

MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING

City Hall
Council Chambers

June 21, 2010
7:00 p.m.

Mayor Kelly led with the Pledge of Allegiance.

Roll call

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

City Attorney Albrecht, City Clerk/Administrator Seemayer, Executive Secretary Williams, Excise Commissioner Clements.

Absent: Alderman Marshall, Alderman Harper and Director of Planning and Development/Asst. City Administrator Dailey.

CONSIDERATION AND APPROVAL OF THE AGENDA OF THE REGULAR BOARD OF ALDERMEN MEETING OF JUNE 21, 2010

Motion was made by Alderwoman Clements, second by Alderman Wynn to approve and adopt the Agenda of the Regular Board of Aldermen meeting of June 21, 2010. All in favor none opposed.

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF MAY 17, 2010

Motion was made by Alderman Leahy, second by Alderman Robertson to approve the Minutes of the Regular Board of Aldermen meeting of May 17, 2010. All in favor none opposed.

BIDS – Strassner Drive & Hanley Industrial Court Intersection Improvements

City Administrator Seemayer announced that two bids were received and opened on Thursday, June 17 for the Strassner Road Improvement Project as follows:

N.B. West Contracting	\$136,874.00
R.V. Wagner Inc.	\$160,557.39

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

Bradley Green – 7518 Parkdale/Clayton, Mo came before the Board and stated that he is here on behalf of the John Lamping for State Senate campaign. Mr. Lamping is running for State Senator in the 24th District, which includes Brentwood. Staff plans to attend Board meetings in

the next few months so they could stay up to date on what is going on in Brentwood and relay that information to Mr. Lamping. Mr. Green stated that he would make himself available after the meeting if anyone has questions or concerns. He also mentioned that he has Mr. Lamping's business cards if anyone would like to contact him and speak to him directly.

Bill Corrigan came before the Board and stated that he is honored to be running for the position of County Executive. He thanked the elected officials for their public service to the people of Brentwood. His campaign office is a block away from City Hall and anyone is welcome to stop by. He is attending the meeting tonight to listen to some of the issues affecting the people of Brentwood.

J. Robert Green/Architect – 9132 White Avenue/63144 came before the Board and thanked them for choosing him to do the Master Plan for City Hall. They are looking forward to it and they plan to do a topnotch job to bring Brentwood City Hall up to date.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Bill No. 5549 will remain on hold.

1st and 2nd Readings of Bills

Motion was made by Alderwoman Clements, second by Alderman Leahy to give Bills No. 5555, 5556 and 5557 first and second readings. All in favor none opposed.

Bill No. 5555 – Proposition “A” – Sewer Lateral Fee Increase

City Attorney Albrecht gave Bill No. 5555, AN ORDINANCE TO CALL AN ELECTION TO SUBMIT TO THE VOTERS OF THE CITY OF BRENTWOOD, MISSOURI PROPOSITION “A” TO AUTHORIZE AN INCREASE IN THE SEWER LATERAL TAX ASSESSED ANNUALLY ON RESIDENTIAL PROPERTY; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5555 as a Bill that authorizes an election to be held on August 3rd (Proposition “A”) that would increase the annual fee for the sewer later program from \$28 a year up to \$50 a year. A simple majority is required for passage. This proposition was reviewed and approved by the Public Works Committee.

Alderman Leahy asked for clarification of the section in Bill No. 5555, which establishes that it would only apply to residential buildings that have six or less than six dwelling units.

City Administrator Seemayer responded that it is the same language that was in the original ordinance.

Alderman Leahy asked if there are any units in the Brentwood Forest complex that exceeds the six resident arrangement.

City Administrator Seemayer responded that they do not believe so, but it is possible. There is a lawsuit possibly challenging that portion of the sewer lateral program. Part of the confusion in Brentwood Forest is they do not know exactly how every lateral is hooked in.

Alderman Leahy asked if Proposition "A" passes and St. Louis County continues the current arrangement of sending the property tax bills to residents at the end of the year would Brentwood change the numbers at this point?

City Administrator Seemayer responded no.

Alderman Kramer asked if Proposition "A" passes does it allow the Board to increase the fee up to \$50.00.

City Administrator Seemayer responded that is correct. The Board of Aldermen would establish the fee annually at the same time the property tax rate is set. In the first year, it could be set between \$38.00 to \$40.00.

Mayor Kelly stated that a letter would be sent out to the residents prior to the election.

Motion was made by Alderwoman Clements, second by Alderman Wynn to approve and adopt Bill No. 5555. Roll call: Alderwoman Clements, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes.

The Mayor thereupon declared Bill No. 5555 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4238.

Bill No. 5556 – Amending Chapter 13

City Attorney Albrecht gave Bill No. 5556, AN ORDINANCE AMENDING CHAPTER 13 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, MISSOURI BY ADDING A NEW SECTION 13-201.1 (A) TO ARTICLE IX, AS IT RELATES TO EPHEDRINE AND PSEUDOEPHEDRINE PRODUCTS; 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. 5556 as a Bill that would require a physician's prescription for certain over the counter medicines that are commonly used in meth labs. The Public Safety Committee reviewed this Bill and has recommended passage.

Alderman Leahy asked if there is an excessive purchasing of the ephedrine and pseudoephedrine in Brentwood that justifies requiring a prescription.

Alderwoman Clements stated that there has been publicity about Eureka and other communities that have passed the ordinance. Police Chief Disbennett came to them with the request for the change because of problems with mobile meth labs, especially in the Target parking lot. This is one of the things they wish to eliminate. If one of those cars should blow up, they will have a big problem.

Alderman Leahy stated that the two drugs they are referring to are currently available as over the counter drugs. If you require a prescription to get those drugs in the city of Brentwood what is the cost that would be driven up for the resident who has to contact the doctor to get over the counter medicine. He is not so sure that this is the best solution to the problem.

Alderwoman Clements stated that the prescription issue was discussed at great length. Anyone requiring a daily regimen of the medication probably has established a relationship with a physician and should not have a problem getting a prescription. This legislation is to protect the citizens of our community. The problem is that the people with the rolling meth labs pay anybody in the parking lot to go in and buy the drugs for them. They just have to sign for it. This legislation would eliminate that possibility also.

Alderman Kramer stated that on occasion he has to use this same type of remedy. You have to show your driver's license and sign for it and then you get a maximum of two packages. To get around that they get as many people as they can that are willing to buy the drugs for a fee.

Alderwoman Clements stated that Chief Disbennett brought it to their attention and he feels that this would be a very worthwhile bill to pass.

Motion was made by Alderwoman Clements, second by Alderwoman Krewson to approve and adopt Bill No. 5556. Roll call: Alderwoman Clements, yes; Alderman Leahy, no; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, no; Alderman Wynn, yes.

Bill No. 5556 failed.

Bill No. 5557 – N.B. West Contracting

City Attorney Albrecht gave Bill No. 5557, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF BRENTWOOD, MISSOURI WITH N. B. WEST CONTRACTING FOR THE STRASSNER DRIVE & HANLEY INDUSTRIAL COURT INTERSECTION IMPROVEMENTS; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5557 as a Bill that approves a contract with N.B. West Contracting for \$136,874.00 for improvements to Strassner Drive in front of the former Public Works building. Funding for this project is being provided in full by the Hanley Road Corridor Transportation Development District.

Alderman Leahy stated that along with Bill No. 5557 came all of the bid data and the supporting information and he found it very enjoyable to sort through and read. He appreciates the sharing of the information.

Mayor Kelly stated that it was advertised through the regular processes. The City notified at least fifteen contractors and they only received two bidders on the project.

Alderman Kramer asked if there is a photo of the improvements that are proposed at this intersection.

Mayor Kelly stated that there are drawings of the area and the improvements.

Alderman Kramer asked if it would be a rounding off or straightening of the curve.

Mayor Kelly stated that they would be taking part of the curve to the east, encroaching on the properties to the right. They will be adding sidewalks to the east side of the old public works property, adding a landscape buffer in front of the property along Strassner from the bridge to the entrance. They will also be eliminating the stop signs on Strassner.

Alderman Kramer asked how long will it take for completion.

City Administrator Seemayer responded two weeks and the road will be closed. The entire project will probably take more than two weeks but the road will have to be closed for two weeks. The District is meeting tomorrow and they have to get a start time from the contractor he anticipates starting shortly after July 4. The letter notifying people is going out tomorrow. They will also have electronic signs at both Brentwood and Strassner and Hanley and Strassner.

Alderman Leahy asked if there would be a sign placed in the Promenade for the people coming out of the south end of the Promenade notifying them the turn may not be available to them.

City Administrator Seemayer responded that they could put a sign in the Promenade area.

Motion was made by Alderman Leahy, second by Alderman Robertson to approve and adopt Bill No. 5557. Roll call: Alderwoman Clements, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes.

The Mayor thereupon declared Bill No. 5557 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4239.

Resolution No. 970 – Extending Sunset Clause Deadline

Alderman Kramer read a synopsis of Resolution No. 970, which extends the Sunset Clause for certain items excluded from review by the Architectural Review Board until June 30th, 2011. The items excluded from review are existing home and condominium decks, fences, window replacements and roofing shingle replacements.

Alderman Leahy stated that this is the fourth time that they have extended the resolution with the hope that the ARB and Planning and Zoning Commission would get a chance to amend the chapter. Is there a timeline on getting that done?

Mayor Kelly stated that he would ask Director of Planning and Development Dailey to bring it up at the Planning and Zoning Commission meeting.

City Administrator Seemayer stated that he was told today that Asst. Fire Chief Kurtz who works with the ARB is going to make sure that it is placed on their next agenda.

Motion was made by Alderman Leahy, second by Alderwoman Clements to approve Resolution No. 970. All in favor none opposed.

ACCOUNTS AGAINST THE CITY

Alderman Kramer asked City Administrator Seemayer for a brief synopsis of the warrant list.

City Administrator Seemayer stated that Sendio, Inc. \$3,865.00 is the company that provides the internet service for the City while logging on from home to check City emails, etc. The fee is for the annual license. Thompson Coburn LLP is on the warrant list twice for April \$3,823.74 and May \$5,583.14, legal services regarding the Meridian project. St. Louis County Municipal League \$3,420.00 expenditure is for the annual membership dues. McConnell & Associates \$4,856.00 is for budgeted work for overlaying the inline rink. Information Technologies Inc. \$8,275.50 is for computer software for the police department. Crawford Bunte Brammeier \$2,730.00 fee is reimbursable. The City pays that fee but the Saint Louis Bread Co. deposited an amount with the City to cover it. They had a parking analysis done to see if they could put in some outdoor seating. Motorola \$3,463.08 is the radio communications contract for police, fire and public works departments. Most of the Bobroff Hesse Lindmark & Martone PC for \$4,087.50 is for the review and updating of several policies in the police department concerning promotions and citizen complaint forms. The expenditure for State Mechanical at \$2,447.52 is for four (4) drums of refrigerant for the Ice Rink. The expenditure for Curtis, Heinz, Garrett & O'Keefe \$2,397.58 is for the lawsuit concerning Tony White and the sewer lateral program. The firm is representing a number of cities and that is Brentwood's portion of the bill. Macro Logic Inc. at \$2,935.94 is for the Code Red contract for emergency service. The expenditure for HDL Companies at \$3,023.09 is for the business license software.

Motion was made by Alderwoman Clements, second by Alderman Wynn to approve the warrant list dated 6/21/10 as submitted. All in favor none opposed.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor's Report

Mayor Kelly thanked the businesses and participants who contributed and played in the annual golf tournament that was held this past Friday. The City had another great turnout. It was very hot but it moved along very well. This was the 17th annual golf tournament and the City has been able to donate funds to many local charities. He thanked City staff for their efforts. It is a big job in putting a golf tournament together and year after year, City staff continues to do an outstanding job.

Mayor Kelly stated that the City has out to bid the Litzsinger Bridge project as well as the Gateway Enhancement project at Eager and Brentwood Boulevard. Both of those projects went out to bid on June 16th. The Gateway bid opening will be July 8th. The Litzsinger Bridge opening will be July 13th. Both of these projects will be underway by the fall of this year and will be major improvements to the Brentwood community.

Mayor Kelly stated that he was in Jefferson City this past April and while he was there, he knocked on the doors of our state legislators. He talked to Representative John Diehl, Jr. about trying to get support on legislation for about two years, working with different organizations to pass a hotel/motel tax, which would be a sales tax on hotel/motel rooms in the city of Brentwood. If you go back to the history, Brentwood was carved out of it. Most fourth class and third class cities could have this tax but Brentwood could not. A bill was going to be submitted to committee the following day and Rep. Diehl said that if he could get the language that day, he would get it on the bill and take it to committee the next day. Mayor Kelly stated that he called Asst. City Administrator Dailey and with her efforts, and working with the attorney, they got the language to Rep. Diehl and he was able to get it on House Bill 1442. It passed, came out of committee and has been approved. The Governor has not signed it yet but it has been approved. Brentwood is in a very narrow window. He thinks it only applies to fourth-class cities with population not less than 7,000 but not greater than 7,500, so Brentwood falls within that window at the current time. The idea is that Brentwood would be able to pass anywhere from a two to five percent sales tax on hotel/motel rooms. It is something that would be beneficial to the community. He is asking the Ways and Means Committee to look into it so that it can be placed on the November 2010 ballot.

Public Safety Committee

Alderman Kramer asked if the Public Safety Committee has reviewed the results from the speed camera survey.

Alderwoman Clements responded no.

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 – Liquor License Renewals

Excise Commissioner Clements stated that the liquor licenses are before the Board for renewal for the 2010 and 2011 period: American Legion Goff Mall Post, Applegate's Deli is changing ownership and did not get their paperwork in on time, so they will not get approval tonight, Mobil Gas Station, Bommarito Wine, Cost Plus World Market, Dierbergs, Double D Lounge, Frank Papa's, Houlihan's, Hunan Wok, Ionia Atlantic Imports, Mai Lee Restaurant, OB Clark's, Premier Crew, a wholesaler in Hanley Industrial Court has not only paid their business license but they have not filled out the application or paid the bill for the liquor license. They will not be approved tonight. Romano's Macaroni Grill, Schnucks Market, Sideline Bar and Grille has dropped their Sunday by the drink, Sports Attic, Springhill Suite, Target, Trader Joe's, Walgreens and Whole Food Market. Joy Luck Buffet is still in business but they do not want a liquor license.

Motion was made by Alderman Leahy, second by Alderwoman Clements to approve the liquor license renewals as stated. Roll call: Alderwoman Clements, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes.

Liquor License Request – Time for Dinner

Excise Commissioner Clements stated that Time for Dinner located on Manchester Road is requesting a liquor license. They are applying for the ability to sell a glass of wine or beer while their customers are preparing their dinner to take home. They also want to be able to sell a bottle of wine to their customers to take home with the dinner that they have prepared.

Motion was made by Alderwoman Clements, second by Alderman Leahy to approve the liquor license for Time for Dinner. Roll call: Alderwoman Clements, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes.

Library – No report

Municipal League – No report

Communication – No report

Historical Society – No report

UNFINISHED BUSINESS – None

NEW BUSINESS

Alderman Leahy announced that the Ward 3 meeting would be held on June 22nd at 7:00 pm in the Council Chambers.

Alderman Kramer thanked, on behalf of himself and Alderwoman Krewson, the City of Richmond Heights and their public works department for doing an outstanding job repaving the Eager Road portion adjacent to the old Manhasset Village, Eager Road all the way down to Brentwood Boulevard, both east and west, and also helping out with the parking bays that were semi-destroyed. Many headaches have been erased in the last couple of weeks and they appreciate their hard work.

Mayor Kelly stated for clarification, that the City of Brentwood paid for it.

ADJOURNMENT

Motion was made by Alderman Leahy, second by Alderman Wynn to adjourn the meeting at 7:42 pm. All in favor none opposed.

Pat Kelly, Mayor

Attest:

Chris Seemayer, City Clerk