

**MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING**

City Hall  
Council Chambers

November 16, 2009  
7:00 p.m.

Mayor Kelly led with the Pledge of Allegiance.

Roll call

Present: Mayor Kelly, Alderwoman Clements, 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: Alderman Marshall and Alderwoman Krewson.

**CONSIDERATION AND APPROVAL OF THE AGENDA OF THE REGULAR BOARD OF ALDERMEN MEETING OF NOVEMBER 16, 2009**

Motion was made by Alderman Leahy, second by Alderwoman Clements to approve and adopt the Agenda of the Regular Board of Aldermen meeting of November 16, 2009. All in favor none opposed.

**CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF NOVEMBER 2, 2009**

Motion was made by Alderman Leahy, second by Alderman Wynn to approve and adopt the Minutes of the Regular Board of Aldermen meeting of November 2, 2009. All in favor none opposed.

**BIDS – Surplus Property Sale**

City Administrator Seemayer stated that the City opened bids on Tuesday, November 10<sup>th</sup> for the purpose of selling surplus property. The highest bids are as follows:

Ed Turner	- 1987 Step Van	\$ 350.00
Broadway Auto Mart	- 2005 Crown Victoria #1	\$3,263.00
	Tire Changer	\$ 303.00
	1994 Pelican Street Sweeper	\$1,200.00
Ami Auto Broker	- 2005 Crown Victoria #2	\$3,550.00
	2005 Crown Victoria #3	\$3,450.00
M&M Investment	- 2004 Crown Victoria #4	\$2,879.00

2001 Crown Victoria #5	\$2,479.00
1998 1 Ton Dump Truck	\$4,679.00

Motion was made by Alderwoman Clements, second by Alderman Leahy to approve the sale of surplus property in the amount of \$22,210.00. All in favor none opposed.

**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 Alderman Wynn, second by Alderman Kramer to give Bills No. 5527, 5528, 5529 and 5530 first and second readings. All in favor none opposed.

Bill No. 5527 – Amending Chapter 8

City Attorney Albrecht gave Bill No. 5527, AN ORDINANCE AMENDING CHAPTER 8 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, MISSOURI BY DELETING SECTION 8-4 IN ITS ENTIRETY AND ENACTING IN LIEU THEREOF A NEW SECTION 8-4; AS IT RELATES TO THE TIME FOR FILING FOR OFFICE; PROVIDING FOR THE CURRENT MAINTENANCE OF THIS CODE; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5527 as a Bill that amends Chapter 8 of the Brentwood Municipal Code by changing the date when filing opens for municipal elections from the 15<sup>th</sup> Tuesday prior to the election to the 16<sup>th</sup> Tuesday prior to the election. The closing date for filing for elective office still remains the 11<sup>th</sup> Tuesday prior to the election. This change to the City's Code is being made to comply with State Statutes.

Motion was made by Alderwoman Clements, second by Alderman Kramer to approve and adopt Bill No. 5527. Roll call: Alderwoman Clements, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5527 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4211.

Bill No. 5528 – Signage Plan - Brentwood Center

Mayor Kelly recused himself from the discussion of Bill No. 5528 and asked Mayor Pro Tem Clements to take his seat.

Mayor Pro Tem Clements took the mayor's seat and asked for 1<sup>st</sup> and 2<sup>nd</sup> readings of Bill No. 5528 and the reading of the synopsis.

City Attorney Albrecht gave Bill No. 5528, AN ORDINANCE AMENDING ORDINANCE NO. 3923 WHICH APPROVED A SIGNAGE PLAN AS PART OF THE SITE DEVELOPMENT PLAN FOR BRENTWOOD 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. 5528 as a Bill that amends the existing signage plan for Brentwood Center, located at 2521 South Brentwood Blvd. The amendments change the existing three panel ground monument sign to a two panel ground monument sign and allows for the installation of a new ground monument sign for Eagle Bank. The Planning & Zoning Commission has reviewed and approved the requested changes.

Motion was made by Alderman Robertson, second by Alderman Harper to approve and adopt Bill No. 5528. Roll call: Alderwoman Clements, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5528 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4212.

After approval of Bill No. 5528, Mayor Kelly took his seat and continued to chair the meeting.

Bill No. 5529 – Site Development Plan – MERS Goodwill

City Attorney Albrecht gave Bill No. 5529, AN ORDINANCE GRANTING APPROVAL OF A SITE DEVELOPMENT PLAN FOR PROPERTY NUMBERED 9116 MANCHESTER ROAD WHICH PERMITS UNDER THE PROVISIONS OF CHAPTER 25 OF THE BRENTWOOD CITY CODE THE DEVELOPMENT OF THAT SITE; PROVIDING THE CONDITIONS TO SUCH DEVELOPMENT; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5529 as a Bill that approves a site development plan for Mers Goodwill, located at 9116 Manchester Road. The site plan approves a new storefront entrance to include new entry doors and windows on the north elevation, replacement of the existing loading ramp and entrance on the west elevation. The plan also includes a new sidewalk along Manchester as well as landscaping. The site plan was reviewed and approved by the Planning & Zoning Commission.

Motion was made by Alderman Leahy, second by Alderman Robertson to approve and adopt Bill No. 5529. Roll call: Alderwoman Clements, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5529 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4213.

Bill No. 5530 – Site Development Plan – Mannion Properties

City Attorney Albrecht gave Bill No. 5530, AN ORDINANCE GRANTING APPROVAL OF A SITE DEVELOPMENT PLAN FOR PROPERTY NUMBERED 808 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; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer asked about the timeline for the improvements to the building and inquired about the tenant.

Mark Mannion – Mannion Properties came before the Board and stated that the improvements are in progress and should be finished later this week.

Mayor Kelly stated that the application is primarily for the building. They will be working with Mr. Mannion, the property owner with the redesign of Strassner and the installation of sidewalks, crosswalks, etc. The barricades will be removed and the one closest to the bridge will be shortened. That is the reason this plan doesn't include any of the landscaping that will be done at a later time.

Alderman Kramer asked Mr. Mannion if he understands that the improvements will be made to Strassner Road on the outside of his property.

Mr. Mannion responded yes. He understands that the road will be straightened and on the north side of Strassner, the City plans to put in a sidewalk.

Alderman Kramer asked Mr. Mannion if any of the improvements will hamper his use of the facility.

Mr. Mannion responded that he doesn't think so.

Mayor Kelly stated that when the property was sold they increased the right of way in that area. The fence was already about three feet into the right of way. When the property was sold they made sure they had enough property for the improvements.

Alderman Leahy stated that Section 2 of Bill No. 5530 references the Brentwood School District.

Director of Planning and Development Dailey stated that she has distributed a revised copy of the Bill.

Alderman Kramer read a the synopsis of Bill No. 5530 as a Bill that approves a site plan for 808 Hanley Ind. Ct. (site of the former public works garage) that includes exterior improvements to the building and site. The site plan was reviewed and approved by the Planning & Zoning Commission.

Alderman Kramer stated that the site used to be the old public works garage and has been sold. He asked why was the garage sold and is being used for another business.

Mayor Kelly stated that he doesn't know that they had to sell it. The Board of Aldermen decided to sell the property because they weren't using it any longer for public use.

Alderman Kramer asked why couldn't the public works garage stay there.

Mayor Kelly stated that they needed a new public works facility and the improvements to Strassner Road will impact that property.

Motion was made by Alderman Leahy, second by Alderman Harper to approve and adopt revised Bill No. 5530. Roll call: Alderwoman Clements, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5530 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4214.

#### Resolution No. 965 – All-Hazard Mitigation Plan

City Administrator Seemayer stated that East-West Gateway has to put together an area wide update to the existing all-hazard mitigation plan. East-West Gateway has to have that on file with FEMA in order for any city or governmental agency to be eligible for the hazard mitigation grants. The City is applying for a grant for the Executive Walk Apartments. Until that plan is updated by East-West Gateway the City cannot receive any of the funds. As part of East-West Gateway's requirement to have the plan updated they need a resolution from the various municipalities and local government agencies supporting the update to the hazard mitigation plan.

Alderman Leahy asked if there is a cost for the City to participate.

City Administrator Seemayer responded no. This is an area wide plan put together on behalf of all the local governments by East-West Gateway Coordinating Council, so there is no cost to the City.

Alderman Kramer read a synopsis of Resolution No. 965 as a Resolution that supports the City's desire to participate in the Hazard Mitigation Plan update. By participating in the area wide plan, the City becomes eligible to apply for hazard mitigation funds.

Motion was made by Alderwoman Clements, second by Alderman Wynn to approve Resolution No. 965. All in favor none opposed.

### **ACCOUNTS AGAINST THE CITY**

Motion was made by Alderman Leahy, second by Alderwoman Clements to approve for the warrant list dated 11/16/09. All in favor none opposed.

Alderman Kramer asked about the expenditures for professional services, salt delivery and the salt program.

City Administrator Seemayer responded that the expenditure for professional services is personnel related. There are two charges for the purchase of the salt. The cost for the salt program is a cooperative agreement which goes through the City of Chesterfield. They coordinate the cooperative program for all the cities and then the City has to pay a trucking company to deliver the salt.

Alderman Kramer asked if the salt bin is full.

City Administrator Seemayer stated that the bin is currently full. They will order again in the spring depending on how much is used but what's there will last this entire season and some. They try to keep it between 600 and 700 tons, which is possible now. Previously they could only store about 150 tons and had to store the rest off site.

Alderwoman Clements stated that this is saving the City a bit of money because they used to have to pay a rental or storage fee on the salt that they could not store in the city.

City Administrator Seemayer stated that they had to pay per ton and he believes it was about \$3.00 or \$3.50 a ton.

Mayor Kelly stated that now they have access to it when needed.

Motion was made by Alderman Leahy, second by Alderwoman Clements to approve the revised warrant list dated 11/16/09. All in favor none opposed.

### **Mayor's Report**

Mayor Kelly stated that an executive session for a legal matter will be held following the regular meeting.

Mayor Kelly stated that the ribbon cutting for the opening of Highway 64/40 will be held on Sunday, December 6<sup>th</sup> at 3:00 p.m. at the Tamm Avenue overpass or underpass. The highway will be opened on Monday morning December 7<sup>th</sup>. Micro Center's ribbon cutting will be held

on Thursday, November 19<sup>th</sup> at 9:30 a.m. They opened last Monday. Their first mailer went out to more than 100,000 people this past weekend. They are very excited to be in Brentwood and the amount of activity at the store so far.

Alderman Wynn stated that he visited Micro Center and was very impressed. No matter what counter he went to in the store everybody was very informed and knowledgeable about what they are selling. They really seem to care about the customer.

Mayor Kelly stated that MSD will hold a meeting tomorrow evening at 7:00 p.m. at the Brentwood Rec Center to discuss the improvements to the Deer Creek area from Helen Avenue to Florence Avenue over to the creek across Manchester Road. It is about 1,340 feet project of new storm water sewer that the City started five years ago. The first phase was completed about two years ago and this is in the final design phase.

Mayor Kelly stated that the Holiday Open House will be held on Monday, December 14<sup>th</sup> at the Brentwood Rec Center and the public, City staff and their families are invited.

Public Safety Committee – No report

Public Works Committee

Mayor Kelly stated that they had talked earlier in the year about a dog park and were working with the YMCA to accomplish that. When they got the money in place and were ready to start the work, the YMCA wanted some additional requirements in an agreement. When they received the first draft of the agreement, he was not in favor of what they are asking the City to do. They want the City to manage and take care of the dog park which is not what was originally stated when they asked him for help with the project. They want the City to pay them rent. He has had a meeting with the YMCA about the contract and they have taken some of the requests out but he would like to forward the matter to the Public Works Committee to have them review the agreement and see if it is something the Board wants to entertain.

Director of Planning and Development – No report

Ways and Means Committee

A Ways and Means Committee meeting will be held on Thursday, November 19<sup>th</sup> at 11:00 a.m.

City Attorney – No report

City Clerk/Administrator – No report

Excise Commissioner – No report

Library – No report

Communication

Director of Communications McCarthy stated that they've had discussions in the past month in regards to promoting various merchants and the decision was made to go forward with the actual merchants' promotion which will start soon for the holiday season. As part of the promotion campaign a video was developed featuring some of the businesses in Brentwood.

Historical Society – No report

Recreation Center Committee – No report

**UNFINISHED BUSINESS**

Alderman Kramer stated that a few meetings ago they had an emergent request for some work to be done on Bridgeport. He asked about the status of that work for the sewer drain system.

Mayor Kelly stated that he believes that CDG Engineers is doing the design for the City. They hope to have it out to bid by late December or the first part of January.

**NEW BUSINESS**

Alderman Leahy stated that the Boy Scouts were out this past weekend delivering the Scouting for Food bags. The City of Brentwood and the Brentwood Fire Department again will host as a collection center. The boys will be out to collect the bags for their annual appeal and to help of the communities. The food that is collected will stay in the St. Louis area. He asked the residents to get involved and be very generous with their donations.

Alderman Leahy announced that the Ward 3 meeting will be held on Tuesday, November 24<sup>th</sup> at 7:00 p.m. Council Chambers.

Alderman Harper stated that this past Saturday the Brentwood Eagles beat Caruthersville. They will be playing this coming Saturday in Centralia for the semi-finals. He thanked Brentwood Police and Fire Departments for their support. They came out and helped them with a parade on Saturday which went off very well.

Mayor Kelly asked for a moment of prayer for the family of the late Gene Dodel, a longtime Brentwood citizen. Even though he didn't live in Brentwood, he was very much a part of our community for a number of years. Gene passed away last week. He was always very supportive and a very positive person.

Recess

Motion was made by Alderman Wynn, second by Alderman Leahy to recess the meeting at 7:36 p.m. All in favor none opposed.

Motion was made by Alderman Leahy, second by Alderman Robertson to reconvene the meeting at 7:50 p.m. All in favor none opposed.

Executive Session

Motion was made by Alderwoman Clements, second by Alderman Wynn to enter into executive session on a legal matter at 7:51 p.m. All in favor none opposed.

After discussion on a legal matter, motion was made by Alderman Kramer, second by Alderman Wynn to hire Thompson Coburn as Special Counsel at the rate submitted. All in favor none opposed.

Motion was made by Alderman Leahy, second by Alderman Wynn to return to open session at 8:16 p.m. All in favor none opposed.

**ADJOURNMENT**

Motion was made by Alderman Leahy, second by Alderman Robertson to adjourn the meeting at 8:17 p.m. All in favor none opposed.

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Pat Kelly, Mayor

Attest:

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Chris Seemayer, City Clerk