

MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING

City Hall
Council Chambers

January 4, 2010
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 Wynn, Alderman Harper.

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

Absent: None.

CONSIDERATION AND APPROVAL OF THE AGENDA OF THE REGULAR BOARD OF ALDERMEN MEETING OF JANUARY 4, 2010

Motion was made by Alderman Leahy, second by Alderwoman Krewson to approve and adopt the Agenda of the Regular Board of Aldermen meeting of January 4, 2010. All in favor none opposed.

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

Motion was made by Alderwoman Clements, second by Alderman Marshall to accept the Minutes of the Regular Board of Aldermen meeting of December 21, 2009. All in favor none opposed.

BIDS

City Administrator Seemayer stated that he sought bids for the financing of the new telephone system. The financing would be over a 24 month period. Originally they were going to use the vendor's financing company but their rate was 18%. Last week they solicited bids from local banks and received three bids as follows:

Eagle Bank	5.35%
West Community Credit Union	7%
UMB Bank	6.35%

HEARING OF ANY MATTER OF PUBLIC INTEREST UPON REQUEST OF ANY PERSON PRESENT

Gary Bierman – 9071 W. Swan Circle came before the Board and stated that he is on the Board of Managers for the Brentwood Forest Condominiums. Since the construction of the first half of the highway was completed a year ago and just recently, there has been an issue of concern that the City has addressed and it has come up in the board meetings a couple of times and that is the maintenance of the landscaping of the shoulders, slopes and adjacent areas off the pavement. The initial concern is the steep slope behind the bank on Eager Road and the additional planted items along Eager Road. He understands that most of those areas will probably be under the maintenance of Richmond Heights but it seems like Brentwood businesses and residents will be most affected visually. MoDOT has proposed that the municipalities would be responsible for the ongoing maintenance of those areas. It would seem to him that perhaps an inexpensive approach to maintaining the initial finish of those items might leave municipalities with ongoing liabilities. In watching the construction on the first half of the highway, adjacent to the old Town and Country Apartments, the extreme grades on those slopes were layered and planted in what seems to be a deficient manner, but over the first year the weeds have grown in those areas, so maintenance would be an expensive item. He does not know the progress of the discussions with MoDOT as to their authority to give away the maintenance of those areas and the length of their construction warranties as far as subsidence. There has already been subsidence in the Oakland, Clayton Road and Highway 64/40 areas, and during construction behind the bank against the new pavement. His aim is to initiate discussion should the municipalities affected enter into discussions with MoDOT to see what the future of those areas are and how long the highway department will take care of major deficiencies, like future subsidence as well as plantings and do they really want that. If they were handing over the maintenance of those areas should they have been finished in a better manner.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Resolution No. 967 – Phone System

City Administrator Seemayer stated that Resolution No. 967 would authorize the City to borrow \$90,173 for the purchase and installation of the new telephone system. The funds were put into the budget for 2010 and anticipated that the other half would be put into the 2011 budget. When they worked on the budget, they looked at a much larger figure from what the total phone system would cost. They had actually budgeted \$75,000 for 2010. It was thought to be at that time more than they could handle in one year. They would have to come up with a lump sum payment at the beginning or the full amount within 60 days from start to completion. City staff decided not to use the vendor's financial agent as stated earlier because the rates were too high. They are looking at the lowest bid from Eagle Bank at 5.35% over a 24 month period.

Alderman Leahy stated that \$75,000 is in this year's budget. Is it impossible to come up with another \$15,000 to cover the bill without having to go through a loan process? If they go through the loan process what is the total interest involvement to the City over two years.

City Administrator Seemayer stated that the total interest is just under \$6,000 over the two year period. From a cash flow standpoint they have to come up with the money at the beginning and they had budgeted the funds over the space of twelve months. They wouldn't be able to appropriate the \$90,173 over a 60 day period. The terms of the agreement are 50% upon order, 40% upon start of the project and 10% within so many days at the conclusion of the project, so they would have to come up with all of the funds now and they are not prepared to do that.

Alderman Leahy stated that Resolution No. 967 is similar to the one that was approved to provide for the repayment of the \$460,000 in taxes. What is the City using as collateral to the banks to get the loans?

City Administrator Seemayer stated that they are not required to use collateral for the \$90,173.00. As far as the \$460,000, they had a CD earning interest at that bank and it remained there as the collateral.

Alderman Leahy stated so the \$90,173 is a signature loan.

City Administrator Seemayer responded yes.

Motion was made by Alderman Leahy, second by Alderwoman Krewson to fill in the blanks on Resolution No. 967 establishing that Eagle Bank and the interest rate of 5.35% be accepted as an amendment to Resolution No. 967. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Alderman Kramer stated that it would be appropriate for the Mayor to disclose his relationship with the bank.

Mayor Kelly stated that he is Vice President of Community and Business Development for Eagle Bank.

Motion was made by Alderman Leahy, second by Alderman Marshall to approve and adopt Resolution No. 967. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

ACCOUNTS AGAINST THE CITY

Motion was made by Alderman Marshall, second by Alderman Robertson to approve the warrant list dated 1/4/10. All in favor none opposed.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor's Report

Mayor Kelly stated that he and Police Chief Disbennett had a meeting last week with a new company that is similar to the red light camera company the City is currently using. This company can do speed enforcement with the same type of camera system as the red light camera company. They saw some amazing video as well as statistics. Most of their analysis has been done on highways. For instance, in a three hour period more than 200 cars were doing over 80 mph on Highway 270 in the middle of the afternoon. Over 29% of the cars were doing over 70 mph which is pretty high over the regular speed limit. In their conversations, he didn't know if it would be something that would be applicable to Brentwood. The company requested that they set up the cameras along Brentwood Boulevard and Manchester Road to see what kind of statistics would be generated on arterial roads within the Brentwood community. If the Board agrees, they would set the cameras up, monitor the roadways for their benefit and gather some statistics. They would also let the City know their findings as well. He asked the Board if they would have any objections to that.

Alderman Kramer asked if the issue could go to the Public Safety Committee.

Mayor Kelly stated that it could go to the Public Safety Committee but he thought it was kind of straight forward.

Alderwoman Clements stated that the bottom line is that the company wants to do it of their own volition and it's not going to cost the City anything.

Mayor Kelly stated that the company will put up a small trailer which is totally mobile. They are requesting to put the trailer on the Recreation Center and Public Works parking lots.

Alderman Wynn asked if the residents will be notified.

Mayor Kelly stated that it is all for statistics.

Alderman Marshall asked who will be using the information that is gathered.

Mayor Kelly stated that the company and the City will use the information.

Alderman Leahy asked if they would be picturing something like what they currently use on the streets to monitor different points in the City that basically tells you what your car speed is.

Mayor Kelly stated that if it was something that could be used in the city of Brentwood it would be on a contractual basis. If the statistics show that there are a high number of speeders within a month they would have the cameras set up 120 hours throughout the month at different locations in the city. The revenue would be based on the number of fines issued. One of the cities is using the cameras around one of their schools where they have had continuous problems with speeders. When the police are there people tend to slow down but the days the police aren't there they speed. The cameras will be permanently set up there to monitor speeders in the school zone.

Alderwoman Krewson asked if the City were to contract with the company would it be in addition to the red light cameras or in lieu of.

Mayor Kelly stated that it would have to go to committee to go through the process.

Alderwoman Clements asked how long the trailers would be up.

Mayor Kelly responded about three days.

Alderwoman Clements stated that she doesn't have a problem with it. She is hoping to have a Public Safety Committee meeting this week.

Mayor Kelly stated that they could have the company come back and give a presentation to the committee. If the committee approves it, the Mayor suggested just allowing the company to move forward with the gathering of the statistics without having to come back to the Board at that point.

The Board had no objections to that suggestion.

Mayor Kelly stated that the only areas that MoDOT has approached the municipalities about as far as maintenance, besides the landscaped areas between Eager Road and the entrance ramp to Highway 64/40 and Brentwood Boulevard, are the interchanges along the highway. For Brentwood, the corner of the interchange at McKnight Road would be the area that they would like to see maintained and they are drawing up a contract for that. He doesn't believe any municipalities are maintaining the roadways between the interchanges along those embankments. His understanding of the landscaping plans that MoDOT has presented throughout this process, and that what was referred to as weeds, are the planting of wild native grasses. The typical MoDOT or highway type landscaped areas will be mowed two or three times a season just as they were in the past. The initial contract goes through July 2010 and the trees have a one year warranty from the time they were planted. The reason they don't use concrete on the embankments to keep the land back is the pervious and non-pervious surfaces. You have more runoff with concrete embankments which adds a whole other calculation and storm water requirements, etc., so they try to incorporate as much green space into the projects as possible. The City doesn't have too much to say about the actual landscaping. His

understanding is that the Magna Bank is going to be maintaining the property between the building and the ramp once they are completely done. The City will be entering into an agreement for a landscape enhancement project on the east side of Brentwood Boulevard, north of Eager Road and south of the ramp going up to Highway 64/40. If they can get the agreement completed, it will go out to bid early this spring. It is a \$1.5 million landscaping enhancement project, incorporating a lake, waterfall, fountains, and heavily dense landscaped areas as an entryway to the city of Brentwood.

Alderman Kramer asked for an update on the potential start time for the project at the northeast corner of Eager Road and Brentwood Boulevard and how they are doing with the financing for that.

Mayor Kelly stated that they are working on the agreement. They met a couple of weeks ago with Ed Hassinger and other representatives from MoDOT. They are still not sure when the property will be released to Brentwood to start the work. At the latest, it would be when the contract ends. If the contractor tells them he is completely done and doesn't need to use that area anymore they could release it to the City as soon as next month if they chose to do that. Their hope is that if they get it out to bid in early spring the project will start early summer. The project will be funded 100% through the Hanley Road Corridor TDD.

Public Safety Committee – No report

Public Works Committee

Alderman Robertson stated that he would like to hold a Public Works Committee meeting on Thursday, January 7th at 5:00 pm.

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 report

Historical Society – No report

Recreation Center Committee

Alderman Kramer asked Director of Parks & Rec Frankowski if there was an update on the recreation center.

Director of Parks & Rec Frankowski stated that she does not have any update on the recreation center study.

Alderman Marshall stated that Ms. Frankowski was able to secure a grant for the Memorial Park playground for \$82,055.

Alderman Leahy asked if there has been any further development on the Richmond Heights contract for recreation services.

Director of Parks & Rec Frankowski responded not to her knowledge.

UNFINISHED BUSINESS – None

NEW BUSINESS

Alderman Leahy announced a Ward 3 meeting will be held on Tuesday, January 26th at 7:00 pm in the Council Chambers of Brentwood City Hall.

Alderman Wynn stated that Superintendent Nahmensen and the Public Works employees did a great job on the lights on Strassner Road.

Alderwoman Clements complimented Superintendent Nahmensen who came to the rescue of one of her neighbors who was having a party on Christmas night when a tree came down and smashed a car in her driveway. The police arrived as well, and Superintendent Nahmensen and his crew came and cut the tree up and removed it from the street.

Recess

Motion was made by Alderman Wynn, second by Alderman Leahy to recess the meeting at 7:29 pm. All in favor none opposed.

Motion was made by Alderwoman Clements, second by Alderman Harper to reconvene the meeting at 7:39 pm. All in favor none opposed.

Executive Session/Legal Matter

Motion was made by Alderman Leahy, second by Alderman Harper to enter into an Executive Session on a legal matter at 7:40 pm. All in favor none opposed.

After discussion with no action taken, motion was made by Alderman Marshall, second by Alderwoman Clements to return to open session at 8:13 pm. All in favor none opposed.

ADJOURNMENT

Motion was made by Alderman Leahy, second by Alderman Wynn to adjourn the meeting at 8:14 pm. All in favor none opposed.

Pat Kelly, Mayor

Attest:

Chris Seemayer, City Clerk