

MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING

City Hall
Council Chambers

December 21, 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 Wynn, Alderman Harper.

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

Absent: Alderman Robertson and City Attorney Albrecht.

CONSIDERATION AND APPROVAL OF THE AGENDA OF THE REGULAR BOARD OF ALDERMEN MEETING OF DECEMBER 21, 2009

Motion was made by Alderwoman Clements, second by Alderman Leahy to approve and adopt the Agenda of the Regular Board of Aldermen meeting of December 21, 2009. All in favor none opposed.

CONSIDERATION AND APPROVAL OF THE MINUTES 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 Minutes of the Regular Board of Aldermen meeting of December 21, 2009. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Wynn, yes; Alderman Harper, yes.

BIDS – Rear Load Trash Truck

City Administrator Seemayer stated that bids were opened on Tuesday, December 8, 2009 for a rear load trash truck as follows:

Kann MFG. Corp.	\$66,557.00	Body Only
Downing Sales & Services, Inc.	\$140,597.00	Freightliner
	\$141,369.00	International
	\$160,291.00	Peterbilt
Key Equipment	\$153,102.00	Freightliner
Armor Equipment	\$139,781.00	Freightliner

\$159,310.00 Peterbilt
\$135,927.00

The bids are being reviewed by staff, Jim Nahmensen and Dennis Wilson. The City has also received a \$75,000 grant from St. Louis/Jefferson County Solid Waste District, so they are involved in this process as well. It is budgeted for 2010.

Alderman Leahy asked how old is the truck that will be replaced.

City Administrator Seemayer stated that by the time the new one arrives it will be six years old.

Alderman Leahy asked what is the normal life of a trash truck that cost \$150,000.

City Administrator Seemayer responded six to seven years.

Alderman Marshall stated that instead of replacing them all at one time they stagger the process.

Alderman Leahy stated that they have fire trucks that last from 12 to 15 years.

Mayor Kelly stated that they replace the fire trucks usually every seven years. They are not getting rid of a trash truck next year, so they will have four.

City Administrator Seemayer stated that the two remaining ones will be on a two year schedule unless they have problems with them and the maintenance is not cost effective.

Alderman Leahy asked if the new truck will be compartmentalized so they could do a better segregation of the recycling.

City Administrator Seemayer stated that they are staying with the one bed/hopper and the recycling center will accept it comingled.

Mayor Kelly asked for clarification if they were planning on retiring a truck next year.

City Administrator Seemayer stated that they are undecided at this point.

Alderwoman Clements asked what is the waiting time for the new truck.

City Administrator Seemayer stated it is about 120 to 150 days. It won't be ordered until late January because it has to go back to the District for their approval.

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

Drawing/Order of Names on the Ballot

City Administrator Seemayer stated that for the position of alderman in Ward 4, there were two candidates at the Office of the City Clerk prior to 8:00 am on opening day. By Code, their names will be drawn to see whose name will appear on the ballot first. The first name drawn will be first on the ballot and the second name drawn will be second. Police Chief Disbennett came before the Board and drew Lorraine Krewson's name first, so her name will be first on the ballot and Gary Bierman's name will be second.

Presentation to Police Department

Rick Hayes – Lieutenant St. Louis County Police Department came before the Board and stated that he has worked with the Special Olympics of Missouri for the past ten years. He is on the executive council for the state's law enforcement torch run. They would like to recognize the outstanding efforts of the Brentwood Police Department, the City of Brentwood and everything that everyone has done for Special Olympics. Lieutenant Hayes introduced April who lives in the city of Brentwood. She has been an athlete for 5 or 6 years and is 23 years old. She plays basketball and softball. They would like to acknowledge the fact that Special Olympics started about 40 years ago. Forty years ago, April wouldn't have gotten a chance to do a whole lot of anything. She lives with her grandparents now and is engaged to Bradley who is a Special Olympics athlete also and they have a one year old son. The Special Olympics operates throughout the state and he is proud to say throughout the world as well. They do a number of events throughout the year to raise money for the Special Olympics athletes so they can participate in not just one game but in several events throughout the year. Lieutenant Hayes presented a resolution to Police Chief Disbennett and the City of Brentwood. In 2009 they had 886 runners in the law enforcement torch run and 122 torch club members which is an agency that raises at least \$1,000. They sold over 18,000 tee shirts and they held over 60 different events for Special Olympics. The State of Missouri is very successful in the torch run for Special Olympics. They raised \$1.4 million in 2009. That was combined with the worldwide effort of law enforcement to raise \$34 million for Special Olympics in 2009. They are very proud of the fact that they have a strong base in Missouri and are very active in St. Louis and more importantly all the agencies work together. None of them could do it alone. One of Brentwood's officers Craig Eisenbeis is here tonight and he has worked side by side with him. They sold \$5.00 tickets for a Dodge Challenger throughout the state. That event raised \$78,000 and Craig played an important part. On behalf of Special Olympics and Missouri Law Enforcement, Lieutenant Hayes thanked Chief Disbennett for his efforts.

Public Hearing – Amendment to Chapter 25

Mayor Kelly announced a Public Hearing would now be heard at 7:13 pm for an amendment to Chapter 25 Sec. 25-2.

Director of Planning and Development Dailey came before the Board and stated that there has been a request for a massage therapy business in the "PD" Planning Development District. Currently our Zoning Code does not allow a massage therapy business as a stand-alone

business. It is currently required to be ancillary to a salon/spa medical use. The Planning and Zoning Commission considered the text amendment at their October meeting and they recommended approval for changing the definition of massage therapy business in the zoning code to allow a stand-alone business in the “PD” Planning Development District only. There will still be ancillary businesses or secondary type businesses in every other commercial zoning district and then prohibited in the residential district.

Mayor Kelly stated that they went through this a couple of years ago with Face and Body when they realized that it wasn’t allowed at all. They actually had an existing business that provided massage therapy as part of their operation. This is just making an amendment to that when they realized they couldn’t have Massage Luxe which is new to the area and is looking to open up a facility in the City of Brentwood which brought it to their attention. It would be considered a stand-alone business because massage therapy is its primary business.

Alderman Wynn stated that years ago anything with the name massage had a name that wasn’t good and now they have more professionals that have gotten degrees, etc. and it has become a reputable business.

Mayor Kelly asked if there are any comments from the audience.

Hearing none, Mayor Kelly announced the Public Hearing closed at 7:15 pm.

INTRODUCTIONS, READINGS AND PASSAGE OF BILLS AND RESOLUTIONS

First and Second Readings of Bills

Motion was made by Alderman Marshall, second by Alderman Leahy to give Bills No. 5534 and 5535 first and second readings. All in favor none opposed.

Bill No. 5534 – Amending Chapter 25 Sec. 2

City Administrator Seemayer gave Bill No. 5534, AN ORDINANCE AMENDING CHAPTER 25 OF THE REVISED CODE OF THE CITY OF BRENTWOOD, MISSOURI BY AMENDING SECTION 25-2 TO MASSAGE THERAPY BUSINESSES IN THE “PD” PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING FOR THE CURRENT MAINTENANCE OF THIS CODE; AND PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5534 as a Bill that amends the City’s Zoning Code (Chapter 25) by allowing massage therapy business’s in the PD Zoning District. Previously massage therapy businesses were only allowed as an ancillary function of another business. The Planning & Zoning Commission has reviewed and approved the zoning change.

Alderman Leahy stated that he would like to convince the Board and he doesn't know how to find the right words, but as Alderman Wynn related earlier, back in the late 1960's and early 1970's, the massage parlor business industry brought with it a different connotation than what they are seeing now. His fear is that they are working backwards and may not have remembered the history. There used to be a strip along Lindbergh Boulevard right across from the JCCA and Schuetz Avenue. It took them nine years to clean up that strip mall. He cautions the Board not to allow them to be a stand-alone facility, but having them as a subpart to another dependent business helps to protect this community when bringing in something that may not be the most desirable business to have in the city of Brentwood. He requested that the Board vote no.

Alderman Marshall stated that if he is not mistaken the massage places need licensing from the state to operate, so if there was an incident where an un reputable company came into town the state could revoke their license.

Alderman Leahy stated that in the timeframe that he has referred to those facilities were also state licensed. The dilemma was that the licensing program did not have any connection to other potential criminal activity that yielded the bad image that the massage parlors at that time were tainted with. Licensing is a great thing but it doesn't solve all the problems. This business in particular is a wonderful facility just like Face and Body but not all of the competition out there is top notch. The Board would be allowing those people that would apply in the future and would have no real course of rejecting an application.

Mayor Kelly stated that he doesn't see where the logic is if it is a secondary or part of another business. An un reputable business could open up a nail salon and have massages as part of that. Just because it is not a part of another business, it's not going to stop the bad people from doing it if that's what they really want to do.

Alderman Leahy stated that he understands but at the same time it may be helping to keep this type of facility out of the community and he thinks that is the benefit to the city of Brentwood.

Alderman Kramer stated that his understanding is that this bill is a result of current applicants who are coming forward to the City for the opportunity to do business. Are they currently doing business in other municipalities and what is the name of the applicant?

Mayor Kelly stated that the name of the business is Massage Luxe.

Director of Planning and Development Dailey stated that one of their locations is in Rock Hill.

Alderman Marshall asked if it is possible to revoke a business license for breaking the law.

City Administrator Seemayer responded yes.

Alderwoman Clements stated that she means no disrespect to Alderman Leahy but the term as she believes Alderman Wynn referred to as massage parlors, this is not a massage parlor. It is a massage therapy business and she believes therein lies the differential. She doesn't see it as the old fashion massage parlor.

Motion was made by Alderwoman Clements, second by Alderwoman Krewson to approve and adopt Bill No. 5534. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, no; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5534 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4218.

Bill No. 5535 – STP-Urban Program Agreement

City Administrator Seemayer gave Bill No. 5535, AN ORDINANCE AUTHORIZING AN STP-URBAN PROGRAM AGREEMENT WITH MODOT RELATING TO THE MCKNIGHT ROAD RESURFACING PROJECT; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5535 as a Bill that authorizes the City to enter into an agreement with MoDOT and St. Louis County for the purpose of obtaining federal funding to overlay McKnight Road from Litzsinger to Monmouth. The grant provides 80% federal funding with 20% coming from the local entities. Brentwood will be responsible for 20% of the cost for the east sight of McKnight from Litzsinger to Highway 40. The anticipated cost for Brentwood's local match is \$40,000. This amount has been budgeted for 2010.

Alderman Leahy asked if they will be milling off the current surface and placing a new surface down.

City Administrator Seemayer responded yes.

Alderman Kramer asked if there is a timetable for the overlay.

City Administrator Seemayer stated that he doesn't believe it will be before spring.

Alderman Leahy stated that if they spend up to the \$40,000 is it in the 2010 budget.

City Administrator Seemayer responded yes.

Motion was made by Alderman Leahy, second by Alderman Wynn to approve and adopt Bill No. 5535. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5535 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4219.

ACCOUNTS AGAINST THE CITY

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve the warrant list dated 12/21/09. All in favor none opposed.

Alderman Kramer asked if the expenditure for the ammunition is an annual or monthly expense.

City Administrator Seemayer stated that it is not monthly. This is the second one this year. They had placed an order but it was split up into two shipments and billed twice, so it's annual. The engineering expenditure is for the Bridgeport storm sewer project.

Alderman Kramer asked what's the timeline for the project.

City Administrator Seemayer stated that the plans were just submitted to MSD for their approval. It would probably be late spring before it's started.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor's Report

Mayor Kelly announced an Executive Session/Legal Matter will be held following this meeting.

Mayor Kelly thanked everyone who attended the Holiday Open House. They had a great turnout. It was neat to see a lot of the high school football team members. He thanked Alderman Harper for his help in putting the proclamation together and making arrangements to get the team there so they could recognize them.

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

Alderman Marshall stated that concerning the candidates for the April 6, 2010 election, a memo will go out describing what the candidates can and can't say at the meetings. They have a policy in place for B-TV 10.

Mayor Kelly stated that Kevin McCarthy, Director of Communications set up a camera this morning in the Mayor's office which is pointing in the direction of the site for the new fire department. Pictures are being taken during the day of the progress of the construction of the fire department.

Historical Society – No report

Recreation Center Committee – No report

UNFINISHED BUSINESS

Alderman Marshall asked for an update on the Florence/Cecelia MSD project. A letter went out about three months ago and he hasn't heard anything since.

Alderman Leahy stated that he attended the public meeting and at that point they had just finished putting it out to bid. They don't anticipate anything going in the way of construction until very late 2010 and into 2011.

Alderman Kramer stated that he had a chance to speak to the Public Works Committee Chair Robertson regarding the Recreation Center issue and his concern is that they are getting very close to the deadline in January for a very important ballot issue. At that point they didn't yet know if they were going to still be able to have a meeting before the BOA meeting on January 4th, so he is expressing his concern again that they are close to the deadline and he is looking forward to getting a recommendation advanced from the Public Works Committee to the Board for their consideration.

NEW BUSINESS

Alderman Leahy announced a Ward 3 meeting will be held on Tuesday, December 29th at 7:00 pm for anyone that would like to have an informal discussion about what's happening in Brentwood.

Recess

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

Executive Session – Legal Matter

Motion was made by Alderwoman Clements, second by Alderman Wynn to reconvene the meeting at 7:44 pm. All in favor none opposed.

Motion was made by Alderman Leahy, second by Alderman Harper to enter into an Executive Session on a legal matter at 7:45 pm. All in favor none opposed.

After discussion, with no action taken, motion was made by Alderman Leahy, second by Alderman Marshall to return to open session at 8:38 pm. All in favor none opposed.

ADJOURNMENT

Motion was made by Alderwoman Clements, second by Alderman Leahy to adjourn the meeting at 8:39 pm. All in favor none opposed.

Pat Kelly, Mayor

Attest:

Chris Seemayer, City Clerk