

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

City Hall  
Council Chambers

April 5, 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, Executive Secretary Williams, Treasurer Reynders.

Absent: Director of Planning and Development/Asst. City Administrator Dailey.

**CONSIDERATION AND APPROVAL OF THE AGENDA OF THE REGULAR BOARD OF ALDERMEN MEETING OF APRIL 5, 2010**

Motion was made by Alderman Leahy, second by Alderman Wynn to approve and adopt the Agenda of the Regular Board of Aldermen meeting of April 5, 2010. All in favor none opposed.

**CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF MARCH 1, 2010**

Motion was made by Alderwoman Clements, second by Alderman Robertson to approve and adopt the Minutes of the Regular Board of Aldermen meeting of March 1, 2010 as amended.

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

Correction:

Page 2, first paragraph, reads "John Lampe" and "lampeforsenate.com" should read "John Lamping" and "lampingforsenate.com".

**PRESENTATION OF PROCLAMATIONS TO EAGLE SCOUTS**

Mayor Kelly stated that they are honored to have three Boy Scouts from the Brentwood area that have worked hard and diligently to receive their Eagle Scout Award here tonight. He asked Alderman Leahy to come forward and present the proclamations to Thomas Andrew Minshall, Josh Collins and Paul Eschbach.

Alderman Leahy stated that the City would like to honor the Scouts for accomplishing the rank of Eagle Scout, which is the highest national award that could be awarded to any of the scouts. Historically and statistically, about 2% of all boys that join the Boy Scouts of America accomplish the Eagle Rank, so for each one of the Scouts here this evening, there are 98 other boys that have yet to accomplish what they have. The City takes great pride in recognizing the Scouts' efforts. Alderman Leahy presented the proclamations to Thomas Andrew Minshall, Josh Collins and Paul Eschbach and congratulated them on their Eagle Scout Awards.

Mayor Kelly asked Thomas, Josh and Paul to describe their individual projects for obtaining the Eagle Scout Award.

Josh Collins stated that his project was to rebuild benches on the south side of St. Mary Magdalen School entrance. He also took out the shrubbery, put in planter beds and repaired the cracked sidewalks.

Thomas Andrew Minshall stated that his project was at the YMCA where he built an aquatics rack to store inadequate supplies. Before he built the rack, the supplies were all over the deck and were hazardous to children. The newly built rack is moveable, around the sides of the pool.

Paul Eschbach stated that he also did a project for the YMCA. It was a mailbox cubby system for the offices to keep the mail organized.

Alderman Leahy stated that he would like to recognize the volunteer adults that take the time to run the two cub pack programs in the city of Brentwood, one out of St. Mary Magdalen School and the other at Mark Twain School; two boy-scout troops, one out of McGrath School which is Troop 339 and the other at St. Mary Magdalen School. These adults give of their time, with no compensation, reaching out and helping the youth in Brentwood and it is very worthwhile. It should be noted that the adult volunteers are good contributors to the community.

**BIDS** – None

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

Courtney Sullivan – 532 Lake Avenue/Webster Groves came before the Board and stated that he is a board member of the Webster Community Arts Foundation and co-chairman for the entertainment committee for the Art and Air Fair held in Webster Groves. They became aware that Brentwood has a stage as part of the Parks and Recreation Department and they like it better than the stage they have been renting. They received a quote for \$2,300 for this year and it is more than they have budgeted for the stage. They would like to propose that they pay that amount less \$1,000 in-kind donation in which the City receives recognition within the name portion of the fair. The City's logo could be put on all the publicized information for the

event and appear in the Art Now program guide which is distributed by the Webster-Kirkwood Times to 26,000 households. The use of the stage would allow them to provide a better setting for their performances. They would like to start the relationship with Brentwood and go forward with it. The dates of the event are June 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup>.

Mayor Kelly stated that typically the request is taken to the Ways and Means Committee. The City as a whole is very supportive in doing things together. The Committee will discuss it and get back to Mr. Sullivan.

Alderwoman Barbara Clements – 14 York Hills came before the Board and stated that as a Brentwood citizen she would like to compliment the full Board and City staff for the article that appeared in the St. Louis Business Journal complimenting the City on paying off the Promenade TIF early. It is a feather in their cap. She congratulated the Mayor, Board and previous members of the Board who were very instrumental in bringing the Promenade to fruition.

### **INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS**

#### **First and Second Readings of Bills**

Motion was made by Alderwoman Clements, second by Alderman Marshall to give Bills No. 5546 and 5547 first and second readings. All in favor none opposed.

#### **Bill No. 5546 – Depository and Monitor Agreements**

City Attorney Albrecht gave Bill No. 5546, AN ORDINANCE APPROVING A DEPOSITORY AGREEMENT AND A MONITOR AGREEMENT IN CONNECTION WITH THE APPLICATION OF REVENUES GENERATED FROM A SALES TAX IMPOSED BY THE HANLEY ROAD CORRIDOR TRANSPORTATION DEVELOPMENT DISTRICT; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5546 as a Bill that designates the City of Brentwood as the monitor for the Hanley Road Corridor Transportation Development District. The City will monitor TDD tax collections for the cities of Brentwood & Maplewood and direct the collections to be deposited into the various TDD & TIF accounts for both cities. Compensation for this service is set at \$24,000 annually to be paid from the Hanley Road Corridor TDD monitor account.

Alderman Marshall asked if the City will be receiving reports from the State of Missouri.

City Administrator Seemayer stated that the City will be getting the new reports since the State just started collecting the TDD tax. It would be the same type of report that they get for the sales tax. A CD will be sent to them monthly and it will list all the businesses within the TDD

and the amount that they paid. The City will pay \$35.00 a month for the report and will be reimbursed by the TDD.

Alderman Kramer stated as the Promenade's taxing district for the TIF is coming to a close and the bonding is going away, shoppers will still pay a tax on the purchases in the district from the TDD.

City Administrator Seemayer stated that the TDD sales tax is a separate tax from the TIF. The TIF didn't have any increased taxes; they simply retained a portion of those new taxes that were generated. That TDD tax will stay in place until all the Hanley Road Corridor bonds are retired.

Alderman Kramer asked if they are up to one percent in the Promenade.

City Administrator Seemayer responded yes. It is a uniform tax at one percent.

Motion was made by Alderman Robertson, second by Alderman Marshall to approve and adopt Bill No. 5546. 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.

The Mayor thereupon declared Bill No. 5546 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4230.

#### Bill No. 5547 – Contract for Design Engineering Services

City Attorney Albrecht gave Bill No. 5547, AN ORDINANCE AUTHORIZING A CONTRACT FOR DESIGN ENGINEERING SERVICES WITH CDG ENGINEERS ARCHITECTS PLANNERS LLC FOR THE BRENTWOOD PEDESTRIAN AND TRANSIT IMPROVEMENT PROJECT; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5547 as a Bill that authorizes the City of Brentwood to enter into a contract with CDG Engineers to provide design services for the Brentwood Pedestrian and Transit Improvement Project. This project is receiving 80% federal funding and will establish pedestrian access within Hanley Industrial Ct. connecting to the metro link station. The 20% local match is being funded through the Hanley Road Corridor TDD. The total amount of this design contract is \$73,917.75.

Alderman Leahy stated for clarification, that the City is entering into this contract but the money is coming out of the TDD. He asked why the TDD is not doing the contract directly with CDG Engineers, Architects, and Planners.

Mayor Kelly stated that the funds are allocated through the TDD for the project but the City is overseeing the project. The City received a grant for the project.

Alderman Leahy stated that it is not clear if the contract that they are looking to approve was competitively bid out and if the TDD selected CDG Engineers as the best group to perform the work.

City Administrator Seemayer stated that it was competitively bid out by the City. The funding for the local match, which is what they were required to provide was funded through the district but the district set up a Brentwood project fund account for various TDD projects such as this one, the Gateway project at Brentwood and Eager, some improvements at Strassner and the Litzsinger Bridge. The TDD appropriated the funds for those projects and it is up to the City to award all of the contracts for design and construction services, submit the invoices as they come in to the district and make payment directly to the vendors.

Mayor Kelly stated that if he remembers correctly the TDD committee voted on that process, so that they don't have to come back for every contract for the Maplewood or Brentwood projects. This particular engineering project was bid this way because of the requirement of the grant. It was a professional services bidding process.

Alderman Leahy asked if the clarification of the procedure would be in the Hanley Road Corridor TDD structure agreement which consolidated all the different TDDs into one.

Mayor Kelly stated it was done by a vote at one of the meetings.

Alderman Kramer stated that a lot of folks are looking forward to the new sidewalks from Metro Link. He read through the phasing portion of the contract and it talks about a lot of the lead up time. He asked what the length of time will be for the construction.

City Administrator Seemayer stated that he believes it will occur between 2011 and 2012. Some of the funding is not available until that time.

Mayor Kelly stated that typically it is a three year process. They allocate funds for the engineering first and once the engineering is complete and the preliminary plans are drawn then they allocate the funds for any right of way acquisition that needs to take place. It could take a month to eight months to get property negotiations taken care of. Once all the right of way is completed then they allocate the funds for the actual construction after the bidding is done.

Motion was made by Alderwoman Clements, second by Alderman Leahy to approve and adopt Bill No. 5547. 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.

The Mayor thereupon declared Bill No. 5547 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4231.

Resolution No. 968 – Section 5310 Assistance Project

Alderman Kramer read a synopsis of Resolution No. 968 as a Resolution that will allow the City of Brentwood to apply for a grant from the Missouri Department of Transportation for a new Brentwood MAGIC bus. The grant will provide 80% funding, if approved. A final decision on the grant award is expected in December.

City Administrator Seemayer stated that if approved it will be their third one. They will keep the newest bus and sell the original one.

Alderman Leahy asked if the City has two CDL drivers that would allow them to run both buses at the same time.

City Administrator Seemayer stated that they have more than two.

Motion was made by Alderman Leahy, second by Alderman Marshall to approve Resolution No. 968. All in favor none opposed.

**ACCOUNTS AGAINST THE CITY**

Motion was made by Alderman Marshall, second by Alderman Robertson to approve the warrant list dated 4/5/10. All in favor none opposed.

Alderman Leahy asked about the expenditure for the park's batting cage frame and net and how will the equipment be used.

Alderman Marshall stated that he believes it will be up for rental for the user of that diamond and is not specific to any one entity.

Alderman Leahy asked if a pitching machine or anything else will be provided with the equipment.

Mayor Kelly stated that 99% of the people that will be using it will be Brentwood High School and St. Mary Magdalen teams that play regularly at Brentwood Park. They will have to provide their own pitching machine, etc.

Alderman Kramer asked about the expenditure for Thompson Coburn LLP for \$11,429.40, legal services for the Meridian project February 2010, and if it is the last of the billings.

City Administrator Seemayer stated that at this point there will be at least one more payment and they are not 100% sure about that until they get some final information from the City's insurance carrier.

Alderman Kramer asked about the expenditure for Crawford Bunte Brammeier for \$2,925.00, which is for site circulation study-traffic engineer services.

City Administrator Seemayer stated that Chick-Fil-A was looking into putting a location at the Home Depot site. They had to pay a deposit to the City to do traffic and parking studies and the City pays CDG Engineer's bill. The study was to see if the restaurant would work on that parking lot.

Mayor Kelly stated that they are looking at the corner of the main entrance to Home Depot, right next to Lion's Choice but on the other side.

Alderman Leahy asked if a Chick-Fil-A was to go there would Home Depot's parking count still meet the size requirement of the building.

Mayor Kelly stated that is what the study was for. He believes the study came back positive.

Alderman Leahy pointed out a correction that needed to be made to the warrant list under the explanation of the expenditure for Fleetwood Financial. He believes it should be "recording" device contract, not "recoding" device contract.

Alderman Marshall asked about the expenditure for HITS Scanning Solutions.

City Administrator Seemayer stated that this is the last of what they will be scanning.

Alderman Marshall asked if there will be any more scanning.

City Administrator Seemayer responded no.

#### **REPORTS OF COMMITTEES AND DEPARTMENT HEADS:**

##### **Mayor's Report**

Mayor Kelly stated that an Executive Session/Legal Matter was scheduled for this evening, but it is not needed.

Mayor Kelly stated that a couple of the projects mentioned tonight are very near to having the final design completed so that they can go out to bid including the Strassner Road improvements. Thanks to Ms. Dailey and Mr. Seemayer, there will be a significant improvement, from an aesthetic and traffic standpoint. Design is almost complete for the

Litzsinger Bridge as well. It will be about a three month project and Litzsinger Road will be closed during the construction period. Both of these projects will be out to bid shortly. Mayor Kelly stated that construction for the Litzsinger Bridge could start mid to late summer.

Alderman Marshall asked if they will notify the residents of the construction.

City Administrator Seemayer stated that the City will provide at least 30 days notice.

Mayor Kelly stated that the City was served with a class action lawsuit, including 28 municipalities, dealing with the sewer lateral program. They are challenging the fact that the City provides the service for the Brentwood Forest Condominiums. A couple of the cities were individually challenged in the past and the law firm of Curtis Heinz Garrett & O'Keefe PC represented them and they were able to get it dropped.

City Attorney Albrecht stated that two big issues are coming out of the class action lawsuit right now. For a number of the cities there are no plaintiffs for the residents, so there are some questions whether they have standing to file the suit against Brentwood, since there are no Brentwood plaintiffs. The other issue is, in the great majority of cases, there were no protests filed at the time the tax was paid and there is some pretty strong thinking that's a good defense to the action as well. He believes that previously the University City lawsuit was dismissed on that basis.

Mayor Kelly stated that the City would only be liable for one year of taxes. Worst case scenario is that the City would have to reimburse current residents for the last payment.

Public Safety Committee – No further 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

Special Use Permit/Missouri Women in Trades-8300 Manchester Road

City Administrator Seemayer stated that the City received a Special Use Permit application from the Missouri Women in Trades at 8300 Manchester Road. They want to have a tool turnaround, used tool sale on the parking lot on Saturday, April 24<sup>th</sup> from 8:00 a.m. to 2:00 p.m.

Motion was made by Alderman Leahy, second by Alderwoman Krewson to approve the Special Use Permit. All in favor none opposed.

Excise Commissioner

Liquor License Request – Ionia Atlantic – 8216 Brentwood Industrial Ct.

City Administrator Seemayer stated that the City received an application from Ionia Atlantic, wholesaler, for a liquor license to sell wine at 8216 Brentwood Industrial Ct. Everything is in order.

Motion was made by Alderwoman Clements, second by Alderman Marshall to approve the liquor license for Ionia Atlantic at 8216 Brentwood Industrial Ct. 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.

Library – No report

Municipal League – No report

Communication – No report

Historical Society – No report

**UNFINISHED BUSINESS**

Alderman Leahy stated that he was under the impression that the red light camera contract is up for renewal. He asked City Administrator Seemayer if he has had a chance to research it.

City Administrator Seemayer stated that he will get the date and email it to everyone.

Alderman Leahy stated that the Public Safety Committee got the request to possibly do a study using the camera light enforcement for speed on Manchester Road. He doesn't know if that has been fully completed.

Mayor Kelly stated that the study has been completed but he hasn't had the chance to get the information.

Alderman Marshall asked about the Cecelia/Helen/Litzsinger sewer project.

City Administrator Seemayer stated that he doesn't have any updates but he will look into it.

Alderman Leahy stated that in the meeting that was held at City Hall, they mentioned that they anticipate that they would not start doing any digging until late September, early October of this year.

Alderman Marshall requested that the Public Safety Committee look into the cross traffic from Urban at the intersection of Urban and Strassner. People are not stopping at the Strassner stop sign at Urban. There have been complaints about near accidents in that area.

Alderman Kramer asked for an update on the new fire house.

Mayor Kelly stated that he has spoken to Fire Marshal Kurtz and they were backfilling today. Once that is compacted the steel will start arriving. If everything stays on schedule they will start the erection of the steel frame next week.

Alderman Leahy stated that in the March 1<sup>st</sup> meeting minutes, one of the actions mentioned on page 6 is the recommendation to hire Robert Green, a local architect to work on a Master Plan for City Hall. Alderman Leahy asked how much will Mr. Green be charging for the service and at what threshold the City decides to put a bid like this out for bid versus professional services and familiarity of the firm as to constituting sole election.

Mayor Kelly stated that they met with Mr. Green and the Co-Architect today and they submitted their proposal. The work includes putting everything schematically into an existing conditions computerized program that would need to be completed to do any major construction to the building, as well as a site plan for the outside of the building. The proposal was about \$75,000 to \$80,000. It was \$58,000, plus another \$25,000 for the final computerized program in order to have the existing conditions completed that way. To give everyone an idea, the architectural services for the fire department in total was about \$300,000. The fees for the Master Plan will be coming out of the COP that was approved for the fire department. The issue will go to the Ways and Means Committee for discussion. A contract will be drawn up after Ways and Means discusses it to enter into a contract with Robert Green.

Mayor Kelly stated that if you're going to bid out architectural services it's not going to be for a price. It's for professional services. He doesn't think you actually start talking about rates until you've accepted the architect. That is why it's based on professional services as opposed to their cost.

Alderman Leahy stated that the question that was raised when he was reading through the minutes was the lack of discussion and whether or not they are controlling and watching where and how they are doing the funding. Raising the questions only forces the discussion. He wasn't aware that the COP for the fire department was going to be covering the fees.

City Administrator Seemayer stated the COP will just cover the design services fees.

**NEW BUSINESS**

Alderman Leahy stated that he received two calls from residents and both of them were complimenting the public works department. The residents noticed last week that public works did a great job of filling in a number of the pot holes around the neighborhoods. The residents wanted to let them know that they were appreciative of their effort.

Alderman Leahy announced a Ward 3 meeting will be held on Tuesday, April 27<sup>th</sup> at 7:00 pm at City Hall.

Mayor Kelly announced that a General Municipal Election will be held tomorrow. A couple of our aldermen are running contested races, and the proposition for the Metro sales tax increase is on the ballot as well. A while back he had an idea and thanks to Human Resource Director McGrail for putting it together, the City will hold a blood drive tomorrow, coinciding with the election. It will be held at the Rec Center. He was thinking that people could come up and vote and then drop in and give blood. There will also be a mammogram van on site.

Alderwoman Clements congratulated all the Brentwood families whose children were recognized as "A" students in the paper, especially her fellow Aldermen Marshall and Robertson's families and every other family in Brentwood.

**ADJOURNMENT**

Motion was made by Alderman Leahy, second by Alderwoman Clements to adjourn the meeting at 7:50 pm. All in favor none opposed.

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Pat Kelly, Mayor

Attest:

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Chris Seemayer, City Clerk

