

MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING

City Hall
Council Chambers

December 7, 2009
7:00 p.m.

Mayor Kelly led with the Pledge of Allegiance.

Roll call

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

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

Absent: Alderman Wynn and Executive Secretary Williams.

CONSIDERATION AND APPROVAL OF THE AGENDA OF THE REGULAR BOARD OF ALDERMEN MEETING OF DECEMBER 7, 2009

Motion was made by Alderman Leahy, second by Alderman Marshall to approve and adopt the Agenda of the Regular Board of Aldermen meeting of December 7, 2009. All in favor none opposed.

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF NOVEMBER 16, 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 November 16, 2009. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, no; Alderman Robertson, yes; Alderman Harper, yes.

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE SPECIAL BOARD OF ALDERMEN MEETING OF NOVEMBER 19, 2009

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve and adopt the Minutes of the Special Board of Aldermen meeting of November 19, 2009. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, abstain; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Harper, yes.

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE SPECIAL BOARD OF ALDERMEN MEETING OF NOVEMBER 23, 2009

Motion was made by Alderman Leahy, second by Alderwoman Clements to approve and adopt the Minutes of the Special Board of Aldermen meeting of November 23, 2009. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Harper, yes.

BIDS – None

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

Public Hearing – 2010 Budget

Mayor Kelly announced a Public Hearing for the 2010 Budget would now be heard at 7:05 p.m.

City Administrator Seemayer stated that before the Board this evening is the proposed budget for fiscal year 2010. The City's fiscal year runs from January 1st through December 31st. The City operates out of four funds which is the general operating fund, capital improvement fund, parks and storm water fund and a sewer lateral fund. The budget is in balance. The sum total of all funds combined and proposed for 2010 on the revenues are \$15,013,121. The sum total of all the expenses are \$14,778,808 which leaves an anticipated net surplus for all funds combined of \$234,313.

Mayor Kelly asked if there were any comments or questions from the audience. Hearing none, Mayor Kelly closed the Public Hearing at 7:08 p.m.

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. 5532 and 5533 first and second readings. All in favor none opposed.

Bill No. 5532 – 2010 Budget

City Attorney Albrecht gave Bill No. 5532, AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE CITY OF BRENTWOOD FOR THE CALENDAR YEAR 2010; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5532 as a Bill that adopts the annual budget for the City of Brentwood effective January 1st, 2010 through December 31st, 2010. The budget was reviewed by the Ways & Means Committee and was subject to a Public Hearing prior to consideration by the Board of Aldermen.

Alderman Marshall stated that he is happy with the budget. The staff has been working on it since August and the fact that they are able to do the things that they are doing in this economy speaks volumes for the way in which staff operate. The budget process went smoothly.

Alderman Kramer stated that when they had the Ways and Means Committee meeting on November 19th they reviewed the expenses in both the general operating and the capital improvement fund. He asked if the net surplus changed from what was submitted at that meeting.

City Administrator Seemayer responded that it was slightly different based on a couple of comments. One change was the revenue that would be received next year for the sale of what would become the surplus trash truck. That figure was added to the budget.

Motion was made by Alderman Marshall, second by Alderwoman Krewson to approve and adopt Bill No. 5532. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5532 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4216.

Bill No. 5533 – Intergovernmental Cooperation Agreement/Hanley Station TDD

City Attorney Albrecht gave Bill No. 5533, AN ORDINANCE AUTHORIZING THE MAYOR AND/OR THE CITY CLERK/ADMINISTRATOR OF THE CITY OF BRENTWOOD, MISSOURI, (THE "CITY"), TO EXECUTE, ON BEHALF OF THE CITY, A FIRST AMENDMENT TO A CERTAIN INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN THE CITY AND THE HANLEY STATION TRANSPORTATION DEVELOPMENT DISTRICT (THE "DISTRICT") RELATING TO THE CITY'S ADMINISTRATION, COLLECTION AND ENFORCEMENT OF THE DISTRICT'S SALES TAX, its first and second readings.

Alderman Kramer read the synopsis of Bill No. 5533 as a Bill that amends the cooperation agreement between the City of Brentwood and the Hanley Station Transportation Development District. The amendment allows for the Missouri Department of Revenue to start collecting the 1% TDD sales tax effective January 1st, 2010.

Alderman Marshall asked if they will be getting a report from the Department of Revenue regarding the collection of the tax.

City Administrator Seemayer stated that they will get the report from the TDD starting in February and on a monthly basis.

Alderman Marshall asked when moving forward with any new development is it possible to build the cost of the reports into the development agreements.

City Administrator Seemayer stated that the TDD will be paying for the cost of the reports. The City will initially pay for the reports and then they will be reimbursed.

Motion was made by Alderwoman Clements, second by Alderman Robertson to approve and adopt Bill No. 5533. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5533 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4217.

Resolution No. 966 – Budget Amendments

City Administrator Seemayer stated that the annual audit report in the management letter recommended that during the course of the year that they formally amend the budget on the accounts that may be necessary. The budget was reviewed at the end of November and it was found that some accounts needed to be amended. The City has 942 accounts and they are asking that six accounts be amended. On four of the six accounts, they are either receiving partial or full reimbursement for those expenses. In some cases, they have already received it and in others they will receive it in 2010. For instance, for the fire station portion, they are amending it to include the entire cost that the City incurred out of pocket which is the \$222,000, although they will be reimbursed that full amount in 2010. The Resolution would amend the 2009 budget so it shows that they did not go over the budget.

Alderman Leahy stated that basically what they are looking at is a \$361,000 transfer of money. Where is the money being pulled from?

City Administrator Seemayer stated that the money is coming from the existing funds. The top five accounts are all in the general fund. All of the others have either received revenue funds on the revenue side to offset all or part of the cost, or the total expenditures within the entire general revenue fund could not exceed our budget amount with this amount included. They are not using any reserves.

Alderman Leahy stated that they are staying within the revenue generated within the calendar year.

City Administrator Seemayer responded that's correct.

Alderman Kramer read a synopsis of Resolution No. 966 as a Resolution that would amend the current year budget for specified account numbers. The 2008 City audit recommended that amendments be made to our future budgets prior to the end of the year.

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve Resolution No. 966. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Harper, yes.

ACCOUNTS AGAINST THE CITY

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve the warrant list dated 12/7/09.

Alderman Kramer stated that a Special Board of Aldermen meeting was held where they approved an expense for the Glennon Company. Is the \$26,176.51 listed on the warrant list in addition to that amount?

Mayor Kelly stated that the \$26,176.51 is that expense.

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

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor's Report

Mayor Kelly stated that the radio campaign started this past Saturday on four of our local radio stations, 98.1, KEZK, WIL and 104.1. The promotion turned out very well. One of the radio stations will be at the Promenade next Saturday and Sunday for a couple of hours each afternoon. They will set up a tent and a lot of the restaurants will be giving out coupons, etc.

Mayor Kelly announced that Highway 64/40 opened this morning and it seems to be working very well. It is an improvement. Gateway Construction completed the project in two years and from every perspective the quality of the work has been outstanding except for the intersection of McKnight Road and Highway 64/40 on the Brentwood corner. Since they came in \$11, \$12 or \$13 million under budget, maybe they could use some of that money to correct the lack of a sound wall around that corner. Overall the project has been fantastic. They received the sales tax report last week and a year ago to date the City of Brentwood's revenues are ahead. Considering the economic times and the highway closure, to be even where they were last year, is a real testament to the diverse retail base of the community. They look forward to a good 2010 with paying off the Promenade which will be a great improvement to the City. It is important to point out that when the area of the Promenade was a residential neighborhood it was contributing about \$36,000 a year in property taxes to the school district. Once this project is completed and the TIF is paid off the revenues to the school district will be in excess of \$800,000 a year, so that is a huge increase in revenue to the school district. Plus they have

been receiving \$35,000 a year during the life of the TIF. It is important to point out the positive aspect of these projects once they are completed and you see the benefits through all the taxing districts and the city.

City Administrator Seemayer stated that it is about 2 ½ to 3 years ahead of the original schedule and ten years ahead of the TIF timeline.

Mayor Kelly stated that Monday, December 14th is the Holiday Party for the community and employees. He invited everyone to stop by the Recreation Center from 5:00 p.m. to 7:00 p.m.

Public Safety Committee – No report

Public Works Committee – No report

Director of Planning and Development – No report

Ways and Means Committee

Alderman Marshall thanked City Administrator Seemayer and the finance department for all the work that they've done in the past couple of months with the budget. He and the Board appreciate it.

City Attorney – No report

City Clerk/Administrator – No report

Excise Commissioner – No report

Library – No report

Municipal League – No report

Communication – No report

Historical Society – No report

Recreation Center Committee – No report

UNFINISHED BUSINESS

Alderman Marshall stated that he received some phone calls from residents wanting to know, now that Highway 64/40 is open, if Brentwood Boulevard will be restriped to its' original state.

Mayor Kelly stated that they have agreed to it and the City has it in writing.

Alderman Marshall stated that he personally thinks it moves traffic a lot better now and since they don't have all the buses going up and down Brentwood Boulevard it's not as bad.

Mayor Kelly stated that he agrees with Alderman Marshall. They are going to overlay the street which is part of the completion of the Highway 64/40 project. The additional lanes have helped to alleviate the backup of traffic in the 5:00 pm hour on Brentwood Boulevard from Manchester going north. The center turning lane is narrow in a couple of spots but he doesn't know that they've had any accidents from the narrowing of the lanes which is something they could discuss with St. Louis County.

Alderman Harper stated that the Brentwood Football Team took second in state. He thanked Patrol Officer Craig Eisenbeis for his help, not just with the pep rally, but also with the parade. He also thanked the fire and police departments for their help. The community and the city did a great job supporting the kids through the season.

Mayor Kelly stated that the team will be invited to the Holiday Party and they will be presented with a proclamation.

Alderman Kramer asked that the 2010 budget be posted on the website.

Alderman Kramer stated that another part of the city that has an ongoing issue with MoDOT and the new Highway 64/40 project is Brentwood Forest. They have the issue with the Town and Country Apartments and the potential noise and visual problem which they are hoping to address before Lesley Hoffarth exits her post in about ten days. They are looking forward to the support from the City in getting that resolved.

Mayor Kelly asked what would be the resolution to that.

Alderman Kramer stated that they don't know yet. They are waiting on a new sound study to take place. They believe the old sound study was in error which was taken in anticipation of a two lane flyover ramp which has now been restriped to one lane with more volume and just the preliminary sound levels that they have taken as far as Brentwood Forest is concerned in excess of the 66 decibel level which is the threshold for the sound walls.

Mayor Kelly asked who performed the test.

Alderman Kramer stated that they performed the test and conveyed the results to Lesley Hoffarth and she agreed to provide sound engineers at a later date after the highway is fully reopened to re-measure the area to see if those sound levels were different from the ones that were taken prior to the project.

Alderman Leahy asked Alderman Kramer who actually did the sound study that says the decibel levels are above 66.

Alderman Kramer responded that he/Brentwood Forest did it.

Alderman Marshall stated that on the other side of Eager Road where Town and Country Apartments used to be a new development will eventually be built. Wouldn't it provide some sound barrier? It is a pretty hefty chunk of land and it's hard to believe that nothing would go there.

Alderman Kramer responded that they don't know what will go there. It is not a significant piece of land anymore since the new ramp has been put up. It's potentially going to be part three of the Manhasset Heights Condo development which he can see as being a possibility down the road but until that happens which could be a half decade away, it's probably going to be barren.

Mayor Kelly stated that MoDOT has said that they will list that property for sale, the portion that they own which is the old Town and Country Apartment site, at the same time that they put the property up for sale that's the old MoDOT site in Brentwood which is hopefully the future site of the Drury Hotel. They will be getting rid of all the viable excess property that they have along the corridor as soon as possible. The real determination of that issue will be what their idea of the property is worth as opposed to what the property is actually worth. If they set their prices too high, the property could sit there for a very long time before it's sold. Going back to the last meetings that he attended representing the City, with Brentwood Forest and MoDOT, they reiterated that they anticipate selling that property and some type of development would be built there. The zoning and the approvals for that process are in the hands of Richmond Heights. Brentwood really doesn't have any say about what type of development they can build there. If there are any updates he will bring it to the Board.

NEW BUSINESS

Alderman Leahy announced a Ward 3 meeting will be held on Tuesday, December 29th at 7:00 p.m. in the Council Chambers of Brentwood City Hall for anyone that would like to come and informally discuss what's going on in the city of Brentwood.

Mayor Kelly stated that for a number of years they have cancelled the second meeting in December. They will not be doing that this year, so a meeting will be held on December 21st.

Alderwoman Krewson announced that at the Brentwood Chamber of Commerce Christmas party a lifetime achievement award was presented to Joe and Barbara Gill for their work with the Brentwood Historical Society.

Mayor Kelly stated that the O'Brien's received the businessmen of the year award. There are a lot of things that the O'Brien family does for the Brentwood community that they don't advertise. They do a lot of charitable work for a lot of organizations in the community. They have been a great asset to Brentwood for a long time.

ADJOURNMENT

Motion was made by Alderwoman Clements, second by Alderman Leahy to adjourn the meeting at 7:33 pm. All in favor none opposed.

Pat Kelly, Mayor

Attest:

Chris Seemayer, City Clerk