

MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING

City Hall
Council Chambers

May 4, 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 MAY 4, 2009

Motion was made by Alderwoman Clements, second by Alderman Wynn to approve the Agenda of the Regular Board of Aldermen meeting of May 4, 2009 as submitted. All in favor none opposed.

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF APRIL 20, 2009

Motion was made by Alderman Robertson, second by Alderman Marshall to approve and adopt the Minutes of the Regular Board of Aldermen meeting of April 20, 2009 as submitted. All in favor none opposed.

Mayor Kelly announced that the accepting of the certified election results and the presentation of the Certificate of Achievement for Excellence in Financial Reporting will be done at the end of the meeting. The swearing-in of elected officials will be done after the meeting adjourns.

BIDS – None

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

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

1st and 2nd Readings of Bills

Motion was made by Alderman Wynn, second by Alderwoman Clements to give Bills No. 5497, 5498, 5499 and 5500 first and second readings. All in favor none opposed.

Bill No. 5497 – Naming of Street

City Attorney Albrecht gave Bill No. 5497, AN ORDINANCE NAMING A CERTAIN STREET IN THE DEVELOPMENT AREA KNOWN AS “THE MERIDIAN AT BRENTWOOD” 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. 5497 as a Bill that would name the road (currently unnamed) that runs through the Meridian Development, which connects Eager to Hanley. The name of the road would be Musick Memorial Drive. This is a request of the Meridian developer.

Mayor Kelly stated that the street is being named in honor of Don Musick’s father who passed away since the beginning of the project.

Motion was made by Alderwoman Clements, second by Alderman Marshall to approve and adopt Bill No. 5497. 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. 5497 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4182.

Bill No. 5498 – First Supplemental Trust Indenture/Brentwood Square Project

City Attorney Albrecht gave Bill No. 5498, AN ORDINANCE APPROVING A FIRST SUPPLEMENTAL TRUST INDENTURE BY AND BETWEEN THE CITY OF BRENTWOOD, MISSOURI AND UMB BANK, N.A., AS TRUSTEE, IN CONNECTION WITH THE CITY’S TAX INCREMENT REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 2005 (BRENTWOOD SQUARE PROJECT); AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5498 as a Bill that amends the trust indenture between the City of Brentwood and UMB Bank as it relates to the Kenilworth Transportation Development District project fund. The amendment deletes the date that the project fund must be depleted. Currently the project fund has approximately \$100,000, which is being used for the improvements at Brentwood & Strassner. The funds will be spent by the end of this summer.

Mayor Kelly stated that it is an ongoing project. The funds have been allocated by the TDD but if the funds are not spent by a certain date they automatically go to pay back the bonds. The City is not ready to pay the bills on this project, so that is why they need to extend the date.

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve and adopt Bill No. 5498. 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. 5498 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4183.

Bill No. 5500 – Site Development Plan/1201 Hanley Industrial Ct.

City Attorney Albrecht gave Bill No. 5500, AN ORDINANCE GRANTING APPROVAL OF A SITE DEVELOPMENT PLAN FOR PROPERTY NUMBERED 1201 HANLEY INDUSTRIAL COURT WHICH PERMITS UNDER THE PROVISIONS OF CHAPTER 25 OF THE BRENTWOOD CITY CODE THE DEVELOPMENT OF THAT SITE; PROVIDING THE CONDITIONS TO SUCH DEVELOPMENT; PROVIDING FOR THE CURRENT MAINTENANCE OF THIS CODE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5500 as a Bill that approves a site plan for 1201 Hanley Industrial Court for the Brentwood School District. The District will utilize the building for an early childhood education center, parents as teacher's facility and administrative offices. The site plan was reviewed and approved by the Planning & Zoning Commission.

Motion was made by Alderman Wynn, second by Alderman Harper to approve and adopt Bill No. 5500. 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. 5500 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4184.

Alderman Kramer asked about the opening of the early childhood center.

Mayor Kelly stated that Keith Rabenberg, one of the School Board members in the audience indicated that the Brentwood School District would start their work right away and hope to have the early childhood center open next year.

Bill No. 5499 – Conditional Use Permit/US Beef Corporation

City Attorney Albrecht gave Bill No. 5499, AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO US BEEF CORPORATION, WHICH PERMITS UNDER CERTAIN CONDITIONS THE USE OF CERTAIN DESCRIBED PROPERTY FOR OPERATION OF A FAST FOOD RESTAURANT WITH DRIVE-THRU; PROVIDING THE CONDITIONS OF SUCH USAGE; PROVIDING FOR THE CURRENT MAINTENANCE OF THIS CODE; AND PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Public Hearing – 7:15 p.m. Conditional Use Permit/8720 Manchester Road

Mayor Kelly announced a Public Hearing for a Conditional Use Permit for 8720 Manchester Road would now be heard at 7:15 p.m.

Mayor Kelly stated that the property is in front of Ace Hardware and Office Depot on Manchester Road. The out lot will be built into an Arby's restaurant that will consist of a drive-thru restaurant. Because of the drive-thru operation, they need to have a CUP.

Mayor Kelly asked if there were any comments from the audience. Hearing none, Mayor Kelly announced the Public Hearing closed at 7:17 p.m.

Alderman Kramer read a synopsis of Bill No. 5499 as a Bill that would approve a Conditional Use Permit and site plan for Arby's Restaurant at 8720 Manchester Road. The CUP and site plan was reviewed and approved by the Planning & Zoning Commission.

Motion was made by Alderman Leahy, second by Alderwoman Clements to approve and adopt Bill No. 5499. 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. 5499 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4185.

Alderman Kramer asked about a timeline for the opening of Arby's restaurant.

Mayor Kelly stated that Arby's hope to be open by the end of the year.

ACCOUNTS AGAINST THE CITY

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve the warrant list dated 5/4/09.

Alderman Kramer asked for clarification about the bill from EVS, Inc., and if the amount is for one vehicle.

City Administrator Seemayer responded that the \$2,475.40 amount is for two vehicles.

Alderman Kramer asked if the \$4,274.00 for Treeland is grant money that is reimbursed to the City.

City Administrator Seemayer responded that this particular one is not. They have had grant money in the past but this is just some of the general funding that they spend each year for trees around the city. They also have some grant money this year, about \$11,000 that they will be using.

Alderman Kramer asked City Administrator Seemayer to highlight some of the engineering studies that were covered in the expenditure for CDG Engineers.

City Administrator Seemayer stated that the studies and surveys included subdividing property in the apartment complex owned by Baron Realty, work on Bridgeport for problems from a

flooding that occurred a couple of years ago and a property survey for a tree to find out whose property it was on, the City's or the resident's.

Alderman Leahy asked if proper documentation was provided for the Ace Holding, Inc. expenditure.

City Administrator Seemayer responded yes, for proof of construction costs.

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

REPORT OF COMMITTEES AND DEPARTMENT HEADS:

Mayor's Report

Mayor Kelly reminded everyone that St. Mary Magdalen will be having their annual picnic on Friday, May 15th and Saturday, May 16th.

Mayor Kelly requested, since there is no business on the agenda for the second meeting in May, that the May 18th meeting be cancelled.

Motion was made by Alderman Robertson, second by Alderman Wynn to cancel the May 18th Board of Aldermen meeting. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, no; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Alderman Wynn announced that Thursday, May 7th is National Day of Prayer and there will be a ceremony at City Hall from 12:00 to 1:00 p.m.

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 – No report

Library – No report

Municipal League – No report

Communication – No further report

Historical Society – No report

Recreation Center Committee – No report

UNFINISHED BUSINESS

Alderman Leahy stated that they had a couple of homework assignments from the Ward 3 meeting on some activities in the Brazeau and the East Pendleton area. They were taken care of

in a very quick manner. The residents wanted him to let the Public Works and Housing Departments know that they appreciate the work that was done.

NEW BUSINESS

Accept Certified Election Results

Executive Secretary Williams read the certified election results from the April 7th, 2009 General Municipal Election as follows:

MAYOR - Two year term

Pat Kelly	764
David C. Karthy	120

MUNICIPAL JUDGE - Two year term

Ron Hill	796
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ALDERMAN WARD 1 - Two year term

Anthony Harper	282
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ALDERMAN WARD 2 - Two year term

Lee R. Wynn	173
Stephen Moelm	43

ALDERMAN WARD 3 - Two year term

Keith Robertson	211
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ALDERMAN WARD 4 - Two year term

Thomas Kramer	99
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Motion was made by Alderman Leahy, second by Alderman Marshall to accept the certified election results from the April 7th, 2009 General Municipal Election. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Ward 3 meeting

Alderman Leahy announced a Ward 3 meeting would be held on Tuesday, May 26th at 7:00 p.m. in the Council Chambers.

Swearing-in and Award

Mayor Kelly stated that the swearing-in and the presentation of the award would be done after the meeting adjourns.

ADJOURNMENT

Motion was made by Alderman Leahy, second by Alderman Robertson to adjourn the meeting at 7:20 p.m. All in favor none opposed.

Pat Kelly, Mayor

Attest:

Chris Seemayer, City Clerk

