

**CITY OF BRENTWOOD, MISSOURI
REGULAR BOARD OF ALDERMEN MEETING
MINUTES**

**City Hall
Council Chambers**

**November 15, 2010
7:00 pm**

Mayor Kelly called the meeting to order and led with the Pledge of Allegiance. Roll call was taken with the following members present: Alderwoman Clements, Alderman Marshall, Alderman Leahy, Alderwoman Krewson, Alderman Kramer, Alderman Robertson and Alderman Wynn.

The following member(s) was absent: Alderman Harper.

Staff present: City Attorney Albrecht, City Clerk/Administrator Seemayer, Director of Planning and Development Rottjakob, Executive Secretary Williams and Asst. Fire Chief Kurtz.

Staff absent: None.

CONSIDERATION AND APPROVAL OF THE NOVEMBER 15, 2010 BOA AGENDA

Motion was made by Alderwoman Clements, second by Alderman Marshall to amend the November 15, 2010 meeting agenda by adding a Special Use Permit for the Optimist Christmas tree lot. All in favor none opposed.

Motion was made by Alderwoman Clements, second by Alderman Wynn to approve the November 15, 2010 BOA agenda as amended. All in favor none opposed.

CONSIDERATION AND APPROVAL OF THE NOVEMBER 1, 2010 BOA MINUTES

Motion was made by Alderman Leahy, second by Alderwoman Krewson to approve the November 1, 2010 meeting minutes. All in favor none opposed.

COMMENDATIONS – FIRE DEPARTMENT

Asst. Fire Chief Kurtz came before the Board and read commendations for fire department employees as follows: He stated that on Saturday, March 27, 2010, Paramedics Rick Kerr and Kevin Seelbach responded to an EMS call for a person inside a building. Upon arrival, they found a 48-year-old male on the floor. The patient had a slight pulse and was barely breathing. The patient was connected to the monitor; IV and airway were quickly established. Moments later the patient quit breathing. The patient was shocked and converted to sinus tach, while the medics continued to assist with ventilation and monitor the vital signs. The person was then transported to the hospital. A family member later reported that they expected full

recovery. Their quick actions saved that person's life. A month later, the patient came into the firehouse and personally thanked the paramedics. The crew citation was given to Deputy Chief Berkel, Paramedic Flamion and Privates Hammer, and Niemeyer. On Sunday, May 9, 2010, Paramedic Steve Brown and his partner Paramedic Eric Rakey responded to an EMS call in the 2000 block of St. Clair. On arrival, they found an adult male in the grass. CPR was being performed by off-duty Brentwood Firefighter David Niemeyer. The victim was in cardiac arrest. CPR continued, IV line was established, and the patient was put on 100% oxygen. The patient was in v-fib and was shocked. After the third shock, the patient responded. The patient was then transported to the hospital and later recovered. Firefighter Niemeyer stayed on the scene and continued to help stabilize the patient. There is also a crew citation for that call, which includes Capt. Albert, Lieutenant Bruno, Private Drexler and Private Carver. On Sunday, October 10, 2010 Paramedic Rakey, along with Paramedic Cottrell responded to an EMS call for a person not breathing. Upon arrival, they found an adult female lying on the kitchen floor in cardiac arrest. They began CPR and IV line was established. The patient was in v-fib and was shocked once and CPR continued. After about a minute of CPR, her pulse returned and she was stable enough to be transported to the hospital. A family member later reported that a full recovery was expected. This past Saturday, the person that was in cardiac arrest, walked into the fire station, along with her husband and children and personally thanked the medics. One of the things he is asked on occasion is why does the fire truck go on EMS calls. Because of the medics quick response, their equipment and the fact that the fire truck goes on all the EMS calls is why those people are alive today.

Mayor Kelly stated that prior to tonight's meeting Asst. Fire Chief Kurtz gave a tour of the new firehouse to the Board members. Mayor Kelly asked for a progress report on the firehouse.

Asst. Fire Chief Kurtz stated that everything for the most part is operational at the fire station. They are on full power. All the mechanical, heating, electrical systems are operational. They started their punch list today, which means that they are fairly close to finishing the project. The furniture will not be in until after Thanksgiving. They are very excited. It is beyond their dreams and expectations. One of the big things they have in the new fire station is the classroom. They will be able to attend a class at the St. Louis Fire Academy without leaving the station through video conferencing. Musick Construction has backed him 100% on issues they have had with the contractors. They are very proud of the results. It will be a very beautiful and well functioning station for a long time.

Alderman Kramer stated that he would like to offer his personal testimony to the outstanding abilities of both the police and fire departments that assisted his ex-wife during an unfortunate incident last week. She was released from the hospital today. He was able to see firsthand, once again the outstanding devotion that these men have for their career. It really meant a lot when seconds make a difference. It is very important; the skills that they presented and the loyalty that they have to their profession. He thanked them from the bottom of his heart for doing what they did.

BIDS – None

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

Bob Loynd, resident at 9365 Parkside came before the Board and stated that he is here regarding the Bates Utility project in their neighborhood. They have contacted the project manager three times about the rocks. It has been about two months and they are still there. He knows they have had some deterioration with their curbs but they were not in the state that they are now after they have had the heavy equipment on them. He would hate to see the City and the taxpayers pay the bill to correct what they have done. He thinks they are trying to get through the process doing only the minimum and he is disappointed with their response.

Mayor Kelly stated that there is a meeting this week concerning the project. It is difficult when it is an MSD project. They are the overriding authority on these projects, not the City of Brentwood. Sometimes it is more efficient that the City takes care of some things. If that is the case, it will happen but the City has to give them a chance to finish what they have started. He said that it would be cleaned up one way or another.

Public Hearing – Amendment to Chapter 25 Division 2

Mayor Kelly announced a public hearing to amend Chapter 25 Division 2 would now be heard.

Director of Planning and Development Rottjakob came before the Board and stated that the change to the zoning code pertains to Special Use Permits. The Planning and Zoning Commission does not make recommendations on Special Use Permits but the definition is in the zoning code. A couple of times, staff has had requests for special uses that take more than three days and the code currently allows three days for special uses. The Planning and Zoning Commission recommended changing the definition to allow a special use without any particular time restriction. That would be up to the approval process. The definition they recommended changing is that Special Use Permits could be approved administratively. Currently, the police chief, assistant fire chief and the zoning administrator review and sign off on the Special Use Permits before they go to the Board of Aldermen. The definition was amended to allow staff to approve Special Use Permits consistent with other reviewed ordinances. If there were a particularly difficult one that was beyond staff or the administrative level, then they would pass it on to the Board of Aldermen. The bill for the change and the rationale will be provided at the next Board meeting.

Alderman Leahy asked for clarification of whether they are asking to remove a three-day processing time limitation.

Director of Planning and Development Rottjakob responded that one of the changes is to remove the three-day time limit for a special use. Currently, a special use can only last three days.

Alderman Marshall stated that if the changes are approved and the three-day limit is removed does that mean that they could see a tent at Home Depot, for example, for three months in the summer.

Director of Planning and Development Rottjakob stated that they would be able to limit it on a case-by-case basis.

Alderwoman Clements asked if Pods come under special uses.

Director of Planning and Development Rottjakob responded no.

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

Hearing none, Mayor Kelly announced the public hearing closed.

Public Hearing – Amendment to Chapter 25, Section 2

Director of Planning and Development Rottjakob stated that the amendment is to the home occupation ordinance. There are a couple of changes that the Planning and Zoning Commission recommended that would make it easier for applicants to apply for home occupation permits and it will also help with enforcement. Currently, the zoning code requires that an applicant for home occupation submit a letter to the zoning administrator and it lists a description of what has to be in the letter. She and the business license director thought it would be easier, since they handle the applications together, to provide an application form to the applicant, so they have created an application. The P&Z Commission also recommended changing the hours of operation. Currently there is no time limit. There was some concern about when home occupations could take place. They had a couple of instances where they have gotten calls about the hours of operation. The P&Z Commission is recommending 7:00 am to 9:00 pm. The P&Z Commission recommended adding to the prohibited uses in the home occupations massage therapy, so no massage therapy business would be allowed as a home occupation.

Alderwoman Clements asked what are some of the home occupations that are in operation in Brentwood.

Director of Planning and Development Rottjakob responded that they have alterations, piano teaching, and photography businesses, etc.

Alderman Wynn asked how would the City know if a home occupation is operating beyond 9:00 pm.

Director of Planning and Development Rottjakob responded that if the City does not know it then it is working fine.

Alderman Leahy asked if the City has any home occupations that repair cars that are being done in driveways and backyards.

Director of Planning and Development Rottjakob stated that they do not authorize that. It is a prohibited home occupation and it would be handled as a code enforcement issue.

With no further comments, Mayor Kelly announced the public hearing closed.

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. 5576 first and second readings. All in favor none opposed.

Bill No. 5576 – Mayor’s Position and Term of Office

City Attorney Albrecht gave Bill No. 5576, AN ORDINANCE AUTHORIZING THE CITY OF BRENTWOOD, MISSOURI TO CALL A GENERAL MUNICIPAL ELECTION TO SUBMIT TO THE VOTERS OF THE CITY OF BRENTWOOD THE MAYOR’S POSITION AND TERM OF OFFICE, AND, PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5576 as a Bill that sets a municipal election for the position of Mayor on April 5, 2011 and changes the term of the office of the Mayor from two years to four years in accordance with the results of the November 2, 2010 election results. If approved the term for the position of Mayor would change from two years to four years following the April 5, 2011 municipal election.

Alderman Wynn stated that his vote was one of the “no” votes to put the issue on the ballot, but since the voters approved it at the November 2, 2010 election, he will vote in favor of it tonight because that seat does not belong to him. It belongs to the citizens.

Motion was made by Alderwoman Clements, second by Alderman Marshall to approve and adopt Bill No. 5576. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes.

The Mayor thereupon declared Bill No. 5576 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4259.

Alderman Leahy stated that they have yet to certify the election results from the St. Louis County Board of Election Commissioners. He assumes it will happen at the next Board meeting.

City Administrator Seemayer responded yes.

Bill No. 5577 – Aldermen’s Positions and Term of Offices

City Attorney Albrecht gave Bill No. 5577, AN ORDINANCE AUTHORIZING THE CITY OF BRENTWOOD, MISSOURI TO CALL A GENERAL MUNICIPAL ELECTION TO SUBMIT TO THE VOTERS OF THE CITY OF BRENTWOOD THE BOARD OF ALDERMEN’S POSITIONS AND TERM OF OFFICES, AND, PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5577 as a Bill that sets a municipal election for the position of Board of Aldermen on April 5, 2011 and changes the term of office for the Board of Aldermen from two years to four years in accordance with the results of the November 2, 2010 election. The term of office shall only change for the members of the Board of Aldermen that shall be elected on April 5, 2011. The remaining Board of Aldermen members shall complete their existing two-year term and the term of office shall change for those members after the April 2012 municipal election.

Motion was made by Alderman Marshall, second by Alderman Robertson to approve and adopt Bill No. 5577. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, no; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes.

The Mayor thereupon declared Bill No. 5577 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4260.

Bill No. 5578 – Municipal Judge’s Position and Term of Office

City Attorney Albrecht gave Bill No. 5578, AN ORDINANCE AUTHORIZING THE CITY OF BRENTWOOD, MISSOURI TO CALL A GENERAL MUNICIPAL ELECTION TO SUBMIT TO THE VOTERS OF THE CITY OF BRENTWOOD THE MUNICIPAL JUDGE’S POSITION AND TERM OF OFFICE, AND, PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5578 as a Bill that sets a municipal election for the position of Municipal Judge on April 5, 2011 and would change the term of office from two years to four years as allowed by State Statute 479.020 (1). The Ways & Means Committee has reviewed this Bill and has forwarded it to the Board of Aldermen for consideration. If approved, the term of office for the municipal judge would change to four years after the April 5, 2011 municipal election.

Mayor Kelly stated that prior to last year, according to state statute, it was up to the Board of Aldermen to set the length of term for the Board, the Mayor and the Municipal Judge's positions in a fourth class city. Last year, state government changed the statutes to require the mayor and aldermen's terms be submitted to the voters of the city if they wanted to change those terms. The statute did not change for the judge's position, so the judge's term is still set by the Board of Aldermen.

Mayor Kelly stated that with respect to the judge's position, it is important to remember that the changing of the term is for the position and not necessarily the person. Ron Hill, municipal judge has served the city for 34 years. People might not always agree with Mr. Hill but he is very dedicated to his position and is highly thought of in the community.

Motion was made by Alderwoman Clements, second by Alderwoman Krewson to approve and adopt Bill No. 5578. Roll call: Alderwoman Clements, yes; Alderman Marshall, no; Alderman Leahy, no; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes.

The Mayor thereupon declared Bill No. 5578 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4261.

ACCOUNTS AGAINST THE CITY

Motion was made by Alderman Marshall, second by Alderwoman Clements to approve the warrant list dated 11/15/10. All in favor none opposed.

Alderman Kramer asked about the expenditure for Bobroff Hesse Martone & Doetzel.

City Administrator Seemayer stated that the expenditure is regarding personnel matters.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor's Report

Mayor Kelly announced that an executive session, legal matter would be held following the regular meeting.

Mayor Kelly stated with respect to the Municipal League, there are some very important issues that will be taking place in the coming year. He urged the elected officials and residents to pay close attention to what is going on at the state government level. Many of their decisions could have great impact on local communities. They need to be diligent in making sure that their voices are heard. There is a huge turnover and many inexperienced legislators at the state level are now serving their first terms in any kind of political service. He does not think that they realize the impact of their decisions on local and smaller governments.

Public Safety Committee – No report

Public Works Committee

A meeting is scheduled for Wednesday, November 17 at 4 pm.

Director of Planning and Development – No report

Ways and Means Committee – No report

City Attorney – No report

City Clerk/Administrator

Special Use Permit

City Administrator Seemayer stated that the Brentwood Optimist is requesting a Special Use Permit for their annual Christmas tree lot. They would like to begin on Friday, November 26 and run through December 23 or when all the trees are gone.

Motion was made by Alderwoman Clements, second by Alderman Leahy to approve the Special Use Permit for the Brentwood Optimist Christmas tree lot. All in favor none opposed.

Municipal League – No further report

Communication – No report

Historical Society – No report

UNFINISHED BUSINESS

Alderman Marshall asked for an update on the Litzsinger Bridge.

Mayor Kelly stated that they have resumed work.

Director of Planning and Development Rottjakob stated that the work is a couple of weeks behind. They are doing a creek excavation and are getting ready to do the foundation work. They have signed the contract with one of the subcontractors that will be doing the materials testing for the bridge and that will be starting soon. All the utility work is done.

Alderman Wynn stated that he was in the area this afternoon and it seems like they are making it a lot wider.

Mrs. Rottjakob stated that they would have to shore up the creek bed to help support the bridge structure, so it may look like they are taking out huge chunks.

Mayor Kelly stated that the enhancement project at Eager Road and Brentwood Boulevard has not started yet. They are waiting for materials to arrive.

Mrs. Rottjakob stated that the last update she has heard was that the materials should be in the first week of December.

Alderman Marshall stated that he noticed that the water monitor is still there. Are they going to move it down creek?

Mrs. Rottjakob stated that they agreed to relocate it.

Alderman Kramer asked about the advertisement campaign for the holidays.

Mayor Kelly stated that the Ways and Means Committee approved the funding to proceed with the radio campaign, much like what was done last year, to promote the businesses in the Brentwood community. They received positive results from the campaign last year, and are that it will be as effective this year.

NEW BUSINESS

Alderman Leahy stated that the Boy Scouts and Cub Scouts of the city of Brentwood handed out the Scouting for Food bags throughout the city. Saturday, November 20th is the anniversary of the Scouting for Food program that helps to put food in the St. Louis area pantries. This year, the need is very great and they are asking that the citizens of Brentwood take the time to be generous. If you did not receive a white bag, the Scouts will take a Schnucks, Dierbergs, bag, etc. The Scouts thank the Brentwood Fire Department for making the firehouse available as a collection point for the city.

The Ward 3 meeting will be held on Tuesday, November 30 at 7 pm in the Council Chambers.

Recess

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

Motion was made by Alderwoman Clements, second by Alderman Marshall to reconvene the meeting at 7:45 p.m. All in favor none opposed.

Executive Session

Motion was made by Alderman Wynn, second by Alderman Marshall to enter into executive session, legal matter at 7:46 pm. All in favor none opposed.

After discussion, motion was made by Alderman Leahy, second by Alderman Marshall to return to open session at 7:56 pm. All in favor none opposed.

ADJOURNMENT

Motion was made by Alderwoman Krewson, second by Alderman Wynn to adjourn the meeting at 7:57 pm. All in favor none opposed.

Pat Kelly, Mayor

Attest:

Chris Seemayer, City Clerk