

## MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING

City Hall  
Council Chambers

January 5, 2009  
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.

ABSENT: Alderwoman Krewson.

### **CONSIDERATION AND APPROVAL OF THE AGENDA OF THE REGULAR BOARD OF ALDERMEN MEETING OF JANUARY 5, 2009**

City Administrator Seemayer stated that Resolution No. 954 was added to the agenda. The City was aware that it would be receiving 400 additional 64-gallon recycle carts through a grant. They received an email late Friday saying that as part of the application process the Board had to pass the attached resolution that has to be in before the end of January and the Board does not meet again until February.

Motion was made by Alderman Leahy, second by Alderman Wynn to approve the Agenda of the Regular Board of Aldermen meeting of January 5, 2009 as amended. All in favor none opposed.

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

Motion was made by Alderwoman Clements, second by Alderman Marshall to approve and adopt the Minutes of the Regular Board of Aldermen meeting of December 15, 2008. 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 Leahy to give Bills No. 5478 and 5479 first and second readings. All in favor none opposed.

Bill No. 5478 – Temporary Lease for United States Post Office

City Attorney Albrecht gave Bill No. 5478, AN ORDINANCE EXTENDING THE TEMPORARY LEASE WITH THE UNITED STATES POST OFFICE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5478 as a Bill that would approve a six month lease extension with the Post Office for their temporary location at 8756 Eulalie. The lease extension contains a 30-day termination clause. The Post Office expects to have the permanent facility ready within 8 -12 weeks.

Alderman Leahy asked why did the Post Office go to a shell of a building when it was only supposed to be a five-foot addition.

Mayor Kelly stated that they are extending the back of the building and are doing the exterior façade of the building as well.

Alderman Leahy asked if the City would own the building when they are done.

Mayor Kelly responded yes.

Mayor Kelly asked when do the lease payments for the building kick in.

City Administrator Seemayer responded that lease payments would begin when the building is certified for occupancy. The Post Office will not be making two payments at the same time.

Alderman Marshall stated that since the process is moving so slow, is there anything they could incorporate into the agreement that would set a requirement that the building has to be completed by a certain date. It is affecting when demolition can start at 8756 Eulalie.

City Administrator Seemayer stated that he talked to the contractor today who said it would take eight weeks for completion.

Alderman Leahy asked if the City has a parking issue with the construction going on at this point.

City Administrator Seemayer responded that the nights that they have problems are on court nights. They are not working then but there is an area roped off. On court evenings they will have to park across the street.

Alderman Marshall asked about the pipe that broke over the Christmas holiday.

City Administrator Seemayer stated that the contractor is positive that he shut the water off at the meter. He even described the problems he had. It was not shut off because water froze inside the pipe. The incident did not cause any damage.

Alderwoman Clements stated that the agreement gives a date of 12/13/08 to 6/12/09.

City Administrator Seemayer responded that the date is correct.

Alderman Kramer stated that there is a technical conflict between Section 1 of the bill and page 1 of the agreement. The last four words of Section 1 state, "within thirty days notice". Within the agreement, they are asked to give a thirty-day written notice. He proposed amending Section 1 to state "with thirty days written notice".

Motion was made by Alderman Kramer, second by Alderman Leahy to amend Bill No. 5478 in Section 1 by replacing the words "within thirty days notice" with "with thirty days written notice". All in favor none opposed.

Motion was made by Alderwoman Clements, second by Alderman Marshall to approve and adopt Bill No. 5478 as amended. 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. 5478 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4162.

#### Bill No. 5479 – Amendment to Signage Plan

City Attorney Albrecht gave Bill No. 5479, AN ORDINANCE AMENDING ORDINANCE NO. 4082 WHICH APPROVED A SIGNAGE PLAN AS PART OF THE SITE DEVELOPMENT PLAN FOR THE MERIDIAN TO AUTHORIZE AN AMENDMENT TO THE SIGNAGE PLAN; PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE; AND, ESTABLISHING THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5479 as a Bill that amends ordinance #4082 with an approved signage plan for the Brentwood Meridian. The amendment will allow the new tenant, Five Guys Burgers & Fries, located on Hanley Road at 1419 South Hanley to erect a sign on the west parking garage. Originally the signage on the garage was to be utilized only by the tenants who would be located in either the east or the west garage. This ordinance would allow one exception to the original signage site plan.

Alderman Marshall stated that he just wanted to make sure that the developer realizes that the number of signs approved by Ordinance No. 4082 are not going to increase.

Mayor Kelly stated that they do understand that.

Alderman Leahy referred to the December 15<sup>th</sup> minutes on page 11 where a discussion took place about the number of votes required for passing the amendment and the manner in which to bring back the amendment to the Board. If the Bill that is before them is voted on this evening how does it pass or fail.

Director of Planning and Development Dailey stated that the Bill before the Board deals with the button sign that was originally requested of the Planning and Zoning Commission. At the December 15<sup>th</sup> meeting, the Board adopted the request for the two wall signs. This pertains to the button sign that was requested. The Planning and Zoning Commission recommended not approving the button sign. However, in the Code a super-majority of the Board of Aldermen is not required to override a Planning and Zoning Commission's recommendation for site plan approval.

Alderman Leahy stated so they are at a simple majority to pass the Bill.

Mayor Kelly responded yes.

Alderman Leahy stated that the whole purpose of the button signs originally, as they put into the site plan review, was to help give visibility to those businesses that would be in the garage. By allowing the developer to put button signs up for any tenant on the site you are making it more difficult for those that are in the garage to have visibility. Thus they are heading in a direction that may be self-defeating for the garage tenants' button signs because they will get lost in the mix of those who are already on site and have the monument sign or the building sign in front of their store. They are hurting those tenants in the garage if they approve the button sign for just any tenant.

Mayor Kelly stated that he does not believe that this tenant will have any monument signs. They will have a sign on the front of the building facing Hanley Road. One of the other things the developer pointed out was that they have ten tenant bays and yet potential tenants right now, at least two of them, are taking double those spaces, so they won't have ten button signs on that building. The idea of the button sign was to increase or enhance the signage for the entire site. The sign company representative mentioned at the last meeting that he requested it because he wants to make the sign as visible as possible especially since it is a new business to the St. Louis area. The goal initially was for the tenants underneath the garages to have more visibility.

Motion was made by Alderman Robertson, second by Alderman Wynn to approve and adopt Bill No. 5479. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, no; Alderman Kramer, no; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5479 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4163.

Resolution No. 954 – Grant Program for Recycle

Alderman Kramer read a synopsis of Resolution No. 954 as a Resolution that would allow the City as part of a grant to acquire 400 64-gallon recycle carts. The Resolution is required as part of the grant application and is due by January 30<sup>th</sup>, 2008.

Motion was made by Alderman Leahy, second by Alderwoman Clements to approve and adopt Resolution No. 954. All in favor none opposed.

**ACCOUNTS AGAINST THE CITY**

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

City Administrator Seemayer responded that it is the monthly fee for the City prosecutor.

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve the warrant list dated 01/05/09. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

**REPORTS OF COMMITTEES AND DEPARTMENT HEADS:**

Mayor's Report

Mayor Kelly stated that he received a call today from MoDOT and St. Louis County Highway Department. They have been evaluating the traffic and after one day they would like to remove the stop sign from McKnight Road at York Drive. He told them that would be very difficult for them to do. Brentwood controls McKnight from Highway 64/40 to Litzsinger on the east side. Ladue controls the other half. He has spoken to Allan Ivie to let him know that they had requested the removal of the stop sign. They want to move traffic along, but the problem the City has had there before and they definitely have it now with the increase in traffic is the ability for those residents to make a left turn and get out of the subdivision. Unless there are objections from the Board, the City would be objectionable to removing that sign.

Alderwoman Clements stated that even the residents who live four streets south have a hard time making a left turn in the mornings. If it were not for that stop sign, they would probably never be able to get out. They are fortunate enough to have one or two nice drivers who will let them know that there is no oncoming traffic and will let them out.

Mayor Kelly stated that he does not see the benefit of removing the stop sign because 50 feet further is a stoplight. If you eliminate the stop sign traffic will move up and be stopped at the stoplight.

Alderwoman Clements stated that not only does it benefit the York Village people trying to exit to go south but it also helps the people from Ladue that are trying to go north onto McKnight Road.

Alderman Wynn asked about the status of McCutchen's opening.

Mayor Kelly stated that they have about two weeks of construction left. Richmond Heights made some improvements to their roadway while the bridge was being repaired and they stopped short of where the bridge stopped, went to MoDOT and said you need to finish that and MoDOT said it is in Richmond Height's right of way. At the last minute MoDOT did agree that it was part of theirs. They did not realize it was theirs to do until the first of December and because of the weather they have not been able to start the work.

Alderman Kramer stated that he went over and visited the site and saw that they have poured some concrete despite the temperature variations. He received an email today from the folks at Richmond Heights that said they thought it would be done on or before January 16<sup>th</sup>. They are looking forward to some warmer weather by this coming weekend at which time they can pour the remainder of those aprons leading up to the sides of the ramps.

Mayor Kelly stated that the grant application for the fire department was included on the St. Louis County application. He stated that he has concerns about where the federal government is getting the trillion dollars but if they are going to give them the funds they have the responsibility to apply for it. They are planning to be under construction with this project next summer.

Alderman Robertson asked if they have a low bidder for the firehouse.

Mayor Kelly stated that they have not yet put it out to bid. One of the key components of the projects for the stimulus package was that the projects could be under construction by the end of next summer and completed within 24 months. Their plan was to have the architects and the engineers do the construction drawings at the first of the year. Their schedule was to have it out to bid by April, have a contractor selected by the end of May and be under construction by the end of the summer. They have done soil samples and are worried about compacting. They have done the preliminary engineering and the site works.

Mayor Kelly stated that the City closed last Tuesday on the house on Rosalie Avenue. The Historical Society is very excited about that. They have toured the house and think it would suit their needs very well. The Barlow family left a few pieces of furniture dating back to the early 1900's.

Public Safety Committee – No report

Public Works Committee – No report

Director of Planning and Development

Director of Planning and Development Dailey stated that they have submitted a grant to the St. Louis/Jeff County Solid Waste District on December 30<sup>th</sup> for a recycle truck. The amount is \$164,000. The City's match would be about \$16,400.

Mayor Kelly stated that he serves on the St. Louis/Jeff County Solid Waste Commission that evaluates the grants. They will be finished with evaluations by the end of January and people will be notified in February.

Alderman Robertson stated that the trash services have been great lately. With the holidays, they have been very responsive.

Mayor Kelly stated that the trash loads are way down and the recycling is way up this year. The most exciting thing has been the addition of the districts in St. Louis County. Recycle has become more valuable because of that. They built a separation plant here and as of October the City is being paid \$42.00 a ton for recycle goods, whereas a year ago they were paying about \$4.00 a ton to dump the recycle goods, and it was being shipped to Chicago to be separated. The separation plant has been a huge benefit to the region.

Alderman Wynn stated that he could recall when not many days went by when you did not get a complaint about the trash or recycle. He has not had any calls in a long time. They are doing a great job.

Alderman Leahy stated that regarding the holiday interference for the week it seems to be working that they pick up that missing day on the following day versus doing overtime. He suggested that they look at incorporating that type of procedure into their work schedule to see if it works or makes it easier and maybe squeeze a few more dollars out of the budget.

Mayor Kelly stated that he thinks Dennis Wilson has said in the past that they would not have the capacity to do all of it in one day. They go out and pick up what people have put out but if they had to do a full service they would not have enough. If they are doing recycle and a little bit of trash or visa versa it works.

Alderman Leahy asked Director of Planning and Development Dailey if she could elaborate on what type of recycling truck the City will get through the grant.

Ms. Dailey responded that it has a dual rotary arm, so it can pick up two recycle carts at the same time. The residential recycling program has expanded since it started in 2004 and has increased by about 10% last year.

Alderman Leahy asked if the truck is a separate bin truck that you would be separating at the street and taking in separately.

Ms. Dailey responded no.

Ms. Dailey stated that the tree grates are in for the streetscape project at Strassner Drive and Brentwood Boulevard that would enhance Strassner Drive along Applegate's property line and on the berm. The construction of the tree grate part of the project is supposed to start in a week. Applegate's has been notified of the project. It will be about a 90-day project. The dead trees will be removed as part of this project and will be replaced with new trees.

MLP has submitted an application for a conditional use permit, which will be submitted to the Planning and Zoning Commission next week. They have decided to build building #9, which originally was approved as a single story building. Now they are proposing a two story mixed use building with retail restaurant uses and a ground floor. The second story will be office space and they are planning to relocate their offices from Frontenac to Brentwood.

Ways and Means Committee – No report

City Attorney – No report

City Clerk/Administrator – No report

Excise Commissioner – No report

Library – No report

Municipal League

Mayor Kelly stated that the County's Communication Committee that was formed by state legislation about ten years ago and initiated by former Police Chief Karabas is trying to get St. Louis County to put on the April ballot a 1/10 of .1 cent sales tax to fund the countywide communication upgrades for the municipal, police and fire departments' radio systems. One thing to remember is that this would fund all the upgrades. If it is not passed, Brentwood will, by 2012, have to do its own for probably in excess of \$350,000. This is being mandated by the FCC with changing the frequencies, which calls for all new equipment. If the upgrade is made by Brentwood they will still only be able to use the system in Brentwood. It will not expand out.

Alderman Leahy asked if they are revising the bill to just make it the communications system.

Mayor Kelly responded yes.

Alderman Marshall asked if the ballot issue doesn't pass and the City has to initiate the changes is there anyway they could tap Rock Hill since the City does their dispatching.

Mayor Kelly stated that everything would be open at that point. The Mid County Communications Center will have to upgrade all of their equipment too, so it is not like they would not be raising their prices.

Communication – No further report

Historical Society – No report

Recreation Center Committee – No report

### **UNFINISHED BUSINESS**

Alderman Kramer stated that he had another MoDOT update. Many folks have been complaining about not being able to get on 170 north from Eager Road as they are traveling east. He inquired earlier today and found out that it was going to be closed for eight months while they had Hanley Road closed. Because of the level of complaints that they have received, they have agreed to evaluate the situation on a weekly basis and it may in fact turn out to be something they reverse later on if the traffic flow from Hanley is not as strong as they predicted.

Mayor Kelly stated that the other intersection that they are evaluating is the left turn from northbound Hanley Road at Manchester. With less traffic going north and more traffic wanting to go west to get to Brentwood Boulevard that cycle has not changed since the previous cycle. They are looking at all the intersections.

Alderman Marshall asked Mayor Kelly if he could talk to MoDOT about the light at Litzsinger and Hanley Road. There are times when the light is a five or six minute wait. He does not know if there is anyway to shorten the wait.

Alderman Marshall stated that the City was going to look at putting some trees along Urban Drive as a buffer for the neighborhoods of Spanish and Woodsy to shield the residents from noise coming off Strassner Drive. They were going to look at some kind of tree that does not lose its leaves in the wintertime.

Ms. Dailey stated that there are funds remaining in the Parks Maintenance budget for some trees, so those trees will be purchase with some of those funds.

**NEW BUSINESS**

Alderman Leahy announced that the Ward 3 meeting would be held on Tuesday, January 27<sup>th</sup> at 7:00 p.m. in the Council Chambers.

**ADJOURNMENT**

Motion was made by Alderwoman Clements, second by Alderman Wynn to adjourn the meeting at 7:40 p.m. All in favor none opposed.

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Pat Kelly, Mayor

Attest:

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Chris Seemayer, City Clerk