property owners. So she and her husband, in effect, gave the City a gift of 25 feet of property that should have been theirs. Is it too far of a stretch to expect the City to vacate her 25-foot strip of easement in exchange? Would that not be the fair, decent, and ethical resolution? In the latest Board of Aldermen meeting on TV, Alderman Wynn speaks of the proud history of the city of Brentwood. Both aforementioned devious actions on the part of the City can be corrected by simply vacating this last unused strip of easement between Manchester and Strassner. Addressing the Mayor, she stated that she hopes that he would provide the leadership and

guidance to get this matter resolved in a timely manner. She is pleased that her neighbor's property problem will at last be resolved because she has no doubts as to the outcome of the Board's vote. If this means that her property issues will never be resolved then she urged board members to vote against the vacating until such a time that the entire strip from Rosalie Avenue to White Avenue can be voted on, as was the original plan recommended by Attorney Beimdiek over a year ago. The City is leaving her with the same problem as her neighbor because when she wants to sell her house there will also be title problems. Her fence extends about 12 feet over her property line under the easement in two areas. About 15 years ago, City Administrator Seemayer gave them permission to encroach onto the easement. They finally did so because of the City's prolonged inaction on either section of the easement. She has no doubts that there is favoritism at play here, as well as a stubborn, emotional and vindictive response on the part of some members of the Board, perhaps because of her outspoken stating of facts in this case. Please try to swallow your pride and make an objective decision.

Public Hearing – 7:15 p.m. – Amendment to Chapter 25

Mayor Kelly announced a public hearing for the amendment of Chapter 25 would now be heard at 7:15 p.m.

Director of Planning and Development Dailey came before the Board and stated that this is a text amendment to add public and private schools to the "LID" Light Industrial District. They are currently permitted uses in the Retail Service Commercial, General Commercial and Planned Development Districts. Staff is recommending the addition of public and private schools as a permitted use to "LID". It is consistent with the Comprehensive Plan and the Planning and Zoning Commission unanimously recommended approval.

Mayor Kelly stated that the primary reason for the amendment is that Fontbonne University Options program is moving to Hanley Industrial Court. Under the current zoning district they would not be allowed to have that type of operation. The Planning and Zoning Commission is in full agreement with the change.

Alderman Leahy asked if the parking requirement changes because you are allowing a school to go in there or is there something in the Code that allows or establishes a larger amount of parking requirement.

Director of Planning and Development Dailey stated that the Zoning Code already has parking regulations for public and private school uses, so that did not have to change.

Mayor Kelly announced the public hearing closed at 7:21 p.m.

Public Hearing – 7:20 p.m. – Conditional Use Permit – 2120 S. Brentwood

Director of Planning and Development Dailey came before the Board and stated that Wallis Companies is requesting a Conditional Use Permit and Site Plan Approval for the

Mobil Gas Station at 2120 S. Brentwood Boulevard. They plan to do an exterior remodel and will be renovating the interior of the building to upgrade it to a Mobil on the Run. They will be doing some improvements to the site including installing a rain garden in the northwest corner of the site and doing some improvements to signage and landscaping. The Planning and Zoning Commission unanimously recommended approval of it. The sign will have to comply with the Sign Code and will be going to staff for permitting separately from this application.

Mayor Kelly stated that it is a remodel of the existing Mobil Station but in order to proceed they would have to establish a new Conditional Use Permit.

Mayor Kelly asked if there were any questions from the audience, hearing none Mayor Kelly announced the public hearing closed at 7:22 p.m.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Motion was made by Alderwoman Clements, second by Alderman Leahy to give Bills No. 5453, 5454, 5455, 5456, 5457, 5458 and 5459 first and second readings. All in favor none opposed.

Bill No. 5453 – Repealing Ordinance No. 4038 and Setting of Property Tax Rate 2008

City Attorney Albrecht gave Bill No. 5453, AN ORDINANCE REPEALING ORDINANCE NO. 4138 AND SUBSTITUTING IN LIEU THEREOF A NEW ORDINANCE TO CONFIRM, RATIFY AND APPROVE THE RATE OF TAX TO BE ASSESSED AND COLLECTED FOR EACH ONE HUNDRED DOLLARS (\$100) OF ASSESSED VALUATION FOR THE YEAR 2008 FOR: (A) GENERAL MUNICIPAL PURPOSES; (B) TO PAY PRINCIPAL AND INTEREST AS THE SAME MATURES ON INDEBTEDNESS OF THE CITY OF BRENTWOOD EVIDENCED BY BONDS; (C) TO PAY FOR THE MAINTENANCE OF THE PUBLIC LIBRARY; AND (D) TO PROVIDE THE ANNUAL CONTRIBUTION TO THE CITY OF BRENTWOOD'S POLICE AND FIREMEN'S RETIREMENT FUND; 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. 5453 as a Bill that repeals Ordinance #4138 adopted at the August 18th, 2008 Board of Aldermen meeting which set our 2008 property tax rate and replaces it with a new Ordinance. The City uses the Department of Revenue's web based spreadsheet to calculate our property tax rates. The City was notified by the Department of Revenue that there was an error on their spreadsheet that gave us incorrect rates for 2008. The new rates are lower but the revenue produced remains the same. The new residential rate is 57.5 cents for each one hundred dollars of assessed valuation instead of 60.5 cents and the new commercial rate is 68.8 cents instead of 76.9 cents.

Motion was made by Alderman Marshall, second by Alderman Robertson to approve and adopt Bill No. 5453. 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. 5453 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4140.

Bill No. 5454 – Business License Fees

City Attorney Albrecht gave Bill No. 5454, AN ORDINANCE AMENDING CHAPTER 12 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, MISSOURI BY DELETING SECTION 12-24 (b) IN ITS ENTIRETY AND ENACTING IN LIEU THEREOF A NEW SECTION 12-24 (b), DELETING A PARAGRAPH IN SECTION 12-24 (c) AND ENACTING IN LIEU THEREOF A NEW PARAGRAPH IN SECTION 12-24 (c), AS IT RELATES TO BUSINESS LICENSE FEES; 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. 5454 as a Bill that amends our business license code by enacting the new business license fee's approved by the voters August 5th, 2008. Once adopted the fees become effective immediately.

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve and adopt Bill No. 5454. 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. 5454 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4141.

Mayor Kelly asked for a motion to move Bill No. 5455 to follow Bill No. 5459.

Motion was made by Alderman Leahy, second by Alderwoman Krewson to move Bill No. 5455 to follow Bill No. 5459. 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. 5456 – Amending Chapter 25 – Allow Private or Public Schools

City Attorney Albrecht gave Bill No. 5456, AN ORDINANCE AMENDING CHAPTER 25 OF THE REVISED CODE OF THE CITY OF BRENTWOOD, MISSOURI BY AMENDING SECTION 25-260 TO ALLOW PRIVATE OR PUBLIC SCHOOLS IN THE "LID" LIGHT INDUSTRIAL DISTRICT; 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. 5456 as a Bill that amends our Zoning Code by allowing private or public schools to operate in the LID District. This Bill was reviewed and approved by the Planning & Zoning Commission. A public hearing is required prior to consideration.

Motion was made by Alderwoman Krewson, second by Alderman Leahy to approve and adopt Bill No. 5456. 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. 5456 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4142.

Bill No. 5457 – Site Development Plan/Fontbonne College

City Attorney Albrecht gave Bill No. 5457, AN ORDINANCE GRANTING APPROVAL OF A SITE DEVELOPMENT PLAN TO 1265-1300 STRASSNER LLC TO RENOVATE THE EXISTING BUILDING AND SITE FOR FONTBONNE COLLEGE AT PROPERTY NUMBERED 1300 STRASSNER DRIVE WHICH PERMITS UNDER THE PROVISIONS OF CHAPTER 25 OF THE BRENTWOOD CITY CODE THE DEVELOPMENT OF THAT SITE; PROVIDING THE CONDITIONS TO SUCH DEVELOPMENT; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5457 as a Bill that approves a development plan for 1265 – 1300 Strassner Drive to allow site improvements for Fontbonne College. This Bill was reviewed and approved by the Planning & Zoning Commission.

Mayor Kelly stated that everybody is familiar with the Zelda Epstein site. Alderman Leahy raised the question of parking and one of the things they are doing with the development is that they will be using parking across the street on the old Southside Roofing site. They will be making some renovations to the parking lot, adding additional landscaping and lighting. It will be a great addition to the area and to Hanley Industrial Court.

Alderman Wynn stated that it is fantastic because they want to draw people to the city of Brentwood and education is one of the things that will draw people. It will be uplifting to the city and it is a wonderful thing that they chose Brentwood.

Alderman Leahy asked if campus security both on the property and by response is connected to the main campus or will there be some type of connection to Brentwood Police Department.

Gary Zack - Vice President of Finance for Fontbonne College came before the Board and stated that they intend to provide security for the building that would be freestanding, wired to alarm systems but whether it will be directed to the police station or not remains to be seen. They intend to secure their assets there. The doors will be protected.

Alderman Kramer asked if there was a sign change as a part of the request.

Director of Planning and Development Dailey stated that signage and a couple of minor landscaping items would be coming before staff.

Greg Lee Gundaker - Commercial Group came before the Board and stated that in response to both the signage and the questions regarding the parking lot, landscaping, building and entrances, staff and the Planning and Zoning Commission had included in the conditions of approval that staff may approve those administratively. One of the conditions is producing a document proving that they have a cross parking agreement. The leases for 1300 Strassner and 290 Hanley Industrial Court run coterminous which was discussed at the Planning and Zoning Commission meeting and they were very cooperative. They will submit final signage, landscaping and building elevations to staff after Fontbonne has finished reviewing and is comfortable with these items.

Alderman Leahy asked if there would be permission from St. Louis County to identify a Fontbonne College sign coming off Hanley Road into the Court.

Mr. Gundaker stated that they have not addressed that issue but will in the future.

Motion was made by Alderwoman Clements, second by Alderman Marshall to approve and adopt Bill No. 5457. 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. 5457 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4143.

Bill No. 5458 – Conditional Use Permit/Mobil on the Run

City Attorney Albrecht gave Bill No. 5458, AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO WALLIS COMPANIES d/b/a MOBILE ON THE RUN, WHICH PERMITS UNDER CERTAIN CONDITIONS THE USE OF CERTAIN DESCRIBED PROPERTY FOR OPERATION OF AN AUTOMOBILE SERVICE STATION; PROVIDING THE CONDITIONS OF SUCH USAGE; AND PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5458 as a Bill that would grant a Conditional Use Permit to allow a Mobil on the Run at 2120 South Brentwood Blvd. (the site of the existing Mobil station) The plan includes exterior & interior improvements to

the existing building. The Planning & Zoning Commission reviewed and approved the proposed site plan.

Alderman Clements stated that for the last few years there has been no repair, the bays have not been used. Is that going to change?

Kevin Kamp - Civil & Environmental Consultants, Inc. came before the Board and stated that the bays are part of the area of the interior renovations.

Chairman of the Planning and Zoning Commission Geppert stated that with all do respect to how nice the rendering looks, keep in mind that the canopy will stay where it is. They are making some nice landscaping changes. The signage and the entire site will look improved, including a rain garden on the northeast quadrant.

Alderman Wynn asked about the screening from the neighbor.

Chairman Geppert stated that there would be no change in the screening. The residents have been informed of this application coming forward and no one from the neighborhood came to express any concern.

Alderman Kramer asked if there is going to be any change in terms of liquor being sold at this location.

Chairman Geppert responded that there would be no change in the nature of operation or hours of operation. They have a liquor license and are open 24 hours.

Alderman Kramer asked if the police department is going to continue to use it as a substation, depot area.

Chairman Geppert stated that the police vehicles are there on a regular basis taking advantage of the price of gas or lack thereof.

Chief Knight stated that the signs were put up to help deter the possibility of robbery. The police are up there regularly for gas and to get coffee.

Motion was made by Alderman Clements, second by Alderman Krewson to approve and adopt Bill No. 5458. Roll call: Alderman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5458 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4144.

Bill No. 5459 – Site Development Plan/2355 S. Hanley Road

City Attorney Albrecht gave Bill No. 5459, AN ORDINANCE GRANTING APPROVAL OF A SITE DEVELOPMENT PLAN FOR EXTERIOR RENOVATIONS AND SITE IMPROVEMENTS AT PROPERTY NUMBERED 2355 S. HANLEY ROAD WHICH PERMITS UNDER THE PROVISIONS OF CHAPTER 25 OF THE BRENTWOOD CITY CODE THE DEVELOPMENT OF THAT SITE; PROVIDING THE CONDITIONS TO SUCH DEVELOPMENT; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second reading.

Alderman Kramer read a synopsis of Bill No. 5459 as a Bill that would approve site improvements for exterior renovations to Art Mart, located at 2355 South Hanley Road. The proposed renovations were reviewed and approved by the Planning & Zoning Commission.

Mayor Kelly stated that he met with Keith Baizer, owner of Art Mart who had some concerns about the parking, but is willing to go along with the recommendations of the Planning and Zoning Commission. One of the things that P&Z recommended from a safety standpoint was angling the parking in front of the store. He is losing parking spaces because of that recommendation.

Alderman Leahy stated that if he understands the Missouri State Statutes and the driving regulations for 14 ½ year old youths to take drivers training, it is illegal to back out into moving traffic on a thoroughfare. He wondered how the City of Brentwood could authorize the parking in front of the building if the only way to get out of the slot is to get onto Hanley Road.

Chairman Geppert stated that the City, at its own expense, looked at the nature of the direct head in parking towards the building. They engaged the services of the engineering firm Crawford, Bunte, Brammeier and they recommended that instead of the direct head in parking configuration currently there that it should be angled 30 degrees. It will be 30 degree angled parking so that if you were coming southbound on Hanley Road you would pull in at an angle to the building instead of direct head in. As a result you would be able to back out maintaining the presence of your vehicle on the site without going into Hanley Road. The applicant is not happy with the recommendation because there will be a number of spots that will be lost because of it.

Alderman Marshall stated that it would probably stop the customers going north on Hanley Road from trying to cut across the traffic to enter Art Mart's parking lot.

Chairman Geppert stated that you have to work with the site that you are given. Hopefully this angling of the parking will be an improvement that will make the overall safety of the configuration better. Traffic tends to go where the driver wants it to go. He cannot guarantee they will not try to turn left but they think it will cut down on that concern.

Alderman Leahy asked if they are putting up an advertisement board decoration for the building or will it be painted onto the brick.

Chairman Geppert stated that he believes there is a new structure coming off the building that will incorporate some signage and there will be some graphics painted directly on the brick.

Alderman Kramer stated that he is a big fan of Art Mart and he has been shopping with them since they were at the corner of north Brentwood and Maryland in an old grocery store building. He wondered if this particular location with the enhancements would suffer any impact from the eventual redesign of Hanley and Manchester Roads that would stretch north.

Mayor Kelly stated that the current plans for the Hanley Road improvements over Manchester Road are to build a new overpass and their work would stop about 200 feet south of Litzsinger. St. Louis County said they would like to see the other improvements from that point to the entrance into Hanley Industrial Court completed at some time in the future. Best-case scenario they could not start the overpass project until after the Highway 64/40 project completion and the fact that they need to come up with the funds to do it. The County says it is their number one project and the Highway Department says the improvements on Hanley Road are their number one project in the County. He thinks they are about seven years away from starting construction.

Alderman Marshall stated that the Hanley Road plans had shown a right in, right out only on Litzsinger and he is very much against that.

Mayor Kelly stated that they would have opposed that project. It is one of the reasons they have stopped it at about 200 feet south of Litzsinger. The plan that they had shown at one point was to continue a median all the way from the new bridge to the entrance at Hanley Industrial Court. It would have eliminated the left turn off Litzsinger and cut off access to all the buildings. Brentwood was very much opposed to that. They need Brentwood's support to get the project to work, so they have scaled it back. Sunnen has announced that they have a redevelopment project for their property, which includes the old Couples building and the location of Enterprise Leasing. The goal is that if some major redevelopment happened in that area then they would be able to take that to get the width that they need in order to put the three lanes through as well as realign the intersection, so that they have full access to Litzsinger.

Motion was made by Alderman Robertson, second by Alderman Marshall to approve and adopt Bill No. 5459. 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. 5459 duly passed and signed same into approve thereof. Said Bill was given Ordinance No. 4145.

Bill No. 5455 – Vacating a Portion of Central Avenue

City Attorney Albrecht gave Bill No. 5455, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS ALLOWING THE CITY OF BRENTWOOD TO VACATE A SPECIFIC PORTION OF CENTRAL AVENUE RIGHT OF WAY ADJACENT TO 8662 WHITE AVENUE; AND, PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5455 as a Bill that authorizes the Mayor to execute the necessary documents to vacate the 25' ROW that adjoins 8662 White Avenue. This Bill was reviewed and approved by a vote of 3 -1 at the Public Works Committee meeting.

Alderman Leahy stated that the issue of dealing with the right of way has been in front of the Board for almost seventeen months. In that time frame they have had lots of crisscrossing information and unfortunately because of that they have had some difference of opinions based on erroneous facts that have led them at times to no decision. In front of the Board is a 28-page document. The majority of the document comes from Mr. Beimdiek. The Board authorized a contract with Mr. Beimdiek on May 7, 2007. He has incorporated the emails that he has had between City Administrator Seemayer, himself and Mr. Beimdiek. If he is not mistaken when they hired Mr. Beimdiek he believes they incurred about an \$8,000 to \$10,000 bill for his services and his legal opinion. In this case it is still a legal opinion because they have never taken it to court. When he refers to page numbers he is asking everyone to use the hand written page numbers at the bottom of each page. Page 3 has Mr. Beimdiek's legal opinion. Page 4, the highlighted section refers to a twenty-five foot area as it has been dedicated to them, it has the intent of only going for road purposes, which is identified in the middle of the first paragraph that Mr. Beimdiek is giving them as his direction. Page 7 refers to the action that the Board took in 2001 with a quitclaim deed versus the actual vacating of the property and how it was filed in July and this is what created the biggest problem for Mrs. Barnes. He acknowledged that he and Alderman Marshall had a disagreement over this intent and he was incorrect with his facts and Alderman Marshall was kind enough to help him get through that hurdle. He thanked Alderman Marshall for taking the extra time to help straighten out that critical fact. He was always under the impression that the garage existed prior to the sale of properties and that is where they kept getting into easements, who is right, and who is wrong as to what they are doing with the property.

Page 19 is a "Record Owners of Abutting Land" that Mr. Beimdiek provided. The yellow area is the area that is being asked to vacate. The area in blue is Mrs. Ferguson's property. What they are looking at doing with the vacating is they are not giving away any land. The land is owned by the property owner already. They would be eliminating the dotted lines that encroach on the owner's property if the City ever chose to develop a roadway in that section that they would unfortunately lose their property to the right. The contention is that they are making their property larger or they are making it more valuable. All they are doing is deciding now that maybe the City is never going to exercise it and give them free and clear title to their own property and the ability to develop and do whatever they want on their residential section within our codes. The current Bill No. 5455 reads for the yellow section on the drawing. He would like to

propose to the Board to consider using and incorporating Mrs. Ferguson's property, which is indicated in blue. Mr. Beimdiek recommended to the Board that they vacate all of Dorothy between Rosalie and the south boundary of the Swim Club to make this right of way work. For there is no benefit in chopping out a little section to open it up between both streets and let it all go if they choose to do that. The email that he is looking at on page 21 is dated August 15, 2007 that he and Mr. Beimdiek went back and forth on questions and answers based on him giving them his legal opinion. He again asked a further question on page 25 where Mr. Beimdiek under his expertise gives them a recommendation that the proposal be to vacate Dorothy Avenue at the north line of Rosalie and the south line of White Avenue. In their efforts of hiring Mr. Beimdiek who has a lot more expertise than they do and his advice, he is looking and suggesting that the best alternative to what they need to do to fix an error from 2001 is to look at taking both properties between the two roadways. There was a question about whether or not in doing a vacating of either parcels or possibly both parcels if there is a concern about where the utility lines currently lay. Mrs. Barnes provided the City with her surveys to justify that there are no encroachments of utilities in/on her property.

Alderman Marshall stated that the reason those are not in the right of way is Mrs. Barnes paid to have them moved.

Alderman Leahy stated on September 12th of this year, they again asked the question both of City Administrator Seemayer and the Public Works Superintendent and it has been checked that there were no utilities within the affected areas.

Motion was made by Alderman Leahy to amended Bill No. 5455 to include Mrs. Ferguson's property with an address of 8675 Rosalie as vacating the 25' easement of the right of way for the potential extension of Dorothy Avenue contingent upon Mrs. Ferguson providing to the Board surveys showing that the utilities are not in this area. If they are it has to be recorded as an easement that would still exist for the utility rights only.

Mayor Kelly stated that the motion should include that the survey does not conflict with the existing road.

Alderman Leahy stated that in October of last year they potentially had three ordinances that were going to come to them. At that time City Attorney Albrecht recommended that they not address those ordinances or vacate anything until they actually know the proper location of Swim Club Road. That put a lot of this on hold until they could get through that. Mrs. Barnes, in her survey, constituted that Swim Club Road does not encroach inside the area that they are talking about. They would have to have some type of authorization assurance that if they vacated the 25' for the potential of Dorothy right of way that they would have no encroachment into the existing Swim Club Road. The only way you will get that is through a survey.

City Attorney Albrecht stated that it would be better to have an amended ordinance submitted with all the information at the time the ordinance is presented and voted on.

Alderman Marshall suggested that they move forward with Bill No. 5455 tonight. He will have no opposition to bringing forth another bill. They are two separate issues. The utilities that Mrs. Barnes dealt with were not located on the survey that she got. What the survey indicates and what is there are two different things. He thinks they need to verify that.

City Administrator Seemayer stated that it was at the direction of the Public Works Committee some time this year to do a utility locate through Missouri One Call. They marked all the utilities on Swim Club Road and there were none within that area.

Alderman Harper asked Alderman Leahy if his motion is for the Barnes and Ferguson property only.

Alderman Leahy responded yes. It is to bring them in alignment with Mr. Beimdiek's recommendation.

Alderwoman Krewson seconded the motion.

Mayor Kelly stated that this was his recommendation since Mr. Beimdiek came that they should abandon the right of way on that side of the street. He agrees with that. The City will still have 75' in that area if they ever wanted or needed to do something for City use in the future. Brentwood Boulevard is not 75' wide, so he cannot see them putting a roadway through that is going to be that wide. Logically, given where this right of way stops and where it starts in this area, it does not have any use for the City. The property owners want to use it and should have the right to use it since they do not have any plans for it. He recommended that they approve Bill No. 5455 as written and then have Mrs. Ferguson give them a survey, verify those other things and then proceed with the other ordinance.

Alderman Leahy stated that he considered such a request in separating the two bills. He can understand the resident's concerns that they do this action tonight and not address the other. He has no real push to keep it going other than the Board indulging him if he keeps raising the issue from an old business standpoint. He asked if he could establish some reasonable timeframe for the Board to make some firm decision yea or nay and at least try to close this issue without having it dangle another seventeen months.

Alderman Wynn stated that they should do it.

City Administrator Seemayer stated that he does not see any reason why they could not have legislation ready for the next meeting. He knows the documents exist but they have to be reviewed with relationship to the road.

Alderman Leahy stated that in his motion he established that those would be the contingencies for granting the vacating on that property. Is that legally enough to allow

them to incorporate it this evening pending the approval of those documents, versus doing another bill.

City Attorney Albrecht stated that you would either have to have a separate bill or this bill would have to be amended with the appropriate documents attached.

Alderman Marshall suggested two bills because of the differences of opinions. By combining the two issues you are forcing a vote and it could have a negative impact on one or the other.

Alderman Leahy stated that they discussed it in committee and at that time twice he has lost moving this action forward because he could not get enough support to incorporate it into the current bill. He is hesitant to let it fall backwards as a secondary action because it has dragged out so long. He does not mean to beg the question of the Board but the assurance of at least getting this done in a timely manner has unfortunately dragged out over years, which makes him uncomfortable.

Mayor Kelly asked for a show of hands to see who is in favor of abandoning the right of way for both pieces of property. Mayor Kelly suggested that another motion be made to have a bill prepared for the next meeting for the relinquishing of the right of way for Mrs. Ferguson's property. At least six Board members raised their hands saying that they are in favor of that.

Alderman Leahy withdrew his motion and Alderwoman Krewson her second.

Alderman Marshall stated that he looked at the stakes from Mrs. Ferguson's survey. When she initially approached him and Alderman Wynn about this she said it was to protect the garden that was memorializing her son. Since the garden sits out farther than that 25' easement is she going to move it back?

Alderman Kramer called the Board's attention to page 25 of the presentation from Alderman Leahy. His recollection of Mr. Beimdiek's research and opinion was that he had a differing opinion depending on what the goals of the City were. In this particular case, his email to City Administrator Seemayer on Wednesday, August 22, 2007 states that "the Board has the discretion to vacate portions or total streets that they consider in their absolute discretion will not be needed for public use". Some could say from his remembering of his counseling will never be needed for public use as long as the vacation does not damage any owners using the right of way for access. While Mr. Beimdiek does recommend the proposal to vacate Dorothy Avenue between the north line of Rosalie Avenue and south line of White Avenue, his recollection is that if they were to determine that there would potentially be need for public use in the future or that they can't possibly know what public use would be needed in the future because it's 2008, and this started so many years ago, he urged the Board to consider that opening sentence in the email of August 22nd.

Alderman Marshall stated that he has been opposed to vacating anything more than what the previous Board voted on with the quitclaim deed. All he has tried to do is clean the mess up that was created by the previous city attorney. He has not wanted to vacate anybody's property. He is worried that any of the property owners will now have the right to come before the Board and ask for that property. On the other side, the City's path goes through the right of way. Mrs. Ferguson seems to think that he has the power of the whole Board to vote on this. That is why he has stated that if Alderman Leahy wanted to propose a bill he has no problem with it.

Motion was made by Alderman Leahy, second by Alderwoman Clements that City staff draft a potential bill to consider vacating the 25' potential right of way of Dorothy Avenue at property located at 8675 Rosalie Avenue contingent upon proper documentation of survey and utilities not endangering the actual current location of Swim Club Road for consideration at the October meeting. 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.

Motion was made by Alderman Marshall, second by Alderman Leahy to approve and adopt Bill No. 5455. 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.

The Mayor thereupon declared Bill No. 5455 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4146.

ACCOUNTS AGAINST THE CITY

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve the warrant list dated 9/15/08.

Alderman Kramer asked if there is any item on the warrant list relating to the public works facility.

City Administrator Seemayer responded no.

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.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor's Report

Mayor Kelly announced an executive session real estate matter would be held following this meeting.

Mayor Kelly stated that the city of Brentwood had unprecedented flooding with six to seven feet of water on Manchester Road. Not only was it the highest they have ever seen but it stayed there for a longer period. There were some heroic actions by the Public Safety employees. They made at least three car rescues. One resident jumped out of the apartment into the river, was swept away, and was rescued by the fire department. A number of people were removed from the apartments by boat, as many as 25 to 35. They opened the Rec Center as a shelter and contacted the Red Cross. For the residents that needed overnight facilities they transported them to the Red Cross shelter in Hazelwood. They could not support them in the Rec Center because it is not a designated Red Cross shelter. They made contact today with FEMA as well as the United Way and the Red Cross in order to try to get support for the residents. The United Way has a 211 number and any residents that need help with temporary housing, food or clothing can contact that number and they will be more than happy to help. The City started the paperwork for documenting the expenses and the affected businesses. So far, their list shows about 84 businesses, 25 houses, and the apartment buildings that were affected by the flood. Two of the buildings in the apartment complex were designated as condemned meaning that the building official will not allow them to go back into the building until the repairs are made. They had significant structural damage to the buildings. The second phase of the documentation for FEMA will be determining whether they qualify for SBA to designate it as a disaster or relief area and then they would offer low interest loans to the businesses for the repairs. It was catastrophic for a number of the businesses. Lawn Care Equipment lost their entire inventory. While their employees were down there a woman tried to drive her car through the water and the water started sweeping her away. Her car evidently hit something and set off her airbag. She was trapped in the car as her car started to sink. Two young men from Lawn Care Equipment went under the water, broke the window of her car, opened the car door and pulled her to safety. That was another example of a heroic act by some of our citizens. They got great support from local stores, which included Sports Authority with the donation of rafts. REI donated paddles. They also called around to see if they could get boats for them to use. Andy Truss, Brentwood resident and Rick Zimmer, Brentwood resident and Parks Department employee got their fishing boats, which is what the fire department used to rescue people from the apartment complex. St. Louis City Fire Department brought two boats and they used those to transport people out of the area. It was a great effort by a number of municipalities. All of the surrounding municipalities came to their aid. At one point the only way to leave Brentwood was through Brentwood Boulevard. Every other road was covered with water at some point, Strassner, Litzsinger, Manchester, etc. One of the tragic deaths of the storm yesterday was the woman in Ladue. Brentwood's paramedics responded to that call. They will proceed and do what they can to help the businesses and residents move forward.

One of the questions that keeps coming up is if they are going to have Brentwood Days. Unless there is some consensus of the Board to do otherwise they will go ahead with it. Superintendent Nahmensen and the Parks Department feels they can get the park ready. There were some concerns brought to him that the park was contaminated from the floodwater. The Mayor said he contacted the Department of Natural Resources today and

talked to a water pollution specialist who said that he would be more concerned about buying a hotdog at the concession stand than the water in the field. He said that with the dilution and the amount of water that was flowing through there even if there was oil or chemicals that got into the water it would be so diluted that it wouldn't be anything to worry about. He will wait to see what the weather will be tomorrow. He thinks the crew feels they can get the park ready and if they can they should try to do that.

Alderman Leahy asked if the ride company could clean and salvage their equipment.

Mayor Kelly stated that they contacted the ride company and if they cannot get the flooded rides ready they have other rides that they will bring in. The decision has to be made no later than Wednesday afternoon because they need to bring in the rides and set them up so that they can be inspected by St. Louis County, which is the normal process.

Alderman Leahy stated that the other concern is if you are putting those rides up and putting people on them is the ground going to remain stable enough to support them.

Mayor Kelly stated that one of the suggestions by Superintendent Nahmensen was to close Russell Avenue, put the rides there, and still have the booths on the park side. He said that he is not concerned about parking on the upper smaller soccer field because the ground is hard all the time. He would suggest putting the rides there but then they would not have any parking. Mount Calvary offered their field for Brentwood Days. The concern is that it would be enough space for everything that they need to put up but they would not be able to do fireworks and would not have any parking.

Alderman Harper asked if Superintendent Nahmensen would utilize any volunteers.

Mayor Kelly responded that he is sure they will take all the help they can get. The City has some great crews with good intentions and they will get the job done but you also do not want to wear them out completely by doing it.

Alderman Marshall stated that all the water they had yesterday was unprecedented. A couple of years ago they had many problems with residents and their sewers and they have addressed those issues. Unfortunately no amount of sewer work could have prevented any of this.

Mayor Kelly stated that he is aware of just one call for a back up. Even in the area on the west side of Brentwood where the electricity went out and they have a number of the grinder pump systems, because of the way the system works, those residents didn't get the back ups either.

Alderwoman Clements stated that she had one call for a back up because of a grinder pump failure. The resident said it also failed over the Memorial Day weekend.

Alderman Leahy asked if the City is still putting in grinder pumps or is it going through MSD only.

Mayor Kelly stated that the City still put them in if somebody is approved.

City Administrator Seemayer stated that most recently MSD has said that they are going to take it over from this point forward.

Mayor Kelly responded that they have not done it yet.

Alderman Wynn stated that he thinks the ground will be fine. He has coached baseball at Brentwood Park and a couple of days without rain the ground would be solid.

Mayor Kelly stated that Bob Niemeyer, Fire Chief is being inducted Saturday into the Brentwood Hall of Fame at the Brentwood High School at 7:00 p.m. He has been asked to be one of the chief's guests, which is an honor for him.

Mayor Kelly stated that he was honored to be appointed by County Executive Charlie Dooley to serve as one of the new commissioners for the Jefferson/St. Louis County Solid Waste Commission. This Commission administers and awards many of the grants for the recycling program. Their first meeting is tomorrow. They are all aware that Brentwood took over its own recycling a few years ago. He has served on a committee for St. Louis County that helped create the legislation for the trash districts in the unincorporated St. Louis County. The real goal behind creating those districts was that as a region we do not generate enough recycle goods to actually create or build one of these recycle plants in St. Louis. They have been paying for the recycle goods to be dropped off, anywhere in the area of \$4.00 a ton since they started the program. In Chicago, Resource Management was paying trash haulers about \$27.00 a ton for recycle goods. Because they did not generate enough to build one of these plants they were actually taking the recycle goods and shipping them to Chicago to be separated. By creating the districts in unincorporated St. Louis County where everybody was paying for their trash service, it was a great disincentive to recycle because they had to pay for it. Under these districts the trash haulers have to supply recycle with their program. One of the districts is already in operation and two of them are going on line very soon. The trash haulers have already started to build these recycle plants. For the last three or four months they have been paid for the recycle goods. Last month it was \$41.00 a ton. This is not only a good thing for the city of Brentwood it is the right thing to do from an environmental standpoint for the entire region.

Alderwoman Clements reminded the residents that they could get a list from City Hall as to just how much can be recycled.

Mayor Kelly stated that the City has been working on the landscaping design on which the Board approved the preliminary design to be done for the Eager/Brentwood Boulevard/Highway 64/40 entrance. They have been meeting with MoDOT and the landscape architects. They think they will have a funding source in place for this project. This will be a \$1.2 million project. MoDOT is looking for the City to get a little further along from a design standpoint so that they can incorporate some of the preliminary

grading etc., while they are doing the work on the Highway 64/40 project. They need to get at least the 60% design completed by the end of this year, which would mean that they would have to allocate some additional funds for the architects to do the actual design work. The funds will be reimbursed once they get the funding in place for this project. He would like to get permission from the Board to move forward with the additional funds which could be as much as \$45,000 to \$50,000 to move forward with the 60% design phase of the project.

Alderman Leahy asked what is the potential funding source for this.

Mayor Kelly stated that they have been working with St. Louis County and MoDOT on a new TDD district. The primary funds will go to pay back the jug handle. There will be some additional funds left over and this would be one of the projects that will be paid for by that TDD.

Alderman Leahy asked if the TDD would be the same one that they are looking to establish for the Hanley/Manchester Road.

Mayor Kelly responded that they have taken the north part of the project out but it is the same TDD. The Manchester Road project will not be part of that because they cannot generate enough funds for it. This will be to reimburse the jug handle, the Strassner Road improvements and another project on the list is replacing the bridge at Litzsinger, trails grant match in Hanley Industrial Court. The TDD also encompasses part of Maplewood. One of the ideas they had talked about with which Maplewood is in agreement, if they are able to move this forward, is to create a trolley/bus system that would go from Schlafly Brewery to Brentwood Square. It would be a free bus system for people to ride in between the Centers. They could park their cars at one Center and go to the other one or go to downtown Maplewood and have lunch and would not have to drive their vehicles. It would fund that program also. All those things are being incorporated into the TDD. The funds are coming from the TDD that's funding the jug handle.

Alderman Kramer stated that this looks very nice, the ornamental art or items that are in the sculptures in the plans.

Mayor Kelly stated that he thought they were being rushed with their commitment and he did not know where the funds were coming from.

Director of Planning and Development Dailey stated that they explained that it was a little too fast paced. MoDOT agreed with them and with the schedule that they are moving forward with there is still time to consider working with ArtWorks.

Mayor Kelly stated that the goal is that they would be able to put it out to bid in December of next year and start in January 2010. The City has to come up with the funding for the preliminary design, 60% design of the actual project, which would be elevations and how the water will work, where the signal box is going to be located on

the corner, etc. They have to coordinate all those utilities in this design before the contractor goes in and puts them in as they exist.

Alderman Kramer asked if the funding he is requesting is going to come from a TDD.

Mayor Kelly stated that eventually they would be reimbursed for all of the design work.

Alderman Kramer asked what territory would the TDD cover.

Mayor Kelly stated that it is from Brentwood Square to Sam's and Wal-Mart in Maplewood. Some areas will be different, but it will even out the TDDs throughout the district at .1 cent.

Alderman Leahy stated that the Maplewood/Wal-Mart development is already at .1 cent.

Mayor Kelly stated that they are adding an addition to Wal-Mart, so that new revenue would contribute to the TDD.

Motion was made by Alderman Marshall, second by Alderman Robertson to approve the 60% completion of the design of the landscaping project.

Mayor Kelly pointed out that if something happened, and the TDD failed even though they would get the 60% design they would have the utilities relocated and still incorporate this as part of the RFP that they are putting out for that corner and have that as part of that project. At some point in the future they should be reimbursed for the landscaping design funds.

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.

Alderman Leahy stated that he voted "no" because he does not have a good handle around how the money works and he doesn't think it is right to rush into it. He would like to get the project done but he would like to have a firmer base as to where they are going.

Public Safety Committee – No report

Public Works Committee

Alderman Robertson stated that they will have a one topic Public Works Committee meeting on October 6th at 10:00 a.m. to discuss the possibility of a crossing on Manchester Road with MoDOT. In regards to the flood, there is no sewer project that they could have done ahead of the flood that would have helped, but there may be some things they could do with the geography to move some of the businesses out of the flood areas. He has spoken to some of them and they are considering the possibility of not

rebuilding. With FEMA and SEMA regulations, they may not allow some of these people to rebuild. He does not know what the rules are but he would like to explore that issue and work with the property owners to see what they want to do.

Director of Planning and Development

Alderman Kramer stated that he received an update recently that he thought might be appropriate for the residents or other Board members to hear about which is the status of the Walgreens storage units behind the building.

Director of Planning and Development Dailey stated that she has asked Walgreens to submit elevations of permanent structures to replace those temporary storage containers. They submitted something and she did not feel comfortable sending it to the Planning and Zoning Commission at the last meeting. She and the Mayor met with their district manager and gave them some examples of what the more permanent structures look like and they are working on putting those renderings together and getting a submittal to take to the P&Z Commission. The City's code enforcement officer issued a ticket but that enforcement action is on hold pending their coming into compliance and going through the P&Z Commission process.

Alderman Kramer stated that even though it is behind the cross access, it is their property.

Ways and Means Committee – No report

City Attorney – No report

City Clerk/Administrator

Special Use Permits

City Administrator Seemayer stated that the City received an application for a Special Use Permit for a fund raising BBQ for the Brentwood High School football team sponsored by Eagle Bank & Trust. It will be held on the Eagle Bank's parking lot on September 27th from 11:00 a.m. to 3:00 p.m.

Motion was made by Alderman Marshall, second by Alderman Wynn to grant the Special Use Permit to Eagle Bank & Trust. All in favor none opposed.

Mayor Kelly stated that one of their graduates from last year was in a terrible automobile accident and is paralyzed. All the proceeds from the BBQ will go to his family.

City Administrator Seemayer stated that the Brentwood Chamber of Commerce would be hosting two events at the Recreation Center. They are seeking permission to serve beer and wine at those events. The first event is the Brentwood Business Expo on October

23rd from 5:00 to 7:00 p.m. and the second event is the annual Chamber Holiday Party on December 4th from 5:00 to 7:00 p.m.

Motion was made by Alderwoman Krewson, second by Alderwoman Clements to approve the temporary liquor license for the Brentwood Chamber of Commerce. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, no; Alderman Harper, yes.

Excise Commissioner – No report

Library

Alderman Wynn congratulated the Library on their 70th anniversary.

Municipal League

Mayor Kelly stated that he and Alderman Wynn attended the Municipal League Conference last week. One of the things he found out in the legal session was if a bill is given its first reading and an amendment is made to it, the amended title should be read twice which normally they just say as amended.

Alderman Wynn stated that the handouts from the conference are available on mocities.com.

Communication

Alderman Marshall stated that they are waiting for the attorney to get back to them with the Wi-Fi contract and as soon as they have the contract they will meet again and hopefully move forward with it.

Alderman Robertson asked what was the subscription rate for the Wi-Fi.

Alderman Marshall responded that he believes the basic rate was \$19.99.

City Administrator Seemayer stated that they were a little disappointed because the vendor changed a few things that they thought were somewhat substantial, so it was sent to the special counsel. The City should have it back shortly. It is a proposal from a company to come into Brentwood. It would not be exclusive. If others chose to do the same thing they would entertain that also. They are an Internet provider and they do it on a wireless basis.

Historical Society – No report

Recreation Center Committee

Alderman Marshall stated that he received some phone calls from residents about the information that was given to them from the citizen surveys. The City paid a consultant to do a survey and the results were distributed. There are people in the community who are interpreting it to push their own agenda. It is very important you go to the City's website and look at all the information that was submitted from the consultant. All the documents are on the website for review.

Alderman Marshall stated that a resident meeting will be held on September 30th at 7:00 p.m. at the Recreation Center for the Helen, Cecelia, Florence sewer rebuild. The residents have been notified by MSD.

Mayor Kelly stated that over the summer Mount Calvary agreed to the easements for the MSD project in that area. They are in the final design phase for that sewer project which is a new storm water sewer system for Mount Calvary, down Parkside to the last house before McKnight Road. There is no storm water system in that area at all. It will tie into the White Avenue sewer project. There are storm water sewer projects going on right now in York Woods as well.

UNFINISHED BUSINESS

Alderman Kramer stated that going back to the minutes of the August 18th meeting, which was approved this evening, there was discussion about the Post Office. He believes everyone got a copy of the lease for the Masonic Temple. In the actual minutes it was stated that the lease would be attached as part of the minutes. He asked for clarification if that was going to be attached to the minutes of the August 18th meeting or the minutes for this meeting.

Mayor Kelly stated that he thought that is what they were going to discuss in executive session after this meeting.

City Administrator Seemayer stated that some clarification needed to be made. The lease will be attached to the September 15th meeting minutes.

Alderman Marshall stated that he has been working with Director of Planning and Development Dailey putting together a code enforcement group. He has been dealing with two property issues with residents not taking care of their properties. They have been trying for over six months to get them in compliance. He thinks the problem is the code inspector is trying to give them every opportunity to comply and when it goes to the court the judge tries to give them every opportunity as well. He is suggesting that the aldermen, the judge, the inspectors and Ms. Dailey meet monthly or quarterly to address the issues. In his opinion, six months is more than enough time to clean up the issues.

NEW BUSINESS

Alderman Leahy announced a Ward 3 meeting would be held on Tuesday, September 30th at 7:00 p.m. Council Chambers.

Recess

Motion was made by Alderwoman Clements, second by Alderman Leahy to recess the meeting at 9:02 p.m. All in favor none opposed.

Motion was made by Alderman Wynn, second by Alderman Leahy to reconvene the meeting at 9:10 p.m. All in favor none opposed.

Executive Session

Motion was made by Alderwoman Clements, second by Alderman Leahy to enter into executive session on a real estate matter at 9:11 p.m. All in favor none opposed.

Discussion took place on the temporary lease with the Post Office located at the Masonic Temple.

Motion was made by Alderman Leahy, second by Alderwoman Clements to ratify the May 15th, 2008 roll call vote and motion to approve the temporary Post Office lease. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, no; Alderman Robertson, yes; Alderman Wynn, abstain; Alderman Harper, abstain.

Motion was made by Alderwoman Clements, second by Alderman Marshall to ratify the temporary Post Office lease. 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.

Motion was made by Alderman Wynn, second by Alderman Leahy to exit the executive session at 9:46 p.m. All in favor none opposed.

ADJOURNMENT

Motion was made by Alderwoman Clements, second by Alderman Wynn to adjourn the meeting at 9:48 p.m. All in favor none opposed.

Pat Kelly, Mayor

Attest:

Chris Seemayer, City Clerk