

MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING

City Hall
Council Chambers

October 19, 2009
7:00 p.m.

Mayor Kelly led with the Pledge of Allegiance.

Roll call

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

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

Absent: Alderwoman Clements.

CONSIDERATION AND APPROVAL OF THE AGENDA OF THE REGULAR BOARD OF ALDERMEN MEETING OF OCTOBER 19, 2009

Motion was made by Alderman Leahy, second by Alderwoman Krewson to approve and adopt the Agenda of the Regular Board of Aldermen meeting of October 19, 2009. All in favor none opposed.

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF OCTOBER 5, 2009

Motion was made by Alderman Wynn, second by Alderman Leahy to approve and adopt the Minutes of the Regular Board of Aldermen meeting of October 5, 2009. All in favor none opposed.

BIDS – None

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

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

1st and 2nd Readings of Bills

Motion was made by Alderman Leahy, second by Alderman Marshall to give Bills No. 5524 and 5525 first and second readings. All in favor none opposed.

Bill No. 5524 – Professional Services Agreement

City Attorney Albrecht gave Bill No. 5524, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BRENTWOOD, MISSOURI TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH GRIMES CONSULTING, INC., TO PREPARE CONSTRUCTION DOCUMENTS FOR THE LITZINGER ROAD BRIDGE OVER BLACK CREEK PROJECT; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5524 as a Bill that authorizes the Mayor to enter into an agreement with Grimes Consulting to provide engineering services for the replacement of the Litzsinger Bridge. The total cost for the design services is \$103,500. Funding for this service is being provided in whole by the Hanley Road Corridor Transportation Development District.

Mayor Kelly stated that although it wasn't necessarily required and because the City had not completed a bridge project of this type, the City solicited four engineering companies for the project and Grimes Consulting, Inc. was selected with the help of the TDD and City staff.

Alderman Leahy stated that since the Litzsinger Bridge project went out to bid, according to the statutes, weren't the bids supposed to be published by the City.

Mayor Kelly stated that the TDD is paying for the Litzsinger Bridge project and professional services of this type don't necessarily have to be bid out.

Alderman Leahy asked if the bids were supposed to at least be presented for the record.

City Administrator Seemayer responded no, because it is not a City project. The City is not paying for the project.

Mayor Kelly stated that the information will be in the TDD's records. The engineering contract is with the City.

Director of Planning and Development Dailey stated that the City has authorized the TDD to act as its agent in terms of contracting. This could have been done by the TDD Board but because the TDD Board isn't meeting again until sometime in November and to allow the engineer to proceed they decided to bring the contract before this Board. The TDD Board will need to ratify the contract when they meet.

Alderman Kramer requested that the Bill sponsorship be changed to include all the aldermen. He stated that he didn't see Exhibit A over the weekend in the email but perhaps it would be helpful for the residents and maybe some of the aldermen to find out exactly what the problem was that led to the need for this bridge.

Mayor Kelly stated that they are hoping that the replacement of the bridge will reduce flooding in Hanley Industrial Court. Over the years and on numerous occasions when they would have heavy rains, trees and debris would get hung up on the center span of the bridge causing the water to back up in Hanley Industrial Court. During heavy rains the Public Works employees have pulled debris out from under the bridge so that the water would flow freely. The new bridge will increase the flow capacity as well as eliminate the span from underneath the bridge.

Alderman Wynn stated that he knows from living on Eulalie that it gets scary sometimes when there is a heavy rain and the water comes right up and almost goes over the bridge. It gets quite dangerous down there.

Motion was made by Alderman Marshall, second by Alderman Robertson to approve and adopt Bill No. 5524. Roll call: 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. 5524 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4208.

Alderman Marshall asked if there is any way walkways could be put on either side of the bridge.

Mayor Kelly stated that he believes there will be sidewalks on both sides of the bridge.

Bill No. 5525 – Amending the Signage Plan for Brentwood Square Shopping Center

City Attorney Albrecht gave Bill No. 5525, AN ORDINANCE AMENDING ORDINANCE NO. 3681 WHICH APPROVED A SIGNAGE PLAN AS PART OF THE SITE DEVELOPMENT PLAN FOR BRENTWOOD SQUARE SHOPPING CENTER; AMENDING 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. 5525 as a Bill that amends the original signage plan for Brentwood Square as approved by Ordinance 3681. The new signage plan adds an additional sign panel to the existing pylon sign. The new panel will allow all tenants to have access to the pylon sign. The Planning & Zoning Commission has reviewed the plan and is recommending approval.

Alderwoman Krewson stated that the drawing of the sign change still has Circuit City listed. Will that be removed?

Mayor Kelly stated that it will be removed with the new tenant for that site. This Bill is adding an additional panel to the bottom of the sign for a future tenant.

Motion was made by Alderman Leahy, second by Alderman Harper to approve and adopt Bill No. 5525. Roll call: 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. 5525 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4209.

Resolution No. 960 – Municipal Parks Grant

Alderman Kramer read a synopsis of Resolution No. 960 as a Resolution that authorizes the City to apply for grant funding through the Municipal Parks Grant Commission. The City is applying for a grant to replace the playground equipment at Memorial Park and to add a rubberized surface. The estimated cost of the improvement is \$75,000.

Motion was made by Alderman Leahy, second by Alderman Marshall to approve Resolution No. 960. All in favor none opposed.

Resolution No. 961 – Provide for General Municipal Election

Alderman Kramer read a synopsis of Resolution No. 961 as a Resolution that sets April 6th, 2010 as the date for the City's general municipal election.

Motion was made by Alderwoman Krewson, second by Alderman Leahy to approve Resolution No. 961. All in favor none opposed.

ACCOUNTS AGAINST THE CITY

Alderman Marshall stated that he appreciates the City not buying new file cabinets, but having the old ones painted. They look new and probably saved the City thousands of dollars.

Motion was made by Alderman Marshall, second by Alderman Robertson to approve the warrant list dated 10/19/09. All in favor none opposed.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor Kelly read a letter vetoing Bill No. 5523. The letter is attached to the minutes. Mayor Kelly added that the reason Bill No. 5523 needed to be vetoed is that it becomes law automatically if not signed. Because Alderman Marshall was acting Mayor Pro Tem at the October 5 meeting, he is requesting that Alderman Marshall sign the letter as well to ratify the vetoing of Bill No. 5523.

Alderman Marshall stated that he will sign the letter.

Alderman Kramer stated that at the last aldermanic meeting they talked about Bill No. 5520 which was one they replaced. He asked if Bill No. 5523 replaced Bill No. 5520.

Mayor Kelly responded yes.

Alderman Leahy requested an update from the meeting with Compass Bank.

Mayor Kelly stated that they did not come to a consensus and are still negotiating. They were hoping that they would have the issue resolved by this meeting so that Bill No. 5523 could be signed. If they sign Bill No. 5523 they would lose the little leverage that they have.

Mayor Kelly stated that the City was rated last week in order to issue the bonds for the construction of the new fire station. They will also incorporate the police COP bonds to lower the interest rate during this process. In doing so, they were rated by rating agencies and received AA rating. The rating for the COP bonds for the project is AA-. The credit goes to the City's financial stability and the fine work of Mr. Seemayer and the accounting staff. It will help in getting the City the best interest when they issue the bonds.

Mayor Kelly stated that demolition started on the Temple building last Friday for the new fire station. They should be completely finished with the clearing of the area by this Friday. Last week they opened the bids for the fire station. DCM and staff are going through the bids to verify insurance, bonding capacity, etc.

City Administrator Seemayer stated that they had thirteen packets with about 100 bidders. They should have a summary of the bids by the next meeting.

Mayor Kelly stated that City staff talked to some PR firms and proposals were submitted. Thanks to Mr. McCarthy, Director of Communications and Ms. Dailey they came up with a good campaign to get them through the end of the year to help promote some of the businesses in the community. He would like the Board to ratify the expenditure of the funds so that they could move forward. Mayor Kelly asked for a motion for the allocation of \$25,000 to Glen & Company for the PR campaign for the city of Brentwood.

Alderman Leahy asked if the funds are in the budget for 2009.

Mayor Kelly stated that they will have to move some things around, but the funds are in the budget.

Alderman Marshall asked if they had discussed the payments being deferred for next year's budget.

City Administrator Seemayer responded yes, when they initially talked about it. He thinks a portion of it will end up being paid at that time since they are now nearly into November.

Mayor Kelly stated that some of the businesses will be contributing to the campaign. The total cost for the campaign is about \$30,000, so the businesses will make up the difference. It will be good for the businesses to get help during the holiday season.

Motion was made by Alderman Marshall, second by Alderman Robertson to approve the allocation of \$25,000 to Glen & Company for the PR campaign. Roll call: Alderman Marshall, yes; Alderman Leahy, no; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Public Safety Committee – No report

Public Works Committee – No further 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

Temporary Liquor License/St. Mary Magdalen Athletic Association

City Administrator Seemayer stated that a temporary liquor license application was submitted by St. Mary Magdalen Athletic Association for a washer tournament to be held on October 24th.

Motion was made by Alderman Marshall, second by Alderman Leahy to approve the temporary liquor license for St. Mary Magdalen Athletic Association. Roll call: Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Library – No report

Municipal League – No report

Communication – No report

Historical Society – No report

Recreation Center Committee – No report

UNFINISHED BUSINESS

Alderman Marshall asked about the study that was done on the stop signs.

Director of Planning and Development Dailey stated that she forwarded the report to the Board. The report includes recommendations for removal and relocation of stop signs.

Alderman Kramer stated that they had a discussion and approval of funding for the landscaping project at the northeast corner of Eager Road and Brentwood Boulevard to coincide with the Highway 64/40 project. He asked for a timeline for the project.

Ms. Dailey stated that they are just getting final comments from St. Louis County. The County is recommending a few minor changes to the plans. In terms of when the construction would start would depend on when MoDOT releases the property. Gateway Constructors has to finish their part, which includes grading and cleaning up the site.

Mayor Kelly stated that they are still working with MoDOT on the maintenance agreement for that site.

Alderman Kramer stated that during the conversation with Glenn Jamboretz about the strategy and the names, etc., one of the strategies was to lock down a website. Is that moving forward?

Ms. Dailey stated that the website isn't part of the revised effort. It is only radio.

Mayor Kelly stated that he is continuing to work with the YMCA regarding the dog park. The work was started and stopped abruptly because the YMCA has now decided that they want a written agreement and wanted the City to put that together. He suggested that they get together with their counsel and decide what they want it to be because he (the mayor) doesn't know what their desires and needs are. He thinks the YMCA just wants some assurances that the dog park area will be taken care of. Once that's taken care of they can get it completed. The fence company has ordered all of the fencing and the money is in place.

Alderman Kramer asked the Mayor to clarify who will be the owner of the dog park and who will be responsible for the maintenance of the park.

Mayor Kelly stated that originally the way it was presented to him was that the owner of the Villas of Brentwood had said that they were going to contract with a professional company to come in and clean the area once a week. The YMCA was going to continue to cut the grass like they always have done. A third to half of the property is owned by the City of Brentwood, although it appears that it is owned by the YMCA. The YMCA has always maintained that property, so they will continue to do that. It will be a three-way agreement. He has offered

City services and if they need additional woodchips the City has tons of it to spread out over the area on an ongoing basis. The regular maintenance will be handled by the YMCA and the Villas.

Alderman Kramer asked if the purchasing of liability insurance is a City item.

Mayor Kelly stated that staff is checking into it. Under the City's typical umbrella insurance, he doesn't think that they have to have anything additional. There will be signs posted with the appropriate rules and denial of any liability, etc.

Alderman Leahy stated that he understands that the location of the proposed park is well within 200 foot of the creek.

Mayor Kelly stated that because the area will be fenced it's okay.

Alderman Leahy stated that he thought that MSD still has an ordinance on the waste not being in that area.

Ms. Dailey stated that when they had talked to MSD about a possible dog park they didn't have anything in place. They had some best practices that they recommended.

NEW BUSINESS

Alderman Leahy stated that Halloween is Saturday, October 31st and he is asking that the residents and the drivers be careful and allow the kids to have fun.

A Ward 3 meeting will be held on Tuesday, October 27th at 7:00 pm. All are invited.

Mayor Kelly announced that the Brentwood Chamber will hold their business expo this Thursday evening from 5:00 to 8:00 pm at the Brentwood Community Center and everyone is invited.

ADJOURNMENT

Motion was made by Alderman Leahy, second by Alderman Wynn to adjourn the meeting at 7:31 pm. All in favor none opposed.

Pat Kelly, Mayor

Attest:

Chris Seemayer, City Clerk

