

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

City Hall  
Council Chambers

October 6, 2008  
7:00 p.m.

The Mayor led with the Pledge of Allegiance.

Roll Call

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

City Attorney Albrecht, City Clerk/Administrator Seemayer and Executive Secretary Williams.

ABSENT: Alderwoman Clements and Director of Planning and Development/Asst. City Administrator Dailey.

### **CONSIDERATION AND APPROVAL OF THE AGENDA OF THE REGULAR BOARD OF ALDERMEN MEETING OF OCTOBER 6, 2008**

Motion was made by Alderman Leahy, second by Alderman Marshall to approve and adopt the Agenda of the Regular Board of Aldermen meeting of October 6, 2008 as submitted. All in favor none opposed.

### **CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF SEPTEMBER 15, 2008**

Alderman Kramer directed everyone's attention to page 25 of the September 15<sup>th</sup> BOA meeting minutes under the topic of Executive Session. He does not know if they need to make a change or take it up under Old Business or Unfinished Business, but the third paragraph under the topic Executive Session states that they were ratifying the May 15<sup>th</sup> roll call vote and motion. The problem is they do not have a roll call vote and motion from May 15<sup>th</sup>. The second paragraph states that the motion was made by Alderwoman Clements second by Alderman Marshall to ratify the temporary Post Office lease. Once again, it states, "ratify" and they technically never have had a vote on that. His recommendation would be to approve the minutes but go back and somehow fix that.

Mayor Kelly stated that not having the minutes exactly as they were stated, the feeling was that portion was missing, but that is what the Board had approved at the previous meeting. The motion that they made at that meeting was to ratify the fact that they had done that. Maybe that motion should be spelled out a little bit clearer, but he thinks it was understood at that meeting that they had done that because they did not have the actual documents to back it up.

City Attorney Albrecht stated that it is reflected in the minutes, an actual motion to approve the temporary lease. He does not know if you need the word “ratify” in there.

Alderman Kramer stated that he believes Alderman Leahy used the word “ratify”. He is only saying that looking at it again; he understands that you cannot technically ratify something that has not been recorded. The reason why all this took place was they did not actually have the minutes for that portion from the May 15<sup>th</sup> meeting.

Alderman Leahy stated as he understands it, Alderman Kramer’s request is that the Board in the June meeting approved the May 15<sup>th</sup> executive session minutes. In the May 15<sup>th</sup> executive session minutes nothing was mentioned in relation to the Post Office. The meeting from September 15<sup>th</sup> now makes public that the City agreed to go into a lease agreement in May that they did not earlier publicize because of issues of securing the long-term lease for the other location. He understands Alderman Kramer’s question of how do you ratify as much as the ratification is now becoming public. As he reads the minutes, the term “ratify” would be the right term in the fact that they are acknowledging that they did an action on May 15<sup>th</sup> that they had yet to make public and that is what they did at the September 15<sup>th</sup> meeting.

Alderman Kramer stated that he would agree with Alderman Leahy except they do not have any record of that. To ratify something you have to have a record of it.

Mayor Kelly stated that the reason they ratified it is that they could not find the record, so they were reiterating the fact that they had done that, but they also wanted it to be clear that they had done that also at a previous meeting.

Alderman Marshall stated that he would be fine with City Attorney Albrecht coming up with a solution in telling them how it should be spelled out.

City Attorney Albrecht stated that he does not want to change what was actually said or voted on. He believes the question is if there was a motion to approve the lease, so it should be that the minutes reflect there was a motion to approve the lease. There was a motion to ratify a prior action and that apparently occurred. He thinks the lease itself was approved that night.

Alderman Kramer stated that it is in the minutes twice. He is not sure why it is on there twice.

City Attorney Albrecht stated that after hearing some of the comments he thinks the first one was to approve the lease and the second one was to ratify the previous action taken on which no record could be found.

Alderman Kramer requested that they go back over another vote, which he would be happy to float on the floor at the end of the meeting under Unfinished Business. It does

not seem as though it is clear as to what actually took place that night. However the minutes appear to be correct.

Alderman Marshall stated as a point of clarification he does not know what they are looking for here.

Alderman Kramer stated that the minutes state that they are ratifying the May 15<sup>th</sup> roll call vote and motion. They do not have any record of that roll call vote and motion, so they cannot ratify it.

Alderman Marshall reiterated that he would look to City Attorney Albrecht to guide them on how it should be worded.

Mayor Kelly stated that the reason they were ratifying it was that they could not find the records of that actual vote. At the September meeting they said that is what they did at the previous meeting and they are voting again to correct the minutes from the meeting before, so that is why they ratified it. They are saying that they do not have the record but this is what they did. In that respect it is correct. They wanted to make it very clear that they approved the temporary lease for the Post Office. He does not think there is any issue with the temporary lease of the Post Office or that anybody is unclear of what they did. They have been very straightforward about it since it took place. He does not see what the issue is.

City Attorney Albrecht stated that the September 15<sup>th</sup> minutes reflect what occurred and that is what minutes are supposed to do. If those votes occurred, he does not know if you could change them unless there was an error in the way it was recorded.

Mayor Kelly stated that if Alderman Kramer wants to make a motion under Old Business that would be fine.

Motion was made by Alderman Leahy, second by Alderwoman Krewson to approve and adopt the Minutes of the Regular Board of Aldermen meeting of September 15, 2008 as submitted. Roll call: Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

**BIDS** – None

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

Brentwood School District/Proposition E

Mayor Kelly stated that a number of Brentwood School Board members are in the audience tonight along with Superintendent Penberthy who would like to make a presentation on behalf of the Brentwood School District.

Keith Rabenberg – 2323 St. Clair came before the Board and stated that he is President of the School Board and they are here to talk about Proposition E. He introduced the School Board members in the audience as Chris Jones, Regina Gahr, Joe Hembree, Superintendent Penberthy and Cathy Glowski. Mr. Rabenberg distributed information about Proposition E and stated that they decided to put a bond issue on the November ballot. It is for adding an early childhood center to the Brentwood School District. At this time some rates have gone down in their bonded indebtedness and there is some room to extend the bond. They need \$6 million but they can do it by extending the bonded indebtedness as opposed to raising the actual levy. If Proposition E passes your taxes would stay the same. The bonds would be paid off eight years later in 2028 instead of 2020. As you probably know they have a preschool that operates in the high school, which is three hours a day, five days a week for 4 year olds. The accepted belief is that the early childhood education does a lot to improve kids' education as they go forward. Also they perceive that there is a big need for this kind of daycare that includes an education curriculum. On the back of the information handed out there is a chart with different daycare facilities and neighboring school districts with the types of things offered. They need to have the bond issue approved by the voters. On the front page there is survey information from Brentwood residents. There was positive sentiment in the community for the early childhood center. Since he has been on the Board there have been two attempts of tax increases and one bond issue. The first tax increase issue failed the first year he was on the school board. They had put it on the February ballot and were soundly defeated. One of the things they did wrong was putting it on the non-principle election. He thinks the "no" voters are more inclined to go out and vote at those times. They passed a bond issue several years ago. They did a survey six years ago and it was uncanny how close the survey was to the results. When they did the tax increase about five or six years ago the survey of the community said it was about 50/50 and that is the one that passed by 16 votes, so the surveys are very reliable. When you are doing a bond issue, he believes it only has to pass by four-sevenths or 57% when it is a main election. If you put it on a June election, for example, it has to be a two-thirds vote.

They enjoy one of the lowest school tax rates in the metropolitan area. Their preference for location would be to have a new separate facility, but that is subject to finding a location. They have considered and looked at plans where they could add on to the McGrath Elementary property. That is entirely workable and would change the nature of that property. It is not their preference and they have not decided that yet. The way the bond issue would be written is the community would authorize them to do it by building, buying or renovating and they would have three years to find the right property and do it.

Research has shown that early childhood education drastically reduces the amount of failure in kids growing up in school. They tend to graduate more frequently. It would be a benefit to add to the community. Tuition will be set at a rate that is comparable to what the other facilities and school districts offer in the neighborhood. They believe that the tuition should support the operation completely, which comes out to \$200.00 a week for all day care from 6:30 a.m. to 6:00 p.m. year round. There are information sessions set up for October 7<sup>th</sup> and October 20<sup>th</sup> at the high school.

Alderman Marshall stated in regards to the \$200.00 tuition amount, he had attended some of the meetings and one of the things that came up was a resident rate versus a non-resident rate.

Dr. Penberthy responded that the \$200.00 is the resident rate. If they have room available, the non-resident rate would be higher than that.

Alderman Kramer asked if there are 18 students that are currently eligible for such a program in the system now. He asked if they were hoping to have capacity for 72 students or is that an idea.

Mr. Rabenberg stated that they are planning for 72 students and will try to build something that would accommodate that many students.

Alderman Kramer asked if the forecasting that they have done to get to that point indicates that they are of the belief that more children will be coming into the area.

Mr. Rabenberg stated that is based upon a survey of different facilities in the area, which seem to be a large waiting list. The information is that there is a lot of demand for this kind of service. Keep in mind it is something beyond daycare. It is to be educational with a curriculum that they would implement with a certified instructional staff.

Alderman Kramer stated that he sees it as a draw for families looking to consider Brentwood as a new home. On the \$200.00 tuition, if the bond issue amount is not fully utilized can that possibly off set the tuition amount or is that flexible at all.

Mr. Rabenberg stated that the way they have written the bond issue for the ballot is for the purpose of building, buying or renovating a facility and if there is other money left over after they have done that the bond issue states they will spend it for repairs on existing buildings. The answer to Alderman Kramer's question is no because of the way it was written. The bond is for capital improvements. Hopefully the tuition will pay for the operating expenses. Dr. Penberthy has run some numbers and if you have the 72 students and expenses are the way they projected them that should cover it, although it is not designed to make a large amount of money. In the first year or two you would probably assume you might not be up and running and not have full capacity and so forth. The district may have to absorb a little bit of the expense but he does not think it is a big concern.

Mayor Kelly stated that the City will be receiving the distribution and has received the calculations for the pass through from Brentwood Square. The Brentwood School District should be receiving around \$85,000 this year.

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

1<sup>st</sup> and 2<sup>nd</sup> Readings of Bills

Motion was made by Alderman Robertson, second by Alderman Wynn to give Bills No. 5461, 5462 and 5463 first and second readings. All in favor none opposed.

Bill No. 5461 – Contract with PDS

City Attorney Albrecht gave Bill No. 5461, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BRENTWOOD, MISSOURI TO ENTER INTO A LANDSCAPE ARCHITECTURAL SERVICES, DESIGN DEVELOPMENT CONTRACT WITH PLANNING DESIGN STUDIO, LLC FOR THE BRENTWOOD I-64 GATEWAY PROJECT; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5461 as a Bill that would approve a contract with Planning Design Studio, LLC to provide landscape design services an area along Brentwood Blvd. & Eager Rd. more specifically described as the green space along Highway 40 between the exit and entrance ramps at Brentwood & Eager. The cost for the design services is \$45,000. This project should be completed by August 2010.

Alderman Leahy stated that this is a \$45,000 contract versus the \$40,000 that they talked about two weeks ago. Has this been a competitive bid process and have they gone through everything to the point that it meets the code as to how they are processing through.

Mayor Kelly stated that the City is already in agreement with Planning Design Studio to do the initial site plan for the area and this is the next phase of the project. In order to move forward and get to the next level, and the reason they need to do this now is to get the change orders to MoDOT's contractor so that they put the pipes, sewers, and things in the right place, so the City doesn't have to pay to have those moved later. This is an extension of an existing contract in order to do the mechanical designs for this project.

City Administrator Seemayer stated that the expenses that the City incurs on this project are expected to be reimbursed to the City upon the successful creation of the Hanley Road TDD.

Mayor Kelly said either that or under the Brentwood/Eager Redevelopment Area project as a second source.

Alderman Leahy asked if the current contract with PDS was an open and competitive bid.

Mayor Kelly stated that they did not bid that project. When the City entered into the first part of the agreement they discussed that PDS is doing work throughout the corridor. Because they are already working with MoDOT on some of their plans, it seemed to be the most cost effective way to keep this process moving forward through the design phase. For professional services such as this, you do not have to competitively bid.

Alderman Leahy asked how and where are they pulling the money to budget this currently since the TDD is not in place.

City Administrator Seemayer stated that the bulk of the expense would not be paid until the budget year begins for 2009. Some of their work will start at the remainder of this year, but as far as the billing it will be in the 2009 budget.

Motion was made by Alderman Marshall, second by Alderman Robertson to approve and adopt Bill No. 5461. Roll call: 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. 5461 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4148.

Bill No. 5462 – 8675 Rosalie Avenue

City Attorney Albrecht gave Bill No. 5462, 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 WHICH ADJOINS THE WESTERN BOUNDARY OF PROPERTY NUMBERED 8675 ROSALIE AVENUE; AND, PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5462 as a Bill that would authorize the Mayor to vacate the 25' ROW adjacent to 8675 Rosalie Avenue. This ROW abuts Swim Club Rd.

Alderman Leahy stated that “the right of way which adjoins” as stated in the Bill makes it sound as though it is not part of this specific property.

City Attorney Albrecht stated that there is an attachment referenced in Bill No. 5462 that specifically designates the vacated portion by meets and bounds and that is what will govern, not the actual title of the bill.

Motion was made by Alderman Wynn, second by Alderman Leahy to approve and adopt Bill No. 5462. Roll call: Alderman Marshall, no; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, no; Alderman Robertson, no; Alderman Wynn, yes; Alderman Harper, yes.

Bill No. 5462 failed.

Alderman Leahy asked that the Bill be placed on the agenda for the next meeting where there is full attendance of the Board.

City Administrator Seemayer stated that there would not be full attendance at the October 20<sup>th</sup>, meeting.

Alderman Leahy stated that he believes there will be full attendance at the first meeting in November.

Bill No. 5463 – Solid Waste

City Attorney Albrecht gave Bill No. 5463, AN ORDINANCE AMENDING CHAPTER 20 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, MISSOURI BY DELETING SECTIONS 20-1, 20-2, 20-16 (a) (1) AND (2), 20-17 (a) AND A PARAGRAPH IN SECTION 20-31, AND ENACTING IN LIEU THEREOF NEW SECTIONS 20-1, 20-2, 20-16 (a) (1) AND (2), 20-17 (a) AND A PARAGRAPH IN SECTION 20-31, AS IT RELATES TO SOLID WASTE CONTAINERS, COLLECTION PRACTICES AND 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 Kramer read a synopsis of Bill No. 5463 as a Bill that amends Chapter 20, of the Brentwood Municipal Code (Solid Waste) by adding recycling to our definitions and regulations and amending the hours that trash, yard waste and recycling may be placed at the curb. Previously trash, yard waste or recycling could not be placed at the curb earlier than twelve hours before the pick up time. The amendment states that these items may not be placed at the curb prior to 7:00 p.m. the evening before the scheduled pick up day. This matter was reviewed and approved by the Public Works Committee.

Alderman Wynn stated that the 7:00 p.m. timeframe would be difficult for the elderly to follow in the winter months. They will put their trash out in the daylight.

Alderman Leahy stated that the intent of the bill is to incorporate the word “recycling” into the Code because our current ordinances do not mention it now. The housing inspector has the right to enforce it if it becomes a housekeeping problem.

Motion was made by Alderman Leahy, second by Alderman Kramer to approve and adopt Bill No. 5463. Roll call: Alderman Marshall, no; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, no; Alderman Harper, no.

Bill No. 5463 failed.

Alderman Kramer asked that the Bill be brought back up when there is full attendance of the Board.

**ACCOUNTS AGAINST THE CITY**

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

**REPORT OF COMMITTEES AND DEPARTMENT HEADS:**

Mayor's Report

Mayor Kelly announced an Executive Session, Personnel Matter will be held following the regular meeting.

Mayor Kelly stated that the City received some minor revisions to the plans for the Target expansion. They are planning to move forward with the expansion and are submitting their permits.

Mayor Kelly stated that he was given a walking tour of the Meridian office buildings and the new garage and that it is moving forward very quickly. Drywall is up in the small building and Missouri College hopes to occupy that building within 60 days. The street is probably about 80% completed. They hope to have the larger building occupants moving in by April of next year. When those buildings are full, it will bring in about 700 to 800 people on a daily basis working within the community. Mayor Kelly stated that the inside road is on schedule to be opened on Halloween.

Mayor Kelly stated that the Brentwood/Eager Redevelopment Area RFP went out today. The RFP was reviewed by Gilmore & Bell. They look forward to that moving forward as well.

Mayor Kelly stated that with respect to the flooding Brentwood had a few weeks ago, he has asked City Administrator Seemayer and he will be talking to the Ways and Means Committee about doing an analysis to see if they can afford to waive the business license fee for 2009 for the businesses that were affected by the flood.

Mayor Kelly stated that at the next meeting they would be asking for Brentwood's support for St. Louis County's use tax that will be on the ballot for the November election. The key component for this tax is it is for out of state sales. The first \$2,000 for a business or individual does not have to be reported. The tax is self-reporting for individuals. There are a number of municipalities and cities that already have these taxes throughout the state. The reason it is such an important tax for St. Louis County and the region is the way state law is set up. They are broken up into certain things in the County such as parks and a couple other items. The majority of the funds will be used to build and construct an interoperable communication system throughout St. Louis County for public safety employees. They will be creating a radio system for police and fire throughout the County. If Brentwood Police goes a couple of miles outside of Brentwood's radius they cannot use the radios. If they get into a car chase or have to leave the area they cannot communicate with our dispatchers using the regular radios. They have problems using the radios in some buildings. The new network that they will build throughout St. Louis County will give all of the public safety organizations

throughout the County the ability to have a modern updated radio system that they will be able to use anywhere in St. Louis County. One of the issues with 9/11 was the ability to communicate with the firemen that was in the towers at the time. Brentwood had a near catastrophe about ten or so years ago with the oil tanker that spilled at Eager and 170. As the fire chief will tell you, Metro West was out there with the foam truck wanting to know what to do and they were 200 yards away and yet they couldn't communicate in between departments because the radios weren't working. This new tax if approved will fund not only the system but it will upgrade all the radios, dispatching equipment, both hand held for police and firemen, as well as units inside the police cars and the dispatch centers as well.

Mayor Kelly asked for the appointment of Dan Williams to the Board of Adjustment.

Motion was made by Alderman Marshall, second by Alderman Robertson to appoint Dan Williams to the Board of Adjustment. Roll call: Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Public Safety Committee – No report

Public Works Committee

Alderman Robertson stated that the Public Works Committee met with MoDOT to discuss the possibility of a crossing at Manchester Road and to implement a trail expansion.

Director of Planning and Development – No report

City Attorney – No report

City Clerk/Administrator

Special Use Permit – Metro Lighting

City Administrator Seemayer stated that Metro Lighting is requesting a Special Use Permit to hold an event to raise funds for breast cancer. They are having a casino night auction on Wednesday, October 29<sup>th</sup> from 6:00 to 9:30 p.m. on their premises. That requires a Special Use Permit.

Motion was made by Alderman Marshall, second by Alderman Robertson to approve the Special Use Permit for Metro Lighting. All in favor none opposed.

Excise Commissioner

Temporary Liquor License

St. Mary Magdalen School Fish Fries and Auction

City Administrator Seemayer stated that St. Mary Magdalen is requesting temporary liquor licenses for two events. The first one is to sell beer and wine at their fish fries on February 27th, March 6th, 13th, 20th, 27th, April 3rd, and 10th, 2009. The second one is to sell beer and wine at their annual fall auction on November 15th, 2008. Motion was made by Alderman Leahy, second by Alderman Marshall to approve the temporary liquor licenses for St. Mary Magdalen fish fries and auction. Roll call: Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes, Alderman Harper, yes.

Alderman Wynn stated that he voted “yes” because if a church wants to operate that way he is not going to vote “no”. He may feel differently about it but it is certainly their responsibility.

Liquor License Request/Viking Culinary Arts Center

City Administrator Seemayer stated that Viking is applying for a beer and wine liquor license to be sold by the drink for consumption on the premise in conjunction with their cooking classes. All of their paperwork was submitted and signed off by the appropriate personnel of the City.

Mayor Kelly asked if Viking had a liquor license originally.

City Administrator Seemayer stated that they had a liquor license for a period of time.

Alderman Leahy asked if the license will cover every night that they have classes and for how long.

City Administrator Seemayer stated that it is a permanent liquor license, which will be subject for renewal annually.

Alderman Kramer asked if there is a limit to the amount of liquor licenses and how many do they currently have.

City Administrator Seemayer stated that the City no longer has a limit. The City has about two or three beer and wine licenses. He stated that he would get Alderman Kramer a breakdown of all the liquor licenses.

Alderman Leahy asked how would the City track Viking’s beer and wine sales for the cooking classes.

City Administrator Seemayer responded that the City does not track anyone’s sales. They would report that information to the State of Missouri as part of their overall sales in the store. It is done as part of their total sales and then the City receives its portion from them.

Motion was made by Alderwoman Krewson, second by Alderman Kramer to approve the liquor license for Viking Culinary Arts Center. Roll call: Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Alderman Wynn stated that over the years he has opposed a lot of alcohol related requests because he does not see improvement in our society. They have increased hours and amounts throughout the city and country.

Library – No report

Municipal League – No report

Communication

Alderman Marshall reminded everyone that a meeting would be held tomorrow to review the Wi-Fi agreement.

Historical Society – No report

Recreation Center Committee

Alderman Marshall stated that they are moving forward with the committee meetings. They are waiting on some information before they schedule the next meeting. They will be running updates in the Pulse, website, and on B-TV 10 as to where they are in the process.

### **UNFINISHED BUSINESS**

Alderman Marshall stated that he and Alderman Wynn attended the MSD meeting that was held with the residents on Helen and Cecelia Avenues on September 30<sup>th</sup>. It went very well and the residents were happy with what MSD is planning to do. It was brought to their attention that water was improperly being removed from a property on Cecelia. City staff has been contacted and the appropriate letters have been sent out to rectify the situation.

Motion was made by Alderman Kramer, second by Alderwoman Krewson to retroactively approve the temporary Post Office lease for 8756 Eulalie Avenue for six months expiring on December 12<sup>th</sup>, 2008, at the annual rate agreed of \$24,000.

Alderman Marshall asked City Attorney Albrecht if Alderman Kramer's motion is appropriate.

City Attorney Albrecht responded that he does not think it is inappropriate, but it maybe surplusage.

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

Alderman Marshall stated as a point of clarification, Alderman Kramer brings up topics to be voted on and then he routinely votes “no” on them. He asked Alderman Kramer to explain himself.

Alderman Kramer responded that no explanation is required. This is a housekeeping measure to make sure they are following the statutes as closely as possible and that is what he sees it as. He had a “no” vote before, so his vote has not changed, if you look at the minutes. This is to make the City more in compliance.

### **NEW BUSINESS**

Alderman Leahy announced a Ward 3 meeting would be held on Tuesday, October 27<sup>th</sup> at 7:00 p.m. in the Council Room for anyone who has questions or would like to discuss what is going on in the city.

### **Recess**

Motion was made by Alderman Leahy, second by Alderman Wynn to recess the meeting at 7:56 p.m. All in favor none opposed.

### **Executive Session/Personnel Matter**

Motion was made by Alderman Leahy, second by Alderman Robertson to reconvene the meeting at 8:05 p.m. All in favor none opposed.

Motion was made by Alderman Wynn, second by Alderman Leahy to enter into an Executive Session on a personnel matter at 8:06 p.m. All in favor none opposed.

After discussion, motion was made by Alderwoman Krewson, second by Alderman Robertson to give Bill No. 5464 first and second readings. Roll call: Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, no.

City Attorney Albrecht gave Bill No. 5464, AN ORDINANCE APPROVING A RETIREMENT AGREEMENT WITH RICK KNIGHT, BRENTWOOD POLICE CHIEF AND AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Motion was made by Alderwoman Krewson, second by Alderman Robertson to approve and adopt Bill No. 5464. Roll call: Alderman Marshall, yes; Alderman Leahy, yes;

Alderman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, no.

Motion was made by Alderman Leahy, second by Alderman Marshall to return to open session at 8:57 p.m. All in favor none opposed.

**ADJOURNMENT**

Motion was made by Alderman Leahy, second by Alderman Kramer to adjourn the meeting at 8:58 p.m. All in favor none opposed.

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Pat Kelly, Mayor

Attest:

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Chris Seemayer, City Clerk