

## MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING

City Hall  
Council Chambers

April 20, 2009  
7:00 p.m.

The Mayor led with the Pledge of Allegiance.

Roll Call

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

City Attorney Albrecht, City Clerk/Administrator Seemayer, Director of Planning and Development/Asst. City Administrator Dailey, City Treasurer Reynders, Executive Secretary Williams.

ABSENT: None.

### **CONSIDERATION AND APPROVAL OF THE AGENDA OF THE REGULAR BOARD OF ALDERMEN MEETING OF APRIL 20, 2009**

Motion was made by Alderwoman Clements, second by Alderman Robertson to approve the Agenda of the Regular Board of Aldermen meeting of April 20, 2009 as presented. All in favor none opposed.

### **CONSIDERATION AND APPROVAL OF THE MINUTES OF THE SPECIAL BOARD OF ALDERMEN MEETING OF APRIL 6, 2009**

Motion was made by Alderwoman Clements, second by Alderman Leahy to approve and adopt the Minutes of the Regular Board of Aldermen meeting of April 6, 2009 as presented. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, abstain; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

**BIDS** - None

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

Carol Kneffel – 78 York Drive came before the Board and stated that she is here to talk to the Board about a phone call that she received from Rick Wolf from Richmond Heights. She received an obscene and angry call at her home based on false information. She immediately called the Brentwood Police Department, filed a report, and turned to her City for help on the matter. Instead of getting help, Mr. Shelton, Brentwood Prosecutor never called her back to

discuss the case and he then decided that he was going to be the judge. He ruled that she was in the wrong. He proceeded to go on the internet to try to look for misdeeds that she might have done and acknowledged it in his letter. He also equates her to the prostitute in the Duke rape case. It is outrageous and insulting and she is disappointed in her City that they allowed this to go on. The letters were copied to the Mayor and Board and she feels that Mayor Kelly should have reined him in. He was unprofessional and insulting in these letters and she thinks of what other victims in the city of Brentwood do not have a fiancé that's an attorney to speak up for them. She was very upset about it and is still upset today. She was not represented and she does not care to have Mr. Shelton represent her city because her city is much better than that. She asked Mayor Kelly for a response to her comments. It was outrageous to have received the call and then she was victimized by City Hall.

Thomas Martin – 78 York Drive came before the Board and stated that it was about a month ago when they appeared at the meeting and he spoke. As you can see, Ms. Kneffel was emotionally distressed by the statements that Mr. Shelton made in his letter of January 5<sup>th</sup> where he attacked her. She has never spoken to or met Mr. Shelton. Mr. Shelton made a decision on what to do about not prosecuting that case but why did he have to cross the line and start attacking her as he did in his January 5<sup>th</sup> letter. That is the complaint that she has and the complaint that he (Mr. Martin) is supporting. His statements attacking her were not appropriate and not necessary to pursue and support the position that he was taking. They were completely inappropriate. They were gratuitous, not true, reckless, and based on his hasty conjecture of what had happened. He made no investigation and never spoke to Ms. Kneffel. Mr. Shelton told him in his letters that he had never spoken to Rick Wolf, the man that made the obscene phone call. Mr. Martin said that he would like to know the opinion of the Board. He has not heard any expression of opinion from anybody on the Board. He asked if any of them feel that Mr. Shelton was justified in attacking Ms. Kneffel with those statements. He thinks that based upon that kind of poor judgment, the Mayor should consider replacing Mr. Shelton as the prosecutor for this city. He considers the letter libelous and as a matter of principle, Ms. Kneffel plans to institute a lawsuit against Mr. Shelton and against the members of his law firm because the law firm signed all of his letters, so these statements were made by his law firm. He does not know if everyone realizes that Mr. Shelton was sending out letters in the name of a law firm instead of personally, so he is going to have to join them in the lawsuit and the City of Brentwood will be a party to this lawsuit as being legally responsible for the wrongful acts of their public official. He will send a letter to the City in the next few days explaining their position and making an offer of settlement before they file the lawsuit. It is a matter of principle, not money.

Mayor Kelly stated that it is a very fine line. The Board of Aldermen needs to be separate from the judicial part of our City. With any case or action, there are two sides to every story. He does not think it is the right thing to do for the Board to judge the actions of the prosecuting attorney at this time.

Alderman Leahy stated that it is not appropriate for the Board to comment on personnel matters in public session. That is why most of them have refrained from getting involved in this issue publicly because of limitations placed on them for the personnel that they serve.

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

Bill No. 5485 – HVAC/Heat Recovery System

Motion was made by Alderman Leahy, second by Alderman Marshall to remove Bill No. 5485 from hold. All in favor none opposed.

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. 5485, 5492, 5493, 5494, 5495 and 5496 first and second readings. All in favor none opposed.

Bill No. 5485 – Refrigeration/HVAC/Heat Recovery System

City Attorney Albrecht gave Bill No. 5485, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT ON BEHALF OF THE CITY OF BRENTWOOD, MISSOURI WITH STATE MECHANICAL SERVICES, INC., 10510 LACKLAND ROAD, ST. LOUIS, MISSOURI 63114, FOR A BRENTWOOD RECREATION COMPLEX REFRIGERATION/HVAC/HEAT RECOVERY SYSTEM FOR ONE (1) YEAR COMMENCING ON APRIL 9, 2009; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, first and second readings.

Alderman Leahy stated that the issue that he had with the original Bill No. 5485 that was placed on hold has been adjusted and corrected. It stays competitive to the other bidders so that they have no discrepancies between them. The alternate bidding is there because of the R-22 refrigerant that is used. Instead of including it in the Bill, the cost is going to be determined as its needed. He asked how would the contract be affected with what the recreation ad hoc committee is doing with the potential decisions on the Recreation Center.

City Administrator Seemayer stated that the contract is for a period of one year.

Alderman Kramer read a synopsis of Bill No. 5485 as a Bill that approves a contract with State Mechanical Services for providing maintenance and repair services to the ice rink mechanical system. The contract is for a period of one year and has an effective date of April 9<sup>th</sup>, 2009. **THIS BILL WAS PLACED ON HOLD AT THE MARCH 24<sup>TH</sup>, 2009 BOARD OF ALDERMEN MEETING.**

Alderman Leahy stated that because they held Bill No. 5485 on hold the opening date was February 27<sup>th</sup>, and the pricing and agreement that they have is that the bidding process required all of the bidders to hold their price for 30 days. The City is outside that time, but they have verbal indication from State Mechanical that they will hold their pricing.

Motion was made by Alderwoman Clements, second by Alderman Leahy to approve and adopt Bill No. 5485 as amended. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5485 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4176.

Bill No. 5492 – TIF Commission

City Attorney Albrecht gave Bill No. 5492, AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 3586 ESTABLISHING THE TAX INCREMENT FINANCING COMMISSION OF THE CITY OF BRENTWOOD, MISSOURI, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5492 as a Bill that amends the City's TIF Commission ordinance as required by State law. The new Bill establishes the makeup of the TIF Commission. The current ordinance establishes that the Commission will consist of six members appointed by the City, three members appointed by St. Louis County, two members appointed by the School District and one member appointed by all other taxing districts. The new law requires that TIF Commission's have six members appointed by the County, three members appointed by cities that currently have in place a TIF District, two members appointed by the school districts and one member appointed from taxing districts at large.

Alderman Marshall stated for clarification, as far as the school district appointments, it does not necessarily mean that it will be from the Brentwood School District.

City Administrator Seemayer stated that is correct because of the way the new law is written. The school districts are working together to come up with a solution. What they probably will do is whatever district is in the area the members will be appointed from that area.

Alderman Marshall asked if there is any way they can guarantee that members from the school district serve on the board.

City Administrator Seemayer stated that they could not by State statute. The school districts want it to be so they are representing the area where a TIF is proposed, so more than likely they are going to do that themselves. When it is in Brentwood, Brentwood School Board members would be appointed, etc., but they have to agree on that.

Mayor Kelly stated that the way the State law is written is that the neighboring municipalities with a TIF district, the commission members have to come from those districts, but if the mayor of those districts would waive that, they could then appoint three people from Brentwood. Logically you would think they would want that so that they could appoint people from their communities to serve on those commissions because they know more about the communities than somebody does who lives in North County to serve on a TIF Commission in Brentwood.

Mayor Kelly stated that University City is forming a TIF Commission right now and it has been quite an ordeal just to get the letters back with recommendations and such. It has been a difficult process to go through.

Motion was made by Alderwoman Krewson, second by Alderman Wynn to approve and adopt Bill No. 5492. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5492 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4177.

Bill No. 5493 – Hanley Road Corridor TDD

City Attorney Albrecht gave Bill No. 5493, AN ORDINANCE APPROVING AN INTERGOVERNMENTAL COOPERATION AGREEMENT BY AND BETWEEN THE CITY OF BRENTWOOD, MISSOURI AND THE HANLEY ROAD CORRIDOR TRANSPORTATION DEVELOPMENT DISTRICT; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5493 as a Bill that approves an intergovernmental cooperation agreement between the newly formed Hanley Road Corridor Transportation Development District and the City of Brentwood. The cooperation agreement allows the City to collect the 1% TDD tax from the retailers within the Brentwood portion of the District. The collected funds are then transferred by the City to the TDD trustee, UMB Bank.

Alderman Leahy asked if there is any requirement for this agreement and the other three to go through a public hearing under any circumstances that they may have to comply with.

City Administrator Seemayer responded there is not.

Alderman Kramer stated that they talked about this topic in the Ways and Means Committee meeting. They have a 1% collection limit but in some cases, the existing TDD is not quite there yet. Is it correct that they will be raising some of them?

City Administrator Seemayer stated that the newly formed Hanley Road TDD was approved by the property owners within that district. The ballot for that contained language that it would set the new TDD sales tax rate at 1%. There were two areas in Brentwood that had existing TDDs that were below that. The Strassner Road TDD which was the Brentwood Promenade and portions of Hanley Industrial Court were at a ½ cent, so that area is going from a ½ cent to .1 cent. The Kenilworth TDD or the Brentwood Square Shopping Center was at ¾ of .1 cent, so their TDD sales tax is increasing by a ¼ of a cent to 1%. The other areas in Brentwood were at the full .1 cent.

Alderman Leahy asked when it would take place assuming everything passes through them and the other members of the district.

City Administrator Seemayer responded July 1<sup>st</sup>.

Alderman Leahy referenced page B-5 of the agreement and stated that he does not think that at this point they can delete anything from the intergovernmental agreement because other members of the district have to go through it also. He would like to establish that there is a trolley car system that is in the agreement that is listed for a ½ million dollars additional expense that becomes a newly qualified project in the agreement. He feels that is duplicating the MetroLink services and does not think they should be pushing to do that at this point. You are paying MetroLink already to run the bus services and now they are asking that the sales tax go to pay for additional bus services. He understands the philosophy of wanting to run a trolley system through both Maplewood and Brentwood as a cooperative arrangement but Metro has already been given that task and they should hold Metro to accomplish it.

Mayor Kelly stated that this came out of the listed projects the voters/land owners approved for the shopping centers. Metro does not provide shuttle service between the shopping centers. The goal is that they would have a trolley service where you could park in one of the shopping centers, get on the trolley service, go to another shopping center within the area, and not have to move your car back and forth. From that respect, it is different. The logistics of that have not been spelled out yet. It provides a unique service and alternative to public transportation.

Motion was made by Alderwoman Clements, second by Alderman Robertson to approve and adopt Bill No. 5494. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5493 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4178.

#### Bills No. 5494, 5495 and 5496

Mayor Kelly stated that Bills No. 5494, 5495 and 5496 are basically the same bill, so the synopsis will be read once.

Alderman Kramer read a synopsis of Bills No. 5494, 5495 and 5496 as Bills that amend the intergovernmental cooperation agreements between the City and the Brentwood Pointe TDD, the Strassner Road TDD and the Kenilworth TDD. The amendment includes language that adds the Hanley Road Corridor TDD to the cooperation agreements. The Hanley Road TDD will eventually replace the three TDD's listed.

#### Bill No. 5494 – Brentwood Pointe and Hanley Road TDD

City Attorney Albrecht gave Bill No. 5494, AN ORDINANCE APPROVING A SECOND AMENDED AND RESTATED INTERGOVERNMENTAL COOPERATION AGREEMENT BY AND AMONG THE CITY OF BRENTWOOD, MISSOURI, THE BRENTWOOD POINTE TRANSPORTATION DEVELOPMENT DISTRICT, AND THE HANLEY ROAD CORRIDOR TRANSPORTATION DEVELOPMENT DISTRICT; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH, its first and second readings.

Motion was made by Alderwoman Clements, second by Alderman Marshall to approve and adopt Bill No. 5494. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5494 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4179.

Bill No. 5495 – Brentwood/Strassner and Hanley Road TDD

City Attorney Albrecht gave Bill No. 5495, AN ORDINANCE APPROVING AN AMENDED AND RESTATED INTERGOVERNMENTAL COOPERATION AGREEMENT BY AND AMONG THE CITY OF BRENTWOOD, MISSOURI, THE BRENTWOOD/STRASSNER ROAD TRANSPORTATION DEVELOPMENT DISTRICT, AND THE HANLEY ROAD CORRIDOR TRANSPORTATION DEVELOPMENT DISTRICT; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH, its first and second readings.

Alderman Leahy stated that it is noted that in this Bill, along with the other two, is the additional cost for MetroLink on the Strassner Road overpass. The City paid the \$6.2 million for the overpass. Overrun or expenses increased another \$1.6 million and that is now a listed acceptable project in these bills. He knows that the agreements need to be passed, but he has a problem with having the City on the hook for the overrun because of poor management by Metro.

Mayor Kelly stated that the TDD has had those discussions. The City is not on the hook for the cost overruns, the TDD is. The District had agreed that they would fund the additional expense. It is just the way that TDD was structured that they could not issue the additional bonds until 2012 at which point they were going to issue the additional bonds to reimburse Metro for those additional costs. The original cost is about \$6 million. The TDD had already paid them \$6.7 million and then it was an additional \$1.6 million.

Alderman Leahy stated that it is still an additional bill because of poor management by Metro. The City did what it needed to do by changing the plans and they ponied up for that effort. The TDD should not be held responsible for that extra money.

Mayor Kelly stated that this is part of the lawsuit by Metro against the original contractor. They said that this was one of the examples of the overruns that they had run into at which point they asked them if they had reimbursed the funds and they had won the lawsuit would they get the funds back and they said no. In the agreement with the lawsuit, all of the revenue that they would have gotten back from the lawsuit had to pay back the existing bonds that they had, so they were in a no win situation. In the agreement with the Strassner Road TDD, they had agreed to pay for the bridge and they did. To learn from that in this newly formed TDD they set an amount not to exceed for the jug handle.

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve and adopt Bill No. 5495. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman

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

The Mayor thereupon declared Bill No. 5495 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4180.

Bill No. 5496 – Kenilworth and Hanley Road TDD

City Attorney Albrecht gave Bill No. 5496, AN ORDINANCE APPROVING A THIRD AMENDED AND RESTATED INTERGOVERNMENTAL COOPERATION AGREEMENT AND A FOURTH AMENDED AND RESTATED SALES TAX COLLECTION AGREEMENT BY AND AMONG THE CITY OF BRENTWOOD, MISSOURI, THE KENILWORTH TRANSPORTATION DEVELOPMENT DISTRICT, AND THE HANLEY ROAD CORRIDOR TRANSPORTATION DEVELOPMENT DISTRICT; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH, its first and second readings.

Motion was made by Alderman Leahy, second by Alderman Wynn to approve and adopt Bill No. 5496. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5496 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4181.

Resolution No. 953 – City Vehicle Policy

Mayor Kelly stated that he was able to attend the Ways and Means Committee meeting on Friday and there were some changes made to the original resolution.

Alderman Leahy stated that he had requested that Resolution No. 953 be placed on hold and he would like it to remain on hold. The changes that have been recommended needs further discussion.

Motion was made by Alderman Leahy, second by Alderman Harper for Resolution No. 953 to remain on hold.

Alderman Marshall stated that twice it has come to the Ways and Means Committee and everyone on the Committee feels the same about the resolution. In speaking with the members of the Committee, they were all together on the decisions that were made.

Alderman Leahy stated that one of the changes in Resolution No. 953 is the car allowance from \$300.00 a month to \$350.00 a month. He requested the statistical data the Ways and Means Committee used to support making such a change. What was shared at that meeting that made this justifiable to come back to the Board as a recommendation for approval?

Roll call to leave Resolution No. 953 on hold: Alderwoman Clements, no; Alderman Marshall, no; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, no; Alderman Robertson, no; Alderman Wynn, no; Alderman Harper, yes.

Motion was made by Alderman Marshall, second by Alderwoman Clements to remove Resolution No. 953 from hold. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, no; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, no.

Alderman Leahy stated that his question still stands. He would like to know from the Ways and Means Committee what statistical data was used to support raising the car allowance from \$300.00 to \$350.00.

Alderman Marshall stated that he believes they looked at other municipalities.

City Administrator Seemayer stated that they got some data from some other cities.

Alderman Marshall stated that they also talked about the cost of gasoline.

Alderman Leahy stated at current using a \$350.00 value of car allowance and using the federal reimbursement rate of \$.59 cents per mile, your employees would have to be driving over 593 miles per month to reach this value. There is no documentation required of any of the employees of the City of Brentwood in order to claim this \$350.00 car allowance. It is given to those who qualify based on that category whether it is used or not. He thinks that needs to be addressed in this issue of the policy.

Mayor Kelly stated that it is part of the incentive or as part of the employee's job description that when they were hired that they would receive a car allowance. At this point if you are going to take the car allowance away then you are reducing the benefit to the employees. It is not just based on the cost. There is a benefit to having a car allowance.

Alderman Leahy stated that he is not opposed to that aspect of the policy. He is opposed to the lack of documentation. The City has City owned vehicles that sit on the lot that are available for usage versus using personal cars to do so. They have certain positions that are given a car to accommodate their needs. He thinks the City should start looking at some of the expenditures and find ways to help rain them in versus just generally expanding them. This is part of what he wishes to have discussed at the Ways and Means Committee meeting but unfortunately the two meetings that were held were held at times that were not convenient for him to be able to attend and he apologized for not being able to be there.

Mayor Kelly stated that for the record a number of years back the City did have cars available for certain positions that now have a car allowance. They evaluated it back then and because of the maintenance on the used vehicles, the high fuel cost of those vehicles being the larger engines and those kinds of things, it was cheaper at that time to allow for the car allowance and not having to worry about the liability of the other cars and those additional expenses. That was done a number of years back to get to the point of giving these positions a car allowance. That

may not have been part of this discussion but that is how they got to the car allowances a number of years back.

Alderman Harper stated that for several months he has expressed his concerns about what he perceives as a lack of transparency especially when it comes to City vehicles. He echoed what Alderman Leahy said. Additionally another change that came back to them in the revised Resolution 953 is the 100-mile radius has now been increased to the eight surrounding states.

Mayor Kelly stated that if they go outside the 100-mile radius they have to pay for their own gas.

Alderman Harper stated that goes back to the lack of documentation. There are no travel logs or anything like that. Some of his other concerns that he brought up in several meetings especially in the Public Safety Committee meetings is that they have an emergency vehicle that is not marked. He understands that the police need undercover vehicles that do not need to be marked, but when it comes to our fire vehicles, he does not see a reason why a vehicle is not clearly identified as an emergency vehicle if the expectation is that you are going to respond to an emergency. He does not know what the expectation is for someone that is in one of the eight surrounding states to respond back to Brentwood or is it even an expectation that after 100 miles you are expected to come back. For him, it would be helpful to know on average what the City spends on take home vehicles. What kind of dollars are they looking at because currently he does not know that there is any real oversight on those vehicles? You could get in a vehicle and go to the end of Nebraska, etc. As a public official, he would like to know, before he votes yes on something in which the City is spending the money.

Alderman Marshall stated that there are numerous vehicles that are hand me downs. City Administrator Seemayer and the inspectors drive them. The actual new vehicles that have been bought are a maintenance truck for the Public Works Department and Fire Chief, etc. Many of these vehicles are recycled through the City. While it may seem like they are spending a lot of money on vehicles there is a lot of recycling being done. It is not as if they are buying new vehicles for each one of these positions every year.

Alderman Harper stated that if it is a take home vehicle and you could go to the eight surrounding states that's adding wear and tear on a City vehicle and ultimately the tax payers are going to end up paying for a new vehicle because that one is getting worn out quicker.

Alderman Leahy stated that he would like to raise the issue that in the prior resolution that was placed on hold they had a vehicle that they were looking to discontinue. The new policy has that vehicle reinstated. They have had a prior employee who was hired with the enticement of a vehicle. A number of years ago the car policy was reviewed by the Board and that car was removed from the policy. He thinks that was a mistake. He does not know how deep he could get into personnel matters in public session. He is questioning why they put the vehicle back in the policy if they looked at removing it for the same reason that it was put back in, as he understands it. The other vehicle a number of years ago probably should have been left in. These are issues that he would have liked the opportunity to discuss with the Ways and Means Committee in the meeting and not here in public session.

Mayor Kelly stated that the position is the park maintenance/superintendent. That position had been removed from the policy. He did not understand how the requirement for that position had required a car for much longer than just a few years ago. The superintendent had a vehicle for a number of years because they are on call and come in quite a bit. In talking to Superintendent Nahmensen of the Public Works Department, he felt that the position needed to have that vehicle for instance, when they came in for true emergencies such as the flooding. It was Superintendent Nahmensen's suggestion that vehicle be put back in because of the number of calls. It does not matter who is in that position. It is the position, not the person. That position he said requires a vehicle.

Alderman Marshall stated that it does not stop the City if there is a problem with an employee or an action against an employee losing access to a vehicle as a punishment. It does not specify in that position that they cannot do that. If said employee left and a new employee came, it would allow them to do what they have done in the past.

Alderman Leahy stated that he understands that argument but they had for whatever reason removed that vehicle because it was deemed that it really was not necessary. Under the car allowance, you are compensating that person in that position to still accomplish the City's task without the cost of the vehicle. His problem is using the earlier efforts.

Mayor Kelly stated that he appreciates what Alderman Harper said and they do have a responsibility to make sure that the funds are spent in the right way. There is no doubt that to have a City vehicle is a benefit and it is a part of that position. Using the Asst. Fire Chief's position, that position has had a vehicle as part of that job for a number of years. In that position those employees have been able to use that when they are off duty as their personal car as well and it is a benefit. Do they keep track of those miles? No, but they stipulate in the policy that if the employee in that category which would be the Asst. Fire Chief, Asst. Police Chief, Superintendent of Public Works and Park Maintenance/Superintendent use the vehicle to go outside of the 100-mile radius, because it is not reasonable to think that if they have gone farther than that that they could drive back in an emergency, they will have to pay for their own gas after the 100 miles. It was interesting in talking to those employees in those positions; they had all paid for their own gas anyway because they understood that it was a benefit and an asset for them to be able to use the vehicle. If the City were changing that policy from what they had in place for a number of years, the only thing he has said to the Ways and Means Committee is if that's what they want to do that's fine but that they would be reducing a benefit to those employees that they have had in the past. He thinks it is a good exercise to go through and review these policies, so people understand that. The City has great employees and he does not think they should be cutting back on their benefits. They have a lot of responsibility, he appreciates the things that they do and as part of their compensation they get to use City vehicles, he is okay with that.

Alderwoman Clements stated that she wants Alderman Harper to know that she brought his concerns to the Ways and Means Committee meeting concerning the vehicle policy, the ones that he had shared with her and with the Public Safety Committee.

Alderman Harper stated just to be clear he is not saying those employees do not need those take home vehicles. Obviously, those positions do require a take home vehicle but he agrees with the Mayor that it is the position, not the person and those vehicles need to be marked, except for undercover police vehicles. They should be marked as a City vehicle because it is about the position and not about the person.

Alderman Marshall stated that when City Administrator Seemayer vehicle was marked it was vandalized. There were several occasions when City vehicles were keyed because they were municipal vehicles. That was part of what went into making them unmarked. He knows that Asst. Chief Kurtz carries equipment in his vehicle. If he has to mark his vehicle, he may not be inclined to use that vehicle with his family and in turn may not be able to stop at an accident. Alderman Marshall stated that he believes most of the members of the Ways and Means Committee felt the same way. It was not a big issue.

Alderman Harper stated that he does not believe it is a Ways and Means Committee decision it is a Public Safety Committee decision. It is a public safety vehicle and they should be able to determine whether it is a marked vehicle. It has nothing to do with funding. It is a decal that you stick on a car.

Alderman Kramer stated that in addressing Alderman Leahy's comments about the Resolution, he pointed out that in Exhibit A, Section 1; one of the things they tried to consider was regarding the length of time the City would keep the vehicle in use. They listened to suggestions and for Category 3 and 4 vehicles, they decided to keep them for a minimum of five years or 100,000 miles whichever occurs first and that is something new for Brentwood. That goes a long way towards helping to shape the desires of the Committee and hopefully the Board for the staff members who have those vehicles. The second thing is in Category 2 and looking at the compensation for those valued employees, the Director of Planning and Development/Asst. City Administrator and the Director of Parks and Rec. One of the things that they talked about regarding the \$350.00 was the last time it was changed.

City Administrator Seemayer stated that the last time it was changed was about 1998.

Alderman Kramer stated feeling that one of those employees holds a dual role job that has a significant amount of input and hours that are spent towards the City's betterment; they did not see any problem with going from \$300.00 to \$350.00 as it also relates to other cities that have used a car allowance as part of their compensation as well.

Motion was made by Alderman Leahy to change Category 2 by adding the following requirement. In Category 2, where it states the amount shall be subject to annual review by the Ways and Means Committee. He requested that it be amended to read, that proper documentation of usage of the cars be documented with mileage and/or gas maintenance repair bills, so that Ways and Means has something to compare to the \$350.00 car allowance. At .59 cents a mile, 593 miles a month you are looking at 23 miles a days that personnel are using cars. He agrees that there are days that you could easily get 50 to 100 miles but there are days when they are using the cars five or ten miles.

There was no second to Alderman Leahy's motion. Motion died.

Alderman Marshall stated that if he is not mistaken he believes that maintenance and vehicle mileage reports are already kept by the City.

City Administrator Seemayer responded not on those two vehicles. They are on all other City vehicles. In this case, the employees are using their personal vehicles and receiving a car allowance.

Alderman Marshall stated that when they talked about it in the Ways and Means Committee meeting, the topic came up about the previous resolution versus the new resolution. How do they address the previous resolution first before they do the amended one second?

Mayor Kelly stated that the motion could be stated to approve the amended Resolution No. 953 as amended.

Alderman Harper stated that regarding Section 2 of the Resolution, would that preclude, for instance if the Fire Chief decides that he wants that vehicle marked. Could it be marked since the Resolution states whatever it is now will stay marked or unmarked. Does that take the authority away from the Fire Chief?

Mayor Kelly stated that if the Board would like to entertain more discussion on that issue a motion could be made to amend the amended Resolution to remove Section 2 so that part of it could be further discussed.

Alderman Leahy stated that as a point of order, Resolution No. 953 has not been amended; it has been revised by the Committee and forwarded to the Board of Aldermen. His amended effort did not get a second. The Resolution was amended or revised by the Ways and Means Committee; it is not the one that was in the packet originally.

Alderman Harper stated that he does not want to make the motion to remove Section 2. He stands firm that the Asst. Fire Chief's vehicle needs to be marked. It is about the position, not the person and it is a Public Safety issue not Ways and Means issue.

Alderman Marshall asked if Section 2 needs to be removed in order for the Resolution to go back to the Public Safety Committee.

Mayor Kelly stated that it would make it easier than revising the entire Resolution again.

Motion was made by Alderman Marshall, second by Alderwoman Clements to amend Resolution No. 953 by removing Section 2 for further discussion. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, no; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Motion was made by Alderwoman Clements, second by Alderman Marshall to adopt Resolution No. 953 that was revised from the resolution that was put on hold at the December 1<sup>st</sup> meeting

and as amended to remove Section 2. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, no; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, no.

### **ACCOUNTS AGAINST THE CITY**

Motion was made by Alderman Marshall, second by Alderwoman Clements to adopt the warrant list dated April 20<sup>th</sup>.

Alderman Kramer thanked City Administrator Seemayer and staff for putting the explanations on the warrant list.

Alderman Kramer asked about the expenditures for Acumen Consulting, Ed Roehr, Grimes Consulting and St. Louis Composting.

City Administrator Seemayer stated that for Acumen Consulting, the computers and laptop are replacements. The laptop was for use within the police department and he believes the four computers are for the parks department. Radios and lights were purchased from Ed Roehr for the new police cars. The amount for Grimes Consulting is for planning documentation that will be reimbursed to the City after July 1<sup>st</sup> from the new Hanley Road Corridor TDD. The amount for St. Louis Composting for yard waste dumping was over \$2,000 that is why it is on the warrant list.

Mayor Kelly stated that the expenditures for UMB Bank are the pass through for the TDD bonds for the various projects.

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

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

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

Mayor Kelly asked Director of Human Resource McGrail to come before the Board and explain the selection process for the Chief of Police.

Director of Human Resources McGrail came before the Board and stated that the City contracted with the Missouri Police Chief's Association. They began in November of last year by placing advertisements for the Chief of Police position. They concluded accepting applications mid January of 2009 and then began the process through the Police Chief's Association of evaluating and accessing all of the candidates. In total, the City received 60 applications, which was an outstanding response. It was quite an accolade for the City because these were highly qualified tenured experienced officers who were very selective in any position they would have applied for. Concluding the month of January and into February, they reduced the number of candidates to twelve. Those candidates were approached with a background investigation and essay

questions to respond to. From there the candidates were narrowed down to eight. Those eight candidates were invited to Jefferson City to the Police Chief's Association office to interview with a panel of law enforcement professionals. There were three current officers holding the position of Chief of Police that sat on the panel with a minimum of ten years experience, were also very active in the communities throughout the state, and very well versed in their profession. In addition to those three, she sat in the panel as well to provide an aspect from the City's perspective. While the candidates were in Jefferson City in addition to the oral interview, they also completed another session of written exams, which were scored and assessed. Upon conclusion, the Association provided them with the actual list of the eight candidates. That was then reduced by two. Two of those candidates were out of state, did not hold a license, and did not meet the requirements. They did not arrange to take the test to make sure that they could be a police officer in Missouri. Upon being presented with that list, the City then conducted its own interview with the City Administrator, Mayor and herself of the six finalists and any internal applicants that applied.

Mayor Kelly recommended Steve Disbennett for the position of Police Chief and Dan Fitzgerald for the Asst. Chief's position for the City of Brentwood. It has been a great process that they have gone through. He appreciates the patience of the Board and the public, as well as the applicants who went through this process. It is to Steve's credit having gone through the process. He was one of the top six candidates. He also thinks it is a credit to Dan Fitzgerald. He came in number 12 after they were done with their process. Having talked to both Steve and Dan last week, he thinks they are both very excited. It will be great for the police department and the community to get things back to normal.

Motion was made by Alderman Wynn, second by Alderwoman Clements to approve the appointment of Steve Disbennett as Police Chief and Dan Fitzgerald as Asst. Police Chief for Brentwood. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Newly appointed Police Chief Disbennett came before the Board, thanked the Mayor and the Board, and stated that it is a position he never thought that he would be in. He takes it very highly and humbly to be the Chief of Police in Brentwood. All the police officers that attended tonight are what this place really stands for. He is very proud and the city should be proud of all the men and women that work for them.

Mayor Kelly stated that the City would be having a formal swearing in ceremony at the next Board of Aldermen meeting. They want everybody to attend and bring their families.

Mayor Kelly stated that he has been in conversations with representatives from the Villas of Brentwood and the YMCA. Brentwood is going to get its dog park. The Villas is going to build a dog park with their approval on the northeast corner of the YMCA's property in the back of the parking lot in the green space. The Villas Apartments are willing to fund, build and maintain the dog park. Part of the agreement is that they will open it up to their residents, members of the YMCA, as well as Brentwood residents. It will be a great location, with plenty of parking and access for people who want to bring their dogs over there and it will not cost the City anything.

Alderman Leahy asked about the dog park and the MSD flood line.

Mayor Kelly stated that it is not in the floodplain or floodway. They will need to come in and talk to staff about permits, etc.

Alderwoman Clements stated that hopefully they would have bags, etc., and people will clean up, so that there will not be a problem with that.

Mayor Kelly stated that they have special mulch for the dog parks. They will have trashcans and bags for people to clean up after their dogs and a doggie playground or area. The Villas see it as an asset for the people that they attract to their apartments.

Mayor Kelly stated that a while back the City approved Network 1 to create a broadband umbrella over the city of Brentwood that the residents would be able to get subscriptions. The City has been in conversations with them and they have changed their name to Buzz Broadband. Within the last month, they have installed a new antenna on the radio at Manchester and Hanley Roads. They are running tests on that now. Evidently, they have a couple of employees who live in the city of Brentwood and they have been using the service. They are evaluating how it works and where they will have to put their other antennas. The testing should go through the end of April. They are hoping to roll it out as soon as early May.

The City received the \$50,000 deposit from Drury Hotels for the funding agreement for Eager Road and Brentwood Boulevard. They are looking forward to getting into that process and getting that going as soon as possible. Once that is completed, it will be a real asset to the community.

**Public Safety Committee** – No report

**Public Works Committee** – No report

**Director of Planning and Development**

Director of Planning and Development Dailey came before the Board and stated that the Mayor had asked her to have the Traffic Engineer Crawford, Bunte Brammeier look at the intersection of Hanley Industrial Court and Strassner Drive. It is located in the intersection that is adjacent to the new Fontbonne. They observed that some people are running stop signs and some hesitation at the intersection. It does not seem to be working as well as it should, so Crawford Bunte Brammeier has submitted a draft report. Staff reviewed it. They have made some recommendations based on the review of crash data that was provided by the police department. They measured site distance at the intersection and found that there were not meeting the standards for site distance based on where the stop bars are located. They conducted some peck period observation of traffic flow at the intersection and reviewed the geometrics of the intersection in general. They have come up with a few recommendations including moving the stop bars up and they provided drawings showing exactly where they should be located. The stop signs are not as high as they should be, so they have recommended raising the height of the

stop signs. They've also indicated that it is an all way stop, adding that signage to the stop signs and then removing the directional information about the location of the Brentwood Police Department which would need to be relocated to a separate sign. They also recommended striping a pedestrian crosswalk connecting to the Fontbonne administrative facility to the parking lot across the street.

Alderman Marshall recommended also putting street signs up.

Alderman Kramer stated that one of the things they talked about in Ways and Means and Public Safety meetings because of the TDD funding it was the lack of lighting. Was that addressed by their study?

Director of Planning and Development Dailey stated that it was not a part of their study.

Mayor Kelly stated that the one street light that had been installed has been out for a while. They have reported that and Ameren UE needs to change it.

Alderman Kramer stated that even with that light installed, the whole intersection is very dark at night and it has changed from the way it used to be in terms of volume of traffic. He asked that the lighting be discussed in the Public Safety Committee meeting.

Alderman Harper asked if there were any considerations for making it a two way stop versus a four way stop.

Director of Planning and Development Dailey stated that when they ran their analysis they wanted to determine if it warrants a signal and it does not, but it does meet the warrant for the four way stop.

Mayor Kelly stated that these corrections will be put in place when public works replaces a couple of concrete slabs on that street and so the restriping will be done at that time, probably in the summer. Mayor Kelly asked if Crawford Bunte Brammeier could evaluate the stop sign at Urban and Strassner to see if they could eliminate Strassner traffic stopping there.

Alderman Marshall stated that he is all for getting rid of stop signs. His concern about Urban would be that they mark it properly so that they do not have people thinking that cross traffic is going to stop and they pull out in front. His other concern is with the YMCA and children, with bike riders, etc., for the safety aspect.

Alderman Wynn stated that when you come up Litzsinger to Hanley the signs that used to say "no right turn on red" are gone.

Director of Planning and Development Dailey stated that she would look into it.

Director of Planning and Development Dailey stated that she and the Mayor have met with four different public relations firms and asked them to put proposals together for marketing plans for the business. The goal of this effort would be to promote the business and let them know that the

City is putting its own effort into helping promote them during this economic downturn and the Highway 64/40 construction. They should be receiving proposals back, complete a review of them and bring back recommendations to the next Board meeting.

The bikable/walkable communities plan for Brentwood, Clayton, Richmond Heights and Maplewood is complete. It was submitted to the City on Friday. There are hard copies of the plan at City Hall and the Rec Center. It will also be on the website as well.

Ways and Means Committee – No further report

Special Use Permit/Brentwood Parks and Rec.

City Administrator Seemayer stated that Brentwood Parks and Rec. is requesting a Special Use Permit to allow residents to bring alcohol into Brentwood Park for the Sounds of Summer Concert Series on June 12, July 10 and Aug. 14.

Motion was made by Alderwoman Clements, second by Alderman Marshall to grant the Special Use Permit to Brentwood Parks and Rec. Center. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Special Use Permit/Mt. Calvary Lutheran Church

City Administrator Seemayer stated that Mt. Calvary Lutheran Church is requesting a Special Use Permit to hold a garage sale in their parking lot at 9321 Litzinger on May 2<sup>nd</sup>, one day only.

Motion was made by Alderman Marshall, second by Alderman Wynn to grant the Special Use Permit to Mt. Calvary Lutheran Church for their garage sale. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Excise Commissioner – No report

Library – No report

Municipal League – No report

Communication – No report

Historical Society

Alderman Kramer asked what is the timeline for the opening of the Historical Society's new location.

Mayor Kelly stated that they are still getting things situated. Public Works just finished the front porch.

Alderman Krewson stated that they are still waiting for some file cabinets from the old historical building and once arrive they can finish unpacking. They are open Friday mornings for visitors.

City Administrator Seemayer stated that they were waiting for the porch to be fixed before moving the heavy file cabinets.

Recreation Center Committee – No report

### **UNFINISHED BUSINESS**

Alderman Wynn announced that Thursday, May 7<sup>th</sup> from 12:00 to 1:00 p.m. they would have a National Day of Prayer ceremony at City Hall.

Alderman Leahy asked for an update on the remodeling of the new Post Office.

City Administrator Seemayer stated that he has not spoken to the Post Office. He has been over there and they are moving rapidly on the inside. He will check with the general contractor for progress.

Alderman Leahy asked for an update on the earlier request, the Parks Department and negotiations with the Richmond Heights Community Center usage to try to get something in writing.

Mayor Kelly stated that Director of Parks & Rec. Frankowski has talked to them but they also said they were not going to do anything until they made a decision on what direction they were going with the Rec. Center.

Alderman Marshall stated that he received several compliments about Brentwood Park baseball fields from the Athletic Association, parents whose children are playing down there are very happy to see the improvements to the fields.

Mayor Kelly stated that the City brought in truck loads of dirt and laser shot the field, so that it would drain better, eliminating a lot of the puddles from Brentwood Park. The Public Works Department has repainted everything at Brentwood Park and they did a great job. They were finally able to replace the fence by the Creek, which was knocked down in the flood.

Alderman Marshall stated that they had a meeting with the residents on Eulalie and Litzsinger about the new firehouse and how it will affect them. There will also be information posted on the website as to the progress on [brentwoodmo.org](http://brentwoodmo.org).

Mayor Kelly stated that they addressed most of the residents' concerns and it was a very positive meeting.

Alderman Kramer stated that he came across a few residents that are very happy about the opening of the entrance closest to Eager Road. There was a question about the timeline of their construction project and if they are still going to restripe the parking spaces.

Director of Planning and Development Dailey stated that Target plans for the new addition to be open in October. They are still planning to meet that deadline. The work that was required by MSD is taking place in a large portion of the parking lot.

**UNFINISHED BUSINESS**

Alderman Leahy announced a Ward 3 meeting would be held on Tuesday, April 28<sup>th</sup> at 7:00 p.m. All are invited.

Alderman Harper announced that April is National Child Abuse Prevention Month, so he encouraged people to get involved with strengthening children, families, and to get out and support them.

**ADJOURNMENT**

Motion was made Alderman Leahy, second by Alderwoman Clements to adjourn the meeting at 8:40 p.m. All in favor none opposed.

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Pat Kelly, Mayor

Attest:

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Chris Seemayer, City Clerk