

MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING

City Hall
Council Chambers

August 16, 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 Rottjakob, Executive Secretary Williams, Treasurer Reynders.

Absent: None.

CONSIDERATION AND APPROVAL OF THE AGENDA OF THE REGULAR BOARD OF ALDERMEN MEETING OF AUGUST 16, 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 August 16, 2010. All in favor none opposed.

CONSIDERATION AND APPROVAL OF THE MINUTES OF THE REGULAR BOARD OF ALDERMEN MEETING OF JULY 19, 2010

Motion was made by Alderman Leahy, second by Alderman Robertson to approve the Minutes of the Regular Board of Aldermen meeting of July 19, 2010. All in favor none opposed.

PRESENTATION - BRENTWOOD POLICE AND FIRE DEPARTMENTS

Patrol Officer Eisenbeis came before the Board, introduced Officer Matt Crosby and stated that the Brentwood Fire and Police Departments held their annual charitable BBQ on June 12 and decided to give the proceeds to Matt Crosby. Officer Crosby was seriously injured in a domestic disturbance call on April 8 of this year. Throughout his ordeal, Officer Crosby has demonstrated courage, determination and a great person of strength in dealing with his injuries. Officer Eisenbeis thanked the Brentwood residents and businesses, and residents of the surrounding area, who contributed to Matt Crosby's Charitable Foundation. He also thanked the volunteers from the fire and police departments and their families who worked very hard, on a hot and stormy Saturday, to make the event a success. He also thanked his wife Judy, his children and

their friends for working Friday and Saturday nights. Officer Eisenbeis presented a check for \$9,087.77 to Officer Crosby.

Mayor Kelly asked the police and fire personnel in the audience to come forward as he congratulated them on a job well done.

PRESENTATION TO THE FIRE DEPARTMENT

Lieutenant Matt Stoverink came before the Board and stated that the representative from Children’s Hospital was unable to make it tonight. They were advised earlier this year of a program that the State of Missouri was sponsoring for treating sick and injured children. As part of the program, they come out and inspect your ambulance(s), go through protocols and make sure you have everything you need. Paramedics Rick Kerr, Steve Brown and he worked to make sure everything was in order. They came out, did the inspection and they passed and were given a certificate and stickers for the ambulance.

Mayor Kelly congratulated the fire department on doing an outstanding job, which is greatly appreciated.

PRESENTATION OF THE 2009 AUDIT

Mayor Kelly announced that the 2009 Audit would be presented at the next BOA meeting.

BIDS – Brentwood I-64 Gateway Site Improvements
Litzsinger Road Bridge Improvement Project

City Administrator Seemayer read bids that were opened on July 22 for the Brentwood I-64 Gateway Site Improvement project as follows:

N.B. West Contracting	\$1,042,472
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Bids were opened on July 30 for the Litzsinger Road Bridge Improvement project as follows:

N.B. West Contracting	\$796,337.00
Concrete Strategies, LLC	\$845,449.04
Kozney-Wagner, Inc.	\$810,642.41
Gershenson Construction	\$714,501.50
The Harlan Company	\$850,751.00

The contracts for the projects are on the agenda for consideration tonight. The projects are being funded through the Hanley Road Corridor TDD.

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

Pat Dolan – a resident of Richmond Heights came before the Board and stated that he is running for St. Louis County Council in the 5th District. Barbara Fraser, the current County Councilperson is running for Senate, so he is running for the vacated seat. He stated that he enjoys public service. He has served on the Richmond Heights City Council and has been active in numerous community affairs. If elected, he will be available to address concerns, etc. His website is patdolan.org and the telephone number is 314-280-1471.

Randy Jotte – a resident of Webster Groves and a candidate for the St. Louis County Council in the 5th District came before the Board and stated that he is an emergency room physician at Barnes Jewish Hospital in the receiving end of the emergency room. He has served on the Webster Groves City Council. The City of Brentwood and St. Louis County have been working together and he would like to maintain the interaction from a County Council level. His website is randyjotte.com and the phone number is 314-882-0201.

Stacy Rullerford – Field Government Relations Instructor for the American Cancer Society came before the Board and stated that her organization is dedicated to eliminating suffering and death from cancer and they believe that smoke free laws are an effective way to help prevent cancer. The American Cancer Society urges the Board to adopt the proposed Bill. Such bills are an important health measure that allows citizens to breathe smoke free air in work places and save healthcare dollars by reducing the incidence of cancer, heart disease and other diseases. They are extremely grateful that the City of Brentwood has chosen to consider a comprehensive bill and commend the Board on their leadership. It is the position of the American Cancer Society that all employees deserve smoke free protection, regardless of where they work, including restaurants and bars. Covering all work places is a critical step towards achieving meaningful health protection from secondhand smoke for the people who live and work in Brentwood. This Bill will protect workers and patrons from secondhand smoke in a way that is easy for people to understand and easy to enforce. Such measures are already in place in many Missouri communities as well as almost half of the states. Over 3,000 municipalities in the United States have taken steps to prohibit smoking. It is a basic duty of government to protect the public's health. The ACS urges the Board to cast a strong, simple and fair vote and protect all citizens' rights to breathe clean air.

Janet Popelka – Director of Development for the National Council on Alcoholism and Drug Abuse – 8790 Manchester Road came before the Board and stated that they applaud the Board for the legislation that they are considering which will make Brentwood even more smoke free than St. Louis County very soon. Their agency is also involved with teaching kids how to make smart and healthy decisions. They do a lot by encouraging them and teaching them tobacco use prevention lessons. She would appreciate the Board adopting the legislation.

Barbara Fraser – St. Louis County Councilwoman for the 5th District came before the Board and stated that she appreciates the energy and effort the City has put into working on the smoke free/clean air bill. She stated that she knows where the Board has been in terms of the

deliberations and how hard it has been to work on the legislation. She stated that she has proposed and sponsored a clean air act that was defeated at its first try that was as comprehensive as Brentwood's. She congratulated Brentwood on making the legislation more stringent and she hopes the Board will stick to their position. It is great that the County has an overreaching ban for all communities but she encouraged Brentwood to pass the comprehensive legislation. It will serve people well and it will provide a greater opportunity for healthier workers and healthier individuals who use these facilities.

Mr. Mills – resident of Brentwood came before the Board and stated that he is a member of the Goff Moll Post 101 and a Vietnam era veteran. 90 to 95% of the people who use the Post 101 are smokers. He stated that our ancestors gave the right to people to have a bar. His 30-year-old son just served two years in Bagdad and to think that he will not be allowed to go to a bar in Brentwood, smoke a cigarette and drink a beer, is wrong.

Cathy Harness – Director of Government Relations for the American Lung Association with offices located on Hampton Avenue stated that smoke free laws are tools intended to protect the public's health based on scientific evidence about the hazards of exposure to secondhand smoke. Their ultimate goals are to protect everyone from exposure to secondhand smoke, to create healthier communities and a social norm where the public expect smoke free environments. Their objective is not to simply pass a law but to get good public policy on the books, a comprehensive smoke free ordinance. It is a public health issue. So far, thousands of municipalities have promoted the public health of their citizens by enacting smoke free laws. The states that have enacted smoke free laws did so after major cities in those states stepped up and made important health decisions for their citizens. She urged the City of Brentwood to do the same and pass a healthy progressive policy for the residents of Brentwood.

Tom Diffley – a resident of Brentwood for 65 years who lives at 9131 Russell came before the Board and stated that he appreciates the comments regarding smoking, but before everyone get stuck on one ingredient of life which is smoking, they should consider fighting all ingredients that cause cancer, heart disease, etc. People focus only on smoking. He has quit smoking and does not care if anyone else smokes. The Board should consider all the ingredients and not single out just this one.

Meg Boyko – Director of Program Services for the March of Dimes – 11829 Maryland Heights came before the Board and stated that the March of Dimes urges pregnant women to stop smoking as part of its mission and to prevent birth defects, premature births and low birth rate babies. They also recommend that women make every effort to minimize inhalation of secondary smoke. The March of Dimes strongly supports the comprehensive smoke free legislation proposed in Brentwood, as it would reduce the exposure to tobacco smoke by pregnant women and infants.

Bill Hannegan – Keep St. Louis Free came before the Board and stated that he would like to make an argument in favor of keeping the current exemptions of the County law in place. One

of the effects of smoking bans in bars is the increase of smoke in homes and an increase in the smoke exposure to young children in homes. It is important for adults to have a place where they can go and have a beer or cigarette away from their children. When you take that away from them, they end up smoking at home around their children. The latest Gallup poll found that only 31% of Americans favor a ban as strict as the one the Board is considering tonight. Only 31% of Americans want smoke free bars. When the St. Louis County Council was creating the exemptions, they did not do that arbitrarily. Economists testified before the County Council that casinos and bars, especially bars that do not serve food are most affected by smoking bans. It was because of that economic harm that the Council included those exemptions in the law. Double D Lounge is the type of bar that would be hurt by a smoking ban. He asked that the Board not vote on the smoking ban unless they have been to Double D Lounge and seen the air filtration, air purification system that Donna Wideman has put in place. He has worked with bars all across the country on this issue and the best air purification system in any bar in St. Louis City or County, and any bar across the country, is in the Double D Lounge. He hopes the Board will delay the vote until they have seen what the Double D Lounge has done to deal with the problem of secondhand smoke in the bar.

Donna Wideman – 8905 Moritz came before the Board and stated that she is the owner of Double D Lounge Karaoke Bar. She is a non-smoker, so she is fighting for her business and her customers' rights. There are a couple of things that she doesn't think have been brought into consideration, like remarks that were made on TV, that this is to even the playing field amongst bars in Brentwood. According to Brentwood's issued liquor licenses, three establishments are being targeted and one of them is a private club, not even open to the public. The Board is trying to protect adults, 21 and over. The people that come into her business are aware that other people may smoke and still choose to be there. When they moved to their new location, they had the opportunity to serve food, but they chose not to because of what was going on with the smoking ban. They thought that if their customers wanted to smoke that they would not take on food in order to give them that privilege. Now the Board is trying to take that privilege away from them. OB Clark's, which has been referenced in letters to the mayor and on other occasions, is feeling threatened or somebody is feeling threatened. She does not know where the idea came from, that there was going to be a disparity, because OB Clark's is open on Sundays. Double D Lounge is not open on Sundays. They gave up that privilege when they chose not to put any type of restaurant in their business. They are a night business that opens at 4:00 pm. Their business does not start until the restaurants/bars start winding down which is around 9:00 pm. Mrs. Wideman stated that she does not disagree with the numbers and statistics of smoking but no one has stepped into her business to see the effort that she has made towards a safe, smoke free environment for her customers. They have installed five high-tech air purification systems that cost nearly \$3,000 each. They started with three (3) systems and it was not enough so they added two (2) more. The company that installed them maintains them monthly. She has surveyed many of her customers and they are non-smokers. Her customers are commended for that, but on the other hand, they are commended for understanding the rights of smokers and still choosing to come to her bar. She does not think it is fair for the City to cut their potential income and in the process cut income for the City. It is

very unfair to tell people that are 21 years and over what their rights are and whether they should step into a bar that people smoke in or not.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Bill No. 5558 – Smoking Ban

Motion was made by Alderman Leahy, second by Alderman Marshall to remove Bill No. 5558 from hold. All in favor none opposed.

Motion was made by Alderman Leahy, second by Alderwoman Clements to give Bill No. 5558 second reading. All in favor none opposed.

City Attorney Albrecht gave Bill No. 5558, AN ORDINANCE AMENDING CHAPTER 13 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD MISSOURI BY DELETING SECTIONS 13-250 - 13-255 OF ARTICLE XII, AS IT RELATES TO REGULATION OF SMOKING IN PUBLIC AND WORK PLACES, AND ENACTING IN LIEU THEREOF NEW SECTIONS 13-250 – 13-260 TO ARTICLE XII; 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, second readings.

Alderman Kramer read a synopsis of Bill No. 5558 as a Bill that would amend Chapter 13 of the Brentwood Municipal Code as it relates to the prohibition of smoking. The revised Bill prohibits smoking in any public place including public facilities, places of employment and restaurants and taverns. Certain exclusions apply including 25% of hotel rooms, private residences and private vehicles. The effective date of this Bill is January 1, 2011. The Public Safety Committee reviewed this Bill and recommended its approval.

Alderwoman Krewson stated that she is in support of the legislation. She grew up in a household where her father and brother were heavy smokers and they both died of lung cancer. Her ex-husband was a heavy smoker and he had a heart attack and died. Consequently, she has never been a smoker but she has had heart problems and cancer, so she is in support of the Bill.

Alderman Leahy stated that for the benefit of those who he had the pleasure of meeting during the August 3 election, coming to the polling place in Ward 3, he had three residents that addressed the issue with him and were in favor of it. He had 24 residents that were opposed to the Bill. His mother passed away at age 50 of lung cancer. The Bill, in his opinion, is very similar to the same arguments that came up with St. Louis County's legislation. For a number of years, the City of Brentwood did not tackle this issue for the benefit of the argument that they should address the "no smoking" as a full county/city ordinance or as a possible full statewide law versus doing municipality by municipality. It is odd that the City of Brentwood is immediately jumping back into the leadership role by going back to the municipality by

municipality definition of conforming an ordinance versus giving the St. Louis County ordinance a chance to go into effect and hopefully show them what they are doing right or what might need to be done next. He does not think it is fair at this time to penalize the three businesses in Brentwood that would be affected by the Brentwood change. He understands the argument of those patrons wanting to go to other municipalities to enjoy their vices. He disagrees with the pleasure of the vice, personally, but he does not know where you end up drawing the line if you can keep telling the businesses and residents where you want them and do not want them to smoke. When does government come back and tell you that you can or cannot smoke in your own home. He thinks government in this case is overreaching and it is a bad example for the City of Brentwood to take on. For that reason, he will vote no against the Bill.

Mayor Kelly stated that he appreciates everybody's opinion. He supported St. Louis County's ban on smoking countywide and he would like to see it go statewide. The County ordinance put a number of the businesses at a disadvantage. The same fear that one of our business owners talked about tonight, is the same fear that existing businesses that can no longer have smoking in their establishment is fearful of which is their patrons walking literally across the street to go to another establishment to smoke. It will put some of the businesses at a disadvantage because of the way St. Louis County ordinance was written. The legislation was not done behind closed doors and at the last minute. They started talking about it right after St. Louis County passed their ordinance. They wanted to get it completed this summer so that they could give the businesses as much time as possible because it does not go into effect until January 1 of 2011. As far as he knows, Goff Moll, although it has members, is not a private club. It is open to the public. He has been there before and he is sure many other people that have been there are not veterans but they still go to that establishment. It is important that our businesses all work on the same playing field. It would not be fair to say to one of our restaurants, let us pass a law where one can serve beer and the other one cannot. That would not be equal either. In a situation like this, even though a restaurant/bar serves food, they are being penalized because they serve food to their patrons and the other ones do not. He supports it. He knows it will not make everybody happy but hopes in the long-run surrounding communities will see how important it is and they will pass their own ordinances as well.

Alderman Kramer stated that he was also very much in favor of the original drafts of the legislation when Kurt Odenwald was working on the County Council; working their best to fight against the lobbyist that were against the original drafts of that legislation. He is happy that they have some legislation in place. He hopes that the other communities in St. Louis County follow suit. Many communities are showing a good example for not only the patrons that come into the community that may not even live in the community, but also the workers. In his ward, seventeen were in favor and two were opposed. He has had informal phone calls and conversations with the people in his ward who have expressed their thoughts in favor of its passage. He too has had deaths and illnesses in his family. Personally, he is for the legislation, but also, it is the responsibility of the elected officials to look out for the citizens, that not only live in the community, but also visit the community.

Motion was made by Alderwoman Clements, second by Alderwoman Krewson to approve and adopt Bill No. 5558. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, no; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5558 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4243.

1st and 2nd Readings of Bills No. 5561 through 5569

Motion was made by Alderman Leahy, second by Alderwoman Krewson to give Bills No. 5561 through 5569 first and second readings. All in favor none opposed.

Bill No. 5561 – Brentwood I-64 Gateway Implementation Plan Project

City Attorney Albrecht gave Bill No. 5561, AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF BRENTWOOD, MISSOURI TO ENTER INTO A CONTRACT WITH ST. LOUIS COUNTY FOR THE BRENTWOOD I-64 GATEWAY IMPLEMENTATION PLAN PROJECT; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5561 as a Bill that authorizes the Mayor to enter into a contract with St. Louis County providing for a maintenance agreement for the Brentwood I-64 Gateway project. The City will be responsible for maintaining the landscaped area.

Motion was made by Alderman Leahy, second by Alderman Wynn to approve and adopt Bill No. 5561. 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. 5561 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4244.

Bill No. 5562 – Contract with St. Louis County

City Attorney Albrecht gave Bill No. 5562, AN ORDINANCE AUTHORIZING A CONTRACT WITH ST. LOUIS COUNTY, MISSOURI, FOR PROSECUTION SERVICES THROUGH THE ST. LOUIS COUNTY MUNICIPAL COURT'S MENTAL HEALTH COURT/JAIL DIVERSION PROGRAM, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5562 as a Bill that approves a contract with St. Louis County to allow the City of Brentwood to utilize the County's Mental Health Court. Cases referred to the County's Mental Health Court will bear an expense of \$300 per case with a

maximum fee of \$3,000 per year. This Bill was recommended for passage by the City's Municipal Judge, Prosecutor and Police Department.

Mayor Kelly stated that currently if someone comes into Brentwood court that needs assistance, the judge do not have any alternative but to release them or put them in jail. Under this ordinance and the agreement with St. Louis County, they would be able to obtain assistance through the St. Louis County Mental Health Court.

Motion was made by Alderman Marshall, second by Alderman Robertson to approve and adopt Bill No. 5562. 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. 5562 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4245.

Bill No. 5563 – Litzsinger Road Bridge Improvement Project

City Attorney Albrecht gave Bill No. 5563, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF BRENTWOOD, MISSOURI WITH GERSHENSON CONSTRUCTION COMPANY, INC., FOR THE LITZSINGER ROAD BRIDGE IMPROVEMENT PROJECT; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5563 as a Bill that authorizes the Mayor to enter into a contract with Gershenson Construction for the replacement of the Litzsinger Bridge. The expense of \$714,501.50 is being funded through the Hanley Road Corridor Transportation Development District.

Alderman Marshall asked if the contract states the timeline for completion.

City Administrator Seemayer responded yes.

Alderman Marshall asked what happens if they go past the timeline. He is asking because of a previous project that involved MSD and a contractor that went out of business. The project was delayed and the street was inaccessible for over a year. Since this is a heavily used bridge, he does not want to get into a situation where a year goes by and it is still not accessible. If the contracting company goes out of business, he does not want any problems getting their equipment cleared out in a timely manner.

City Administrator Seemayer stated that the City would be in charge of the project, so they would have the ability to act quickly and work with the bonding company.

Mayor Kelly stated that they checked the qualifications of the contractors a little stronger than MSD. In this case, they are going with the lowest bidder and Gershenson Construction is a good contractor. Everything will be checked out and verified by the city engineer to make sure they are qualified for the job.

Motion was made by Alderman Marshall, second by Alderman Leahy to approve and adopt Bill No. 5563. 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. 5563 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4246.

Director of Planning and Development Rottjakob stated that she anticipates the project starting this fall. They were unable to complete the easement documents before this week because they were working with Missouri American Water to move a waterline.

Alderman Leahy asked if the residents along that area would be notified.

Mrs. Rottjakob responded that they have sent letters to the property owners within 300 feet of the bridge.

Alderman Marshall asked if it would be a benefit to contact the entire neighborhood since they are all using that bridge.

Mrs. Rottjakob responded that they contacted the residents all along Litzsinger, Rosalie, and Eulalie.

Mayor Kelly stated a notice would be put in the next Bulletin as well.

Alderman Marshall suggested putting up a sign at the end of Eulalie about the closure. At the base of the westbound entrance to the bridge, the Department of Natural Resources is monitoring water levels, etc. He asked if the equipment would be moved.

Mrs. Rottjakob stated that the equipment would be relocated temporarily during the project.

Bill No. 5564 – Brentwood/I-64 Gateway Site Improvements

City Attorney Albrecht gave Bill No. 5564, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF BRENTWOOD, MISSOURI WITH N. B. WEST CONTRACTING, FOR THE BRENTWOOD/I-64 GATEWAY SITE IMPROVEMENTS; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5564 as a Bill that authorizes the Mayor to enter into a contract with N.B. West for the Brentwood I-64 Gateway Improvement project. The amount of this contract is \$1,042,472.00 and is being funded through the Hanley Road Corridor TDD.

Alderman Leahy asked how many bid packages went out on the Brentwood I-64 Gateway project.

City Administrator Seemayer stated that it was advertised but seven packets went out to contractors who would work in this type of area.

Alderman Leahy asked if any feedback was received as to why only one bid came in.

Mrs. Rottjakob stated that they mailed notices to bid to about 15 or 20 different contractors but about seven actually picked up the bid packages from County Blue. The feedback they received was that there were bigger projects that contractors were putting together bids for in other locations.

Alderman Robertson stated that the bid that was received came in well under budget.

Mrs. Rottjakob responded that it did and even with the accepted alternates, the base bid was \$1,042,000. The budget is \$1.5 million and the total project including a 10% contingency fee is \$1,387,000, so it is still under the estimated budget.

Alderman Leahy stated that based on City Code they went to open competitive bidding. Because it was competitive bidding and the City only received one bid, are they free to accept the one bid.

City Administrator Seemayer responded yes.

Mayor Kelly stated that the bid has to be approved by the Hanley Road TDD also.

Alderman Kramer asked for an update on the scheduled timeline for the construction.

Mrs. Rottjakob stated that they received the permits for MoDOT but they are not quite done with the permits from St. Louis County. They have asked this project to pay to replace the inlets that were installed as part of the I-64 project. The City has appealed to MoDOT to assist with it and the two agencies are working it out. They still hope to get it started this fall and it will probably take about a year until completion.

Motion was made by Alderman Leahy, second by Alderwoman Clements to approve and adopt Bill No. 5564. 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. 5564 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4247.

Bill No. 5565 – Agreement

City Attorney Albrecht gave Bill No. 5565, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF BRENTWOOD, MISSOURI WITH J. ROBERT GREEN, AIA, FOR A CITY HALL MASTER PLAN BUILDING AND SITE RENOVATION PROJECT; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5565 as a Bill that authorizes the Mayor to enter into a contract with J. Robert Green, AIA, for the City Hall Master Plan and Site Renovation Project. The contract fee of \$87,150.00 is being funded through the Series 2009 COP which is the instrument being used to construct the new Fire Station. The Ways & Means Committee reviewed this proposal and is recommending its approval.

Motion was made by Alderman Marshall, second by Alderman Robertson to approve and adopt Bill No. 5565. 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. 5565 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4248.

Bill No. 5566 – Sewer Lateral Repair Program

City Attorney Albrecht gave Bill No. 5566, AN ORDINANCE ESTABLISHING THE ANNUAL ASSESSMENT FOR 2010 FOR THE CITY OF BRENTWOOD'S SEWER LATERAL REPAIR PROGRAM AT \$40; AND, PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5566 as a Bill that sets the annual assessment for the City's Sewer Lateral Repair Program at \$40.00. The Residents of Brentwood recently passed Proposition 1 that approved a maximum annual fee of \$50. The City has determined that a \$40 assessment is needed to operate the program.

Alderman Kramer stated that the lawsuit having to do with the sewer lateral program has been dropped.

Mayor Kelly stated that the Municipal League and the attorneys that were hired were able to get the lawsuit dropped because no Brentwood residents were complaining about it. The overwhelming passage of the tax shows the success of the program. It is a great service and the Public Works employees do an outstanding job.

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve and adopt Bill No. 5566. 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. 5565 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4249.

Bill No. 5567 – Settlement Agreement with T-Mobile

City Attorney Albrecht gave Bill No. 5567, AN ORDINANCE APPROVING A SETTLEMENT AGREEMENT WITH T-MOBILE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCES, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5567 as a Bill that approves a settlement agreement with T-Mobile Cellular for \$97,869.53 for back taxes owed to Brentwood. This settlement is the same as previously approved with numerous other cell phone providers. None of the settlement funds will be shared with either the Missouri or the St. Louis County Municipal Leagues. The Ways & Means Committee has approved the settlement agreement.

Motion was made by Alderwoman Clements, second by Alderman Leahy to approve and adopt Bill No. 5567. 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. 5567 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4250.

Bill No. 5568 – Mayor and Board Terms

City Attorney Albrecht gave Bill No. 5568, AN ORDINANCE TO CALL AN ELECTION TO SUBMIT TO THE VOTERS OF THE CITY OF BRENTWOOD, MISSOURI, PROPOSITIONS "A" AND "B", TO AUTHORIZE THE CITY TO CHANGE THE TERMS OF THE MAYOR AND THE BOARD OF ALDERMEN; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5568 as a Bill that would approve two propositions for the November 2, 2010 ballot. Proposition "A" would change the term of the Office of the Mayor from two years to four years. Proposition "B" would change the term of office for the

Board of Aldermen from two years to four years. Each proposition requires a simple majority. The Ways & Means Committee has recommended passage of this Bill.

Alderman Leahy asked what is the benefit to the citizens of Brentwood to extend the term of aldermen and mayor for four years.

Mayor Kelly stated that from the mayor's position, this is something they have discussed in the past. Prior to last year, when the State changed the legislation, it would have only taken a vote of the Board in order to change the mayor's term to four years. They had brought it to the Board once when he was an alderman and twice since he has been the mayor and it never was voted on. During those conversations, it was brought up that if the citizens could vote on it then let them. Last year, the State of Missouri changed the legislation for fourth-class cities and it now requires a vote of the people. He does not see any harm in putting a vote to the residents to see if they want the mayor's term to be four years as opposed to two years. From the cities standpoint, it saves money. It costs money to run an election every two years. From the position of mayor, it saves a lot of time, money and effort on behalf of whoever is running for the mayor's position. You can spend anywhere from \$8,000 to \$15,000 on a campaign in order to be reelected when in most cases, it has been just somebody putting their name on the ballot. If you are running for mayor in the city of Brentwood, you have to show the people you want it. It cost \$3,000 to do a mailing. It cost another \$5,000 to buy signs. It takes time away from your duties as mayor, your job and family. There is nothing wrong with putting it before the voters and letting them decide. If the residents decide it will be two years that is fine. That holds true for the aldermen position as well. Richmond Heights' aldermen and mayor have four-year terms. It is not uncommon. It is just how you want to approach your local government.

Alderman Leahy stated that in his opinion, holding the elected body to a review of the citizens as a check and balance every two years is doing service to the citizens that they pledged to do. He does not see a benefit to the citizens by extending their terms. He would love to serve as long as possible, as long as he continues to do a good job and the residents think so then it is a great position, but even when he goes off on the deep end he would like to have the citizens hold him accountable. A two-year term does that.

Alderman Wynn stated that he does not have any problem with the mayor's term. He has a problem changing the alderpersons term because it is very important that they be in front of their constituents as much as possible. It is important to do it every two years, so that the residents could keep closer contact with them. He thinks also that since they don't have a recall procedure they are going to get somebody, someday that they want to get out and it will be four years before they can get that person out, instead of two years. He does not know if going to a four-year term is going to make a better alderman. If there are some changes that need to be made, they should make changes to be better alderpersons and should be making them already, so that they would be as good an aldermen as possible. He has ran twelve times for office and has lost two and won ten. He could look at it very easily as something he wants

to do. He was thinking about it and with the new ordinance, he will save money, time, anxiety, etc. It is not about them. It is about the citizens and they are the ones that count. He would rather see the term stay at two years, not four years.

Alderman Marshall stated that he agrees with Alderman Wynn that the term for the alderpersons should remain at two years. The cost for running the mayor's campaign could be very expensive. As someone who ran in this past April election, with two opponents, he ran a full campaign and it was money out of his pocket and time away from his family for two candidates that did not do anything. You cannot assume that they are not going to do anything. You still have to run a full campaign. He can understand from the mayor's point of view the cost of running a campaign when someone throws his hat in and doesn't do anything because you still have to run a complete campaign and it gets very expensive. He thinks the cost to run a campaign scares people away and you are only guaranteed two years, if you win. If the mayor's term changes to four years, maybe they will get more people running for office.

Alderman Kramer stated that personally, there might be some people discouraged from running for alderman if they think it is going to be just for two years. There is a lot of ability gained, the same as the mayor has the ability gained by history working with the elected officials that are interrupted perhaps detrimentally to the residents and to the city by shortening those terms. When this first came up two years ago, at that particular time, he was not in favor of it because it was just for the mayor's position and in this particular case, they are allowing the residents to decide. He thinks that is where the vote should stand. The elected officials should be out of the picture of this particular topic, and let the residents decide which way they want to go and in this particular case, they have two choices, Propositions A and B. He is for the measure because there is parity between all the elected officials, which is the way it should be.

Alderwoman Clements stated that she agrees with what Alderman Kramer said that they should leave it up to the voters/citizens to decide.

City Administrator Seemayer stated that there is a very good chance that the propositions will not be lettered A and B, because of other measures on the November ballot.

Motion was made by Alderman Kramer, second by Alderman Wynn to approve and adopt Bill No. 5568. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, no; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, no; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5568 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4251.

Bill No. 5569 – Financial Disclosure

City Attorney Albrecht gave Bill No. 5569, AN ORDINANCE READOPTING ORDINANCE NO. 3153, SECTION 2-471 OF CHAPTER 2 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD FOR 1987; PROVIDING FOR THE CURRENT MAINTENANCE OF THIS CODE; PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5569 as a Bill that readopts Ordinance #3153 which approved the City' Personal & Financial Disclosure Policy as required by State Law. This Bill is adopted annually by cities with operating budget over one million dollars and sets forth rules and policies for disclosing personal and financial information for elected officials and the City Clerk/Administrator.

Motion was made by Alderwoman Clements, second by Alderman Marshall to approve and adopt Bill No. 5569. 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. 5569 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4252.

ACCOUNTS AGAINST THE CITY

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor's Report

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve the warrant list dated 8/16/10.

Alderman Kramer asked about the expenditure for Development Strategies, Inc. concerning the Drury TIF project. He asked how many more invoices are expected to be received.

City Administrator Seemayer stated that at this point in time there are none pending. There is no work with city consultants going on. The developer had to make a deposit of \$50,000 with the City and should that amount be exceeded they would have to deposit another sum.

Mayor Kelly stated that this is the total sum for the work that Development Strategies has completed since the beginning. This is the first bill that the City has received from them.

Alderman Kramer stated that at the last meeting an ordinance was passed to pay for the Richmond Heights coop agreement. Is the amount on the warrant list to take care of that bill?

City Administrator Seemayer responded yes. The City just received the bill from Richmond Heights.

Alderman Kramer asked if the agreement was up in July.

City Administrator Seemayer responded yes.

All in favor of approval of the warrant list, Alderman Leahy opposed.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor's Report – No further report

Public Safety Committee – No report

Public Works Committee – No report

Director of Planning and Development – No further report

Ways and Means Committee – No further report

City Attorney – No report

City Clerk/Administrator

Special Use Permit/Frontier Cycle

City Administrator Seemayer stated that the City received a Special Use Permit application from Frontier Cycle located at 829 Hanley Industrial Court. They are planning to have an open house to sell leather-riding apparel on September 25.

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

City Administrator Seemayer stated that Brentwood Days is scheduled for September 17 and 18. Everybody is welcomed and encouraged to attend.

Excise Commissioner

Temporary Liquor Licenses/St. Mary Magdalen

City Administrator Seemayer stated that St. Mary Magdalen turned in applications for the upcoming events: Back to School Parish BBQ on August 28 for the sale of beer and wine, Trivia

Night on November 19 for the sale of beer and wine, School Auction on March 5 to sell beer and wine, Lenten Fish Fries on March 11, 18, 25, April 1, 8, 15 of 2011 to sell beer and wine and the Parish Picnic to be held on June 3 and 4, 2011 to sell beer and wine.

Alderman Kramer asked if the City could approve a next year liquor license temporarily this year.

City Attorney Albrecht stated that he is not aware of anything that would prohibit it.

Alderman Leahy asked what happens if, for whatever reason, they have a problem with one of their events.

City Attorney Albrecht stated that the Board could revoke it. They would have a bigger issue with the State because they still have to apply to the State for each individual license.

Motion was made by Alderman Leahy, second by Alderman Marshall to approve the temporary liquor licenses for St. Mary Magdalen as stated. 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

City Administrator Seemayer stated that the webpage is in the process of being updated. It is almost about a five-month project. It will be finished at the end of this year. The current site will be up the whole time until completion.

Historical Society

Alderman Wynn stated that a meeting was held last Sunday. He would like to thank Dan Fitzgerald for his contribution to the Historical Society. He is doing a lot for the Historical Society.

Alderwoman Krewson announced that Dan Fitzgerald would be the new president of the Historical Society.

UNFINISHED BUSINESS

Alderman Marshall asked for an update on the Sunset Clause for decks, etc.

Director of Planning and Development Rottjakob stated that she has asked Asst. Fire Chief Kurtz to check with the architects and see if they would be willing to make a recommendation for a permanent change, then she would draft the zoning text amendment and take it to the Planning and Zoning Commission.

Alderman Kramer thanked everyone that helped with the successful National Night Out Against Crime that was held at Brentwood Forest Condo Association's pool. Alderman Kramer asked for an update on the closing of Strassner Road and the timeline.

Mayor Kelly stated that it has stalled a little bit in that they are working with the two adjoining property owners. When they went to get easement agreements, one property owner wants to be paid for the easement and the other property owner wants to be paid for the construction easement, so those details are being worked out. They still hope to get it completed this fall. It is only a three-week project.

City Administrator Seemayer stated that it is very close at this point. There were three easements total. One easement is signed, the other one with the construction easement has agreed now, and they are negotiating with the third easement.

NEW BUSINESS

Alderman Leahy stated that the Ward 3 meeting would be held on August 31 at 7:00 pm in the Council Chambers. He thanked everyone that helped with the National Night Out, including the Brentwood Forest Condo for hosting it again this year. He also thanked the Brentwood businesses that took the time to help make the program for the National Night Out work as well as it did. Mark your calendars for next year. It is the first Tuesday in August.

Mayor Kelly thanked the police and fire departments for the outstanding work they have done on the BBQ. They appreciate the time and effort they have put in.

Alderman Marshall stated that there is a Boy Scout in the audience tonight and he believes he is here for a merit badge.

Boy Scout Justin Redferring came before the Board and stated that he is here for the citizenship in the community merit badge from Troop 301, Webster Groves. He attends Brentwood Middle School.

Mayor Kelly stated that one of the things they had talked about at the last meeting was that they were going to come to some kind of conclusion on the recreation center. The Public Works Committee met and some alderpersons and it was decided to hire a structural engineer to look at the building and develop a true cost or more accurate cost if they decide to retrofit and make the improvements to the existing facility.

Alderman Wynn stated that this past week it was interesting to watch the public works employees work on the streets. It was very hot. He thanked them for all that they do.

ADJOURNMENT

Motion was made by Alderman Leahy, second by Alderman Harper to adjourn the meeting at 8:40 pm. All in favor none opposed.

Pat Kelly, Mayor

Attest

Chris Seemayer, City Clerk