

## MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING

City Hall  
Council Chambers

November 17, 2008  
7:00 p.m.

The Mayor led with the Pledge of Allegiance.

Roll Call

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

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

ABSENT: Alderwoman Krewson.

### **CONSIDERATION AND APPROVAL OF THE AGENDA OF THE REGULAR BOARD OF ALDERMEN MEETING OF NOVEMBER 17, 2008**

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

### **CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF NOVEMBER 3, 2008**

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

**BIDS** – None

**HEARING OF ANY MATTER OF PUBLIC INTEREST UPON REQUEST OF ANY PERSON PRESENT** – None

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

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

Motion was made by Alderwoman Clements, second by Alderman Wynn to give Bill No. 5469 and 5470 first and second readings. All in favor none opposed.

Bill No. 5469 – CodeRED

City Attorney Albrecht gave Bill No. 5469, AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH EMERGENCY COMMUNICATIONS NETWORK, INC.; FOR THE PURPOSE OF AN EMERGENCY NOTIFICATION SYSTEM IN THE CITY OF BRENTWOOD; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5469 as a Bill that would allow the City to enter into an agreement with Emergency Communications Network, dba Code Red for the purpose of providing our residents and business's with an emergency warning notification system. The system would issue phone messages for any emergency as determined by the City. The warning system can be set up to notify the entire City of locations within the City that may be facing emergencies such as flood prone areas. The Communications Committee reviewed this proposal and is recommending passage.

Alderman Leahy stated that he is in favor of the concept of Bill No. 5469, but the problem he has with it is the lack of real good discretion as to what constitutes an emergency to exercise the system. Are they going to be buying just a phone system arrangement without a definition as to why they need it and what they are going to do with it, versus another \$7,500 out of the budget? He asked for a better definition of what constitutes wanting to buy a phone system.

Alderman Marshall stated that when it was discussed in the Communication Committee meeting, they decided it would be at the discretion of the city administrator to decide what constitutes an emergency. It was also discussed that it could be used for notifying residents of a shut down of utility services in a certain area.

City Administrator Seemayer stated that if Bill No. 5469 were approved they would format a system of City personnel like himself, the chief of police, the fire chief, superintendent of public works and others, for the purpose of declaring an emergency and what area would need to be notified. The City's IT person would be involved with it as well. For instance, if you just needed it for the floodprone areas it would just go out to them.

Alderman Leahy stated that he has a problem with that and will use the September flooding that the city just went through. For three days on the national television networks, St. Louis was constantly warned that remnants of hurricane Ike were going to drop six to eight inches of water on St. Louis, but he can guarantee that they all woke up Sunday morning to the mess that was in front of them. Realistically he doesn't know that they would have prepped or done anything differently even if this system was available to alert people that they needed to take advantage of the time to do x, y, or z. You may have watched the news just this past weekend on the fires in California where they were telling the homeowners to get out of the canyons because the fire was coming through and you still had people that argued that it's theirs and they will stay versus to heeding the

warning. He is not sure that this is going to generate a return to the citizens. He would agree that if you save one life it's worth it, but if they use flooding as an example and go all the way back to 1990, this City has experienced four different times of major flood problems in those eighteen years. Would that have been worth \$7,500 for all eighteen years every year? He just does not see at this time and with going into this economy that this is a reasonable financial expenditure.

Alderman Wynn stated that since the agreement is renewable every year, you are not talking about doing it fifteen years from now. You may only use it one year and decide that you do not want it.

Alderman Leahy asked what would be the criteria for determining at the end of this calendar year that the service did or did not do what they wanted it to do.

Alderman Wynn stated that they might decide to continue with it even if it does nothing because it is like having insurance you hope you never have to use it.

Mayor Kelly asked how did the warning system work that the City had in place. He thought that they already had a computer generated system with a call list and during high waters the dispatchers could just send out that computerized call to warn those businesses that had signed up for it.

City Administrator Seemayer stated that the City had such a system. He is not familiar with how technical it was but it was run off of a small computer at the police station and they built a database of the businesses and possibly the residents that were in that floodprone area. It became out of date because a number of the contact people changed over the years. He is not sure how long it took them to put those phone calls out through that system. It probably would not work on a citywide basis, at least not in a timely manner.

Alderman Wynn stated that he believes the school system has something similar.

City Administrator Seemayer stated that they either have the CodeRED system or another one, but the City could look at something potentially to be in house.

Alderman Marshall stated that the other unique feature of the system is that you could highlight an area that you want to contact. They do not have to continuously update the database. It is done automatically. The CodeRED system was far better in price than the second bid they received.

Alderman Kramer stated that he just wanted to reflect on a few points that he remembered from the Communication Committee meeting going back to April of 2008. He is an advocate of the program and had spoken briefly with Director of Parks and Recreation Frankowski who at the time came forward with the presentation from the company. The number of benefits that hopefully they never have to experience, one of which could have been a pretty good notification system, and maybe even some good

detail to all the residents about the flooding on Manchester Road. The speed at which that water was rising, perhaps some businesses, residents or families could have had some additional advanced warning. They all see the weather reports and hope that nothing bad is going to happen. They know it is going to snow, rain or that there is going to be a lot of precipitation heading our way but he doesn't know if they know, in real time, exactly what's happening to our locale. It is something that maybe in retrospect, looking forward a few years, they will not renew. He mentioned it a couple of meetings ago because he happened to remember that it was something that would have been helpful during the floods. He asked what budget would it come out of.

City Administrator Seemayer stated that it would be designed for next year's budget and it would come out of the contractual expense account because it is a contractual arrangement with this company.

Alderman Harper asked if he is reading the agreement correctly that it can send out telephone messages, but also email and text messages as part of the program.

Mayor Kelly responded yes.

Motion was made by Alderman Robertson, second by Alderman Marshall to approve and adopt Bill No. 5469. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, no; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5469 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4153.

#### Bill No. 5470 – Micro Center

City Attorney Albrecht gave Bill No. 5470, AN ORDINANCE GRANTING APPROVAL OF A SITE DEVELOPMENT PLAN FOR A FAÇADE CHANGE TO BUILDING E AND TO AMEND THE SHOPPING CENTER'S SIGNAGE PLAN FOR MICROCENTER LOCATED AT 87 BRENTWOOD PROMENADE COURT WHICH PERMITS UNDER THE PROVISIONS OF CHAPTER 25, DIVISION 9 OF THE BRENTWOOD CITY CODE OF ORDINANCES MODIFICATION OF 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.

Mike Papai – Vice President, Retail Marketing for Micro Center came before the Board and introduced Matt Herman, Director of Store Planning Group, Dave Bishop, Construction Director and Brian Jones of Brian Kent Jones Architects. Mr. Papai stated that he has been with Micro Center for 25 years and has been in charge of finding their sites, marketing and finding customers to frequent their stores. They are a one store per market company. The density of population and computer people in this area, the convergence of the freeways and the proximity to downtown, makes them very excited

about the opportunity to come to Brentwood. Micro Center has 19 markets and 21 centers nationwide. They were founded in 1979 and are privately held, based in suburban Columbus, Ohio. They are very competitive but their approach to the market is to offer a high quality service of high value, and technically oriented retailers to help people with questions. They have an upscale environment and are very much into solution selling and technical support. They even have a knowledge bar in their stores. They plan to put their first class package of interior design into the Promenade location. There is a map in the packets that were distributed to differentiate Micro Center from many retailers in the area. They serve a very wide area, which is why they appreciate the confluence of freeways and other main roads. They polled within a 21 to 24 mile radius. The average big box retailer would probably be about 9 to 10 miles apart. With one location, Micro Center services a wide area. They hope that translates into bringing in customers who are not used to shopping in Brentwood or the Promenade area. They anticipate that they will attract in the first year about 100,000 to 110,000 total customers. They feel this market will have an ongoing potential of 170,000 customers. That translates to 450,000 transactions a year. Their first year of sales is estimated at \$30 million. They are a direct mail based company. Their direct mail piece is mailed twice a month, which is a comprehensive piece. Their ongoing potential could be as much as \$47 million which would be the sixth highest in their chain. All that, and being the only such store in the market has its special challenges and it is what has caused them to try to put together a package of having a noticeable branded storefront. They need the presence that will occur with that type of signage. They certainly want the visibility from the highway. They view it as a great and new opportunity with the redevelopment of the highway, but with the challenges that come from quadruple flyovers that are unique as far as what he has seen nationwide has caused them to look seriously at signage and they are requesting a tall pylon sign. However, they hope that the architectural elements and the materials they are using will be positive and viewed as an addition to the center and to the city.

They are computer specialists and are not like a Best Buy with a wide range of electronic components. They attract the tech savvy customer and are excited about the opportunity to bring this concept to Brentwood.

Alderman Leahy asked if the sign is more the Promenade offering so that Micro Center becomes visible because they will be located in the back corner of the center or is this something that Micro Center is asking the Promenade to do in order to make Micro Center more visible.

Mr. Papai stated that Micro Center is funding the sign. The landlord did not want to do that. They feel it is important to have the visibility.

Mr. Herman stated that the elevations that they tried to generate for the building are trying to build upon some of the branding that Micro Center has with their interiors and architectural signage, as well as trying to link the characteristics of the exterior to the existing center. When you look at the upper elevation, you see that they are employing brick that is very common to the overall center and these classical elements tend to be a part of the overall center. The elevation that is right below the upper elevation is an

addition of a sign, which helps to identify to the oncoming customers that location. As you enter from Rose Avenue there is a smaller sign as well as some secondary tenant signage that would be in the adjacent space of that area. They have tried to work the architectural signage into a method that tries to build upon these elements. The monument signs that are occurring in a couple of different locations that have been identified are an attempt to improve the ground area along the primary ways of circulation. The third piece is the larger pylon sign for which they have worked through different images to try to make it tie into an architectural element as well. They are utilizing similar brick characteristics on the base, working with identifying the Promenade and the Brentwood component as the upper element on that sign. They are trying to generate something that has a strong architectural character that gives strong identity of the primary tenants in the center as well as giving strong identification to the second and third tenants. The digital images that were distributed show the characteristics of how the signage would be viewed along key positions. The illustration shows one of the proposals for one of the two ground monument signs. They are not suggesting that both of those monument sign locations be implemented, but upon approval with the developer that one could be a good choice. One of the key things, as you look at the overall pylon sign, is its relationship to the roadway system. One of the images on the plan helps to identify how it is viewed from a distance. This image keys into the relationship of how that sign needs to elevate above the road system in order to be identifiable with the new road construction.

Alderman Kramer stated that he is very excited about the possibility of Micro Center coming to St. Louis and is energized about the possibility of removing the old festival signage and gaining access to Micro Center's much more pleasing presentation. He asked how was the proposal of the tenant lineup on the more prominent signage agreed upon or decided. Is it an agreement with the landlord? It seems like Target, Micro Center, Petsmart and Bed, Bath & Beyond are more prominently presented.

Mr. Papai stated that Bed, Bath & Beyond, Target and Petsmart have special considerations in their leases as far as signage positioning. Generally it is based on the proportional square footage of the center. They are in the midst of negotiations with each of these companies. They have three signs in the diagrams. The large pylon will be replacing the eastern most Promenade sign. One location of the monument sign replaces the current west pylon sign. As an alternative to that one, they are proposing, with the torn up roads and sidelines and that intersection being redeveloped, to be at the corner of the 170 ramp and Eager Road, the true entrance into the shopping center.

Mayor Kelly stated that it will be one or the other of those monument signs and they are still negotiating with DDR.

Alderman Kramer read a synopsis of Bill No. 5470 as a Bill that approves a site development plan for Micro Center which will be located at #87 Promenade Ct. The site plan includes changes to the building facade and replacement of the existing Promenade signs located on Eager Rd. The site plan was reviewed and approved by the Planning & Zoning Commission.

Motion was made by Alderman Leahy, second by Alderman Marshall to approve and adopt Bill No. 5470. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5470 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4154.

Mayor Kelly stated that they look forward to keeping the process moving forward. It has been great working with representatives of Micro Center through this process. It is exciting for the city of Brentwood, not only with bringing a unique store to the community, but also giving the Promenade a new look, with new signage. He thinks it is going to be a great addition and a new destination for the entire community.

Alderman Marshall asked about the proposed opening date for Micro Center.

Mayor Kelly stated that they are hoping for the first quarter of 2009.

#### Resolution No. 952

Mayor Kelly stated that following the flood on September 14<sup>th</sup> the city had a number of property owners that would like to consider being bought out through the FEMA and SEMA flood buyout program. This is a voluntary application that Asst. City Administrator Dailey put together and it was submitted last week. They have listed a couple of potential properties. The property owners still have the option, once they get their offers through this process, whether they want to actually sell or not. Asst. City Administrator Dailey suggested and the mayor agreed with it that it might help with the application if there was a resolution from the City supporting those buyouts. The City will have to contribute 25% towards the process, although they hope that MSD will work with them on that portion of it.

Alderman Leahy stated that the addresses listed in Resolution No. 952 do not include the Executive Walk Apartments.

Mayor Kelly stated that they would like to be a part of the program. The issue that the City had is that FEMA will only allocate \$3 million per property and given the appraised value of the Executive Walk Apartments, the City would have to contribute not only the 25% but also anything over that \$3 million. The City would have to come up with almost \$1.5 million to buyout the Executive Walk Apartments. They are going to suggest to the owners that they could subdivide the property into smaller parcels, taking the floodprone buildings out as one piece of property, thus lowering the overall cost and hopefully they could submit for the next round. He did not think that it would have been in the best interest of the City to try to commit those kinds of City resources at this time.

Alderman Kramer asked which part of the City's funding mechanism would provide that 25% that they will eventually be reimbursed and how soon would they have to provide it.

Asst. City Administrator Dailey stated that it would be a 24-month process.

Mayor Kelly stated that it would probably have to come out of the general revenue and they would need to budget for it.

Alderman Robertson asked what would be the total amount that they are anticipating.

Asst. City Administrator Dailey stated that the grant request for the total project is approximately \$2.5 million. MSD has already committed to \$78,000 and that is the match for 414 Hanley Industrial Court. They are currently doing a benefit cost analysis to determine whether they could appropriate additional funds to assist or support 100% of the local 25% match for the properties on Mary Avenue. The total match is about \$640,000 and \$78,000 of that is currently committed from MSD. The rest currently would have to come from City funds.

Alderman Robertson asked if supporting Resolution No. 952 would tie them into any legal commitment.

Mayor Kelly responded no. The City could decide two years from now that it will not participate and so could the property owners. It is not a done deal until the property owners get their final offers from FEMA and the timing of it has to be considered. For instance, the last time they had designated two pieces of property the process took so long that when it came time to actually purchase them one of the property owners had decided he did not want to sell.

Alderman Robertson asked if FEMA made the offer, the owner accepts it and the City did not want to participate would FEMA own the property until matters changed.

Mayor Kelly responded that the deal would fall through and it would remain with the owner.

Alderman Kramer asked if this issue is totally separate from the assistance that may be available for those flooded businesses and residents.

Asst. City Administrator Dailey responded yes. The declaration was given on November 13<sup>th</sup>. Property owners, businesses and residents are still free to pursue any assistance. If they were able to obtain assistance and decided later to sell the properties as part of this project then that would be deducted from the total amount of the purchase price of the property.

Motion was made by Alderwoman Clements, second by Alderman Leahy to approve and adopt Resolution No. 952. Roll call: Alderwoman Clements, yes; Alderman Marshall,

yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Alderman Marshall asked if the properties would come back to the City as park land.

Mayor Kelly stated that it would become City property. Part of the estimated expenses is demolition costs for the buildings and those areas would have to remain open space.

### **ACCOUNTS AGAINST THE CITY**

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve the warrant list dated 11/17/08.

Alderman Kramer asked for an explanation of the expenditures on the warrant list.

City Administrator Seemayer stated that the tire changer is for the public works facility. Professional services for Bobroff, Hesse, Lindmark & Martone are legal fees for various personnel matters.

Asst. City Administrator Dailey stated CDG Engineering has a budget line item on their bill that is stormwater/erosion control, which is for the review of a variety of projects, like the Parkside residents. If staff needs assistance reviewing compliance with the City's stormwater erosion control or grading excavation then that falls under that item.

Mayor Kelly stated that he does not know if it is on this bill but CDG is working on a report from the September 14<sup>th</sup> flood. They came out and marked the water levels, etc., so the City has written documentation of the actual flood levels to be used for possible future improvements.

Alderman Leahy asked if anything in the CDG bill is connected with the Brentwood Swim Club problem.

Asst. City Administrator Dailey stated that she does not believe it does because it was a bill from a month or two before that occurred.

City Administrator Seemayer stated the expenditure for Suburban Journals is for the advertisement of three positions.

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

Mayor Kelly stated that the expenditure for the City of Chesterfield is for salt. One of the new aspects of the public works garage is the construction of the new salt bin, which holds approximately six times the amount of salt than the old one held. Not only is the City saving money by doing that but also they have the capacity to bring it in and store it.

There is an entire winter supply of salt on hand. There were reports last week of a number of municipalities that will not be using salt this year because of the shortage and the high cost of it because they did not order it early. Many of the mines in southern Missouri have been flooded and because of the heavy rains they cannot excavate salt. The State of Illinois was on the news last week saying that they are going to do a lot more plowing and less salting during snows this year because they do not have salt. This is another needed addition and one of the reasons that they purchased and made that investment in a new public works facility.

City Administrator Seemayer stated that the salt was purchased and stored at a storage facility on the Mississippi River where all the other municipalities and others stored theirs.

Alderman Marshall stated that they did not charge for the storage until a couple of years ago, so it will save the City money as well.

City Administrator Seemayer stated that the City was spending about \$500.00 a month the last couple of years in storage fees.

Mayor Kelly stated that another thing they did at that time was during heavy snows if the City ran short on salt they would not allow the City's trucks to come down and get the salt. They were at their mercy as to when the salt would be delivered.

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

#### **Mayor's Report**

Mayor Kelly welcomed the boy scouts that were in the audience. He asked one of them to come forward and explain why they were there.

Nathan Visson came before the Board and stated that they were attending the meeting tonight because they are seeking their communications badge and one of the requirements is to attend a Board meeting.

John Martin – 8113 Fawn Avenue came before the Board and stated that he lives on the top of the hill on Fawn Avenue and when it flooded there was no way that any of the residents on Fawn, Louis, Fawn Court, Porter, Melvin and Florence could leave. They were stranded from emergency vehicles and such. If there was an emergency, there is no way for the vehicles to get to those areas. There is a house at the bottom of Louis' hill and there is about 100 feet in between the end of Louis and Mari-Kay Court. He stated that he had a simple proposal which would be to purchase that house and link Louis to Mari-Kay Court so that situation would never happen again. In case somebody was having a heart attack or there was some medical issue, nobody on those streets would be stranded from any type of emergency personnel. It was somewhat shocking because they had no way to get out and the police would not let them leave or let anybody come in and the water was extremely deep on Manchester Road.

Mayor Kelly stated that the governor of Missouri and FEMA announced that there would be assistance made available to those who were affected by the flooding; both residents and commercial properties. He talked to a couple of business owners today and they have made contact with FEMA. For the businesses, there will be low interest loans to help them recoup their losses. For the residents, it appears that there could be forgivable grants or assistance to help pay for the repairs of their homes and lost valuables through that process. A letter will be going out to all those affected that they have made contact with or that have contacted them with a number for them to contact FEMA. FEMA will be assisting people on a case-by-case basis, so it will be important that businesses and residents contact FEMA and get that process started.

Mayor Kelly reminded everyone that the City's holiday open house would be held on December 8<sup>th</sup> at the Recreation Center. He encouraged the residents to come out to have a great evening at the Rec Center.

Mayor Kelly thanked the staff that helped with the Veterans' Day celebration again this year including Kevin McCarthy, Shelly Williams, Chris Seemayer, and Jim Nahmensen who came in on his day off to help set up. They had a great crowd on that evening. Mayor Kelly stated that it was a humbling experience to be in front of such a neat group of men that served our country.

Mayor Kelly thanked Shelly Williams and Chris Seemayer for their help with the United Way campaign. He received recognition and a thank you letter from the United Way for the City's efforts.

Mayor Kelly recommended to the Board that City Hall be closed on December 26<sup>th</sup>, the day after Christmas, and give City employees that day off. Being a government agency, there will not be that much government business taking place on December 26<sup>th</sup>. He suggested that they give the public safety employees a comp day for December 26<sup>th</sup>.

Motion was made by Alderman Wynn, second by Alderman Marshall to close City Hall on December 26<sup>th</sup>, the day after Christmas.

Alderman Leahy asked if they would be adding an extra day of vacation.

Mayor Kelly responded that the police and fire employees would have to work, but they will get a comp day.

Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Mayor Kelly stated that going back to Mr. Martin's comment regarding public safety, he could assure him that police and fire were monitoring the flooding issue with the residents on those streets very closely. They did have access to Manchester Road for

emergency vehicles at Cecelia. It got to the point where they had too many spectators parking on Cecelia that made the street very narrow. As Fire Chief Niemeyer once told him about some of the narrow streets in Brentwood, he could assure him that if there is an emergency the fire truck will be able to push those cars aside. They will not have many happy residents but they will get there.

Public Safety Committee – No report

Public Works Committee – No report

Director of Planning and Development – No report

Ways and Means Committee – No report

City Attorney – No report

City Clerk/Administrator – No report

Excise Commissioner

Romano's Macaroni Grill

Excise Commissioner Clements came before the Board and stated that there has been a change of management at Romano's Macaroni Grill and Board approval is needed for him to assume his responsibilities.

Motion was made by Alderwoman Clements, second by Alderman Leahy to approve the change on the liquor license for Romano's Macaroni Grill. All in favor none opposed.

Applegate's

Excise Commissioner Clements stated that Applegate's is on the agenda for a liquor license but they did not get their paperwork in on time.

Library – No report

Municipal League

Mayor Kelly stated that if anyone is interested in attending the legislative breakfast this Saturday morning to please let him know.

Communication – No report

Historical Society

Alderman Wynn stated that the Historical Society held a meeting last Sunday at the Recreation Center and it was a good meeting.

#### Recreation Center Committee

Alderman Marshall stated that they are moving forward. They have not set a date for the next meeting but as soon as it is available they will get it out to everyone. They are also updating the website with information.

#### **UNFINISHED BUSINESS**

Alderman Kramer stated that he has spoken to City Attorney Albrecht about the minutes from October 6<sup>th</sup> regarding Bill No. 5464 which became an ordinance pertaining to the retirement agreement with the previous chief of police. He doesn't know if City Attorney Albrecht had a chance to do any more research since they spoke last but he was of the opinion that they did make public the minutes and the vote regarding that matter which was taken up in closed session but they did not attach or make public the agreement. He believes that is a requirement.

City Attorney Albrecht stated that after reviewing it, the agreement is a public document and is available for inspection by anyone. In his opinion, it does not have to be attached to the minutes anymore than any other ordinance that has passed.

Alderman Kramer asked if they made the minutes and the vote public by not including the agreement in the same manner if it is still public.

City Attorney Albrecht responded that it is still public. Anybody is entitled to come up to City Hall and request a copy of it.

Alderman Kramer stated that he would like to go on record as stating his opposition to City Attorney Albrecht's opinion. There are a number of residents who are just now finding out that the chief of police has retired. The news is making its way through the city perhaps if they missed the last meeting they were not aware of it. To use the term more in compliance, it would be proper for them to have that agreement attached to the minutes. If you look at the actual statute, it is a liberal construction and it would be important for them to error more on the side of too much information than not enough.

Mayor Kelly stated that they have gone through this a couple of times with a couple of different issues. The October 6<sup>th</sup> minutes were approved two meetings ago, so it would be important that if they wanted something attached to those minutes they should bring it up at the meeting where they are actually approving those minutes. When you start going back two meetings later and say lets go back and do this to the minutes that were from two months ago people start to get confused and there is no consistency. The other thing is they need to be very clear to staff about the process. The City has a pattern that it has used for years for documenting, approving the minutes and how they are structured, filed, and kept. They do not attach every contract to the minutes of meetings. They approve

the minutes and then those documents, once they become public record as they are approved and go through the processes of the City, are opened to anyone. If they want to attach contracts to the minutes, they need to attach every agreement to the minutes because then you are putting the staff in the position of deciding which ones are attached to the minutes and which ones aren't. Then you will confuse the public and they will say that you did not attach this one and that is the one that is important to them, so that is the one that should be attached to the minutes. They need to be very clear and have concise, definite processes, which they have for keeping the records. He thinks if you're going to start picking and choosing which ones you attach to the minutes it could not only cause some conflicts but it would be harder for the public to know once they are approved that they can come up to City hall, ask for a copy and get it. If they are going to change something, they need to be very definitive and give staff very good directions, so they are consistent in what they do. The process that is being used has been very consistent for longer than he has been on the Board.

Alderman Kramer stated that he respectfully disagrees with Mayor Kelly in that this situation is definitely different and it is very clear in the statute that the settlement agreement, in this particular case, should be made public.

Mayor Kelly responded that it is public.

Alderman Kramer stated that the minutes and the vote have been made public in open session.

Mayor Kelly stated that when the Board approved those minutes there were probably two or three other ordinances approved that night in those minutes. Were all those documents for those other ordinances attached to the minutes.

Alderman Kramer stated that they are not required to be as per the statute, just those in the closed session. You had a closed session, closed session vote, closed session minutes and you have a closed session document. The document is missing.

Mayor Kelly stated that it is not enclosed with the minutes but it becomes a public document, which is available at City Hall. Mayor Kelly said to show him in the statute where it states that the executive session documents have to be attached to the minutes.

Alderman Kramer stated that he guesses that Mayor Kelly's definition of what is being made public is at question. Is putting it in a file cabinet making it public? He does not think it is the same thing as the actual minutes and the vote.

Mayor Kelly responded that where would you keep public records if not in a file cabinet. The City has thousands of documents that are public record and they are kept in a file cabinet.

Alderman Marshall stated that they have gone through this before. He is a firm believer that they hired a city attorney to make these determinations and he has made his

determination. He thinks they should follow his lead. With all due respect to Alderman Kramer, he is not an attorney. He would rather go with what the City's attorney says.

**NEW BUSINESS**

Alderman Leahy stated that this Saturday the Boy Scouts of America for the Greater St. Louis area will be coming through to pick up the bags, hopefully full of canned goods from the local residents. The Brentwood Fire House is again serving as the local boxing station for the area. They ask that everyone be generous. The need is great. All food collected will stay in the St. Louis area. Because of the volume of what they are dealing with, they are looking more for the canned goods, hard packages versus glass jars or squeeze containers. They have also at times received bags with items that have been in the cupboard for many years that they cannot process forward. If a resident missed getting a bag on Saturday, they will take a Schnucks or Dierbergs bag, even a paper bag. If you leave it out on the front steps, the boys will be through Saturday morning to pick them up.

Alderman Leahy announced a Ward 3 meeting would be held on Tuesday, November 25<sup>th</sup> at 7:00 p.m. in the Council Chambers to talk about what is going on in the city.

**ADJOURNMENT**

Motion was made by Alderwoman Clements, second by Alderman Leahy to adjourn the meeting at 8:06 p.m. All in favor none opposed.

\_\_\_\_\_  
Pat Kelly, Mayor

Attest:

\_\_\_\_\_  
Chris Seemayer, City Clerk