

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

**City Hall
Council Chambers**

**May 16, 2011
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 Leahy, Alderman Kramer, Alderman Robertson, Alderman Wynn and Alderman Harper.

Staff present: City Attorney Albrecht, Director of Planning and Development/Interim City Administrator/City Clerk Rottjakob, Executive Secretary Williams.

Absent: Alderwoman Krewson and Alderman Marshall.

CONSIDERATION AND APPROVAL OF THE MAY 16, 2011 BOA MEETING AGENDA

Motion was made by Alderwoman Clements, second by Alderman Leahy to approve the BOA meeting agenda of May 16, 2011 as submitted. All in favor none opposed.

CONSIDERATION AND APPROVAL OF THE MAY 2, 2011 BOA MEETING MINUTES

Motion was made by Alderman Leahy, second by Alderman Robertson to accept the May 2, 2011 BOA meeting minutes as submitted. All in favor none opposed.

PROCLAMATION – YOUTH ART MONTH

Alderman Wynn read a proclamation for Youth Art Month into record.

Mayor Kelly thanked, congratulated and presented Certificates of Recognition to the art students in attendance whose art work are displayed in City Hall.

BIDS – Motorized Utility Vehicle

Interim City Administrator/City Clerk Rottjakob reported that the motorized utility vehicle bids were read at the last meeting. She stated that the Director of Parks & Recreation Frankowski had planned to take the bids to the Ways and Means Committee meeting, but the meeting was cancelled.

City Attorney Albrecht stated that the Code allows the Board to confer to a committee the authority to accept the bids and then report the action back to the full Board at the next meeting. He stated that Ms. Frankowski is concerned about the bid expiring before the next Board meeting.

Mayor Kelly suggested that since the equipment is a budgeted item, the bids could go back to the Public Works or Ways and Means Committees.

City Attorney Albrecht pointed out that it would require a vote of the Board to authorize the Committee to take action on the bids.

Motion was made by Alderwoman Clements, second by Alderman Leahy to authorize the Committee to take action on the motorized utility vehicle bids. All in favor none opposed.

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

None

Presentation – Resource Management

Gary Gilliam, Representative from Resource Management came before the Board to give an update of the recycling in the city of Brentwood. He reported that last year, the city had a waste total of 2419.86 tons of trash, recycling was 607.71 tons and a waste diversion of 20.12%. Utilizing the recycling, diverted waste cost of \$22,485.27. Last year, the City was paid \$4,839.54, for a total diversion and payment for material of \$27,324.81, and some improvement has been shown in 2011. The average cost in 2010 for the recycling product delivered was \$20.78. The average price per ton for recycling is \$46.73. The recycling product has a value well above what it carried in the last two to three years. Overall, it is one of the highest values they have seen in several years. The trend shows that the equity in the material has a value that people are willing to pay for and that is why the value of the product is rising. The total waste for the first four months in 2011 was 751.62 tons. The recycling values were 216.98 tons and the diverted waste cost was \$8,028.26. The total recycling that they paid rebate on was \$10,096.76, so the diverted, plus new revenue cost is \$18,125.02. Brentwood averages about 3,028 tons of waste and recycling. If the city could reduce its waste by 50%, costs to the landfill could be reduced by \$56,000 in a year. If the city maintains its current value of recycling, it would add another \$70,000 of revenue. In essence, the City could find \$126,749.22 in revenue. If you are looking for revenue and an avoidance of cost, recycling is doing it this year. Education is the key to raising recycling amounts. Mr. Gilliam presented a check to Mayor Kelly for \$2,928.82 for April recycling and extended an invitation to the Board and residents to tour their facility.

Alderman Kramer asked Mr. Gilliam for his thoughts on the level of commercial/business recycling in St. Louis County and ways to improve it.

Mr. Gilliam pointed out that one of the things that has taken place over the last five or six years is the single stream recycling and Brentwood was the first to adopt it. As the recycling carts came into play in homes, and people realized how much they could recycle, they immediately talked to businesses and asked why they were not recycling. It is a great time to seek and find a

means to recycle. Businesses are no longer dodging recycling; they are embracing it and seeing it as a revenue stream as well.

Alderwoman Clements stated that the recyclables outnumber the trash by five to one in her household. She hopes all residents will get more involved in recycling.

Mayor Kelly pointed out that Dennis Wilson has been running the program, which is one of the reasons it has been so successful. The City appreciates Mr. Wilson's efforts.

Public Hearing - Conditional Use Permit - 2550 Hermelin Avenue

Mayor Kelly announced a public hearing for a conditional use permit for 2550 Hermelin Avenue would now be heard.

Director of Planning and Development Rottjakob reported that the request is for a site plan and conditional use permit approval for All Critter Care. It is a pet care facility, in an 8,000 square foot building located at 2550 Hermelin Avenue. The P&Z Commission has reviewed the request and is recommending approval.

Karen Smith, resident at 8930 Harrison Avenue came before the Board and asked if there will be pets inside the building? She asked if it is in a flood plain.

Director of Planning and Development Rottjakob responded that they would have pets in the building. Part of it is located near the flood plain, but it is not all within the flood plain.

Ms. Smith asked if they would have backup procedures in place if the building floods.

David Hutkin – Hutkin Development Company, 10829 Olive Blvd., Creve Coeur, MO 63141 came before the Board and stated that the proximity of Black Creek positions part of their parking lot in the flood plain, but the finished flow elevation where humans and pets would be is well above the hundred year flood and the five-hundred year flood as well.

Alderman Leahy asked if there will be any fencing around the property to allow an outdoor run, and will MSD have a problem with putting fencing in a flood area.

Mr. Hutkin responded that there would be an outdoor run area. In response to the question about MSD, Mr. Hutkin stated that he does not know, but they will not do anything that is not permitted.

Director of Planning and Development Rottjakob pointed out that a fence is proposed around the outdoor play area and around the dumpster enclosure. It has been reviewed by the city engineer and discussed with MSD and both have given their approval of the site plan and the proposed improvements.

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

Alderwoman Clements stated that she would like to remove Bill No. 5598 from hold. She stated that after discussion, it was determined that the 50 pound weight limit would protect the collectors. Some residents in the community have loaded the big containers with broken concrete, which could destroy the equipment. Leaving it at the 50-pound limit will protect the employees and the equipment.

Interim City Administrator/City Clerk Rottjakob stated that after discussion at the last meeting about having different weights for different size cans they thought it would be easier to administer if it was uniformed.

Alderman Kramer asked for clarification on the proposed change in wording that was discussed at the last meeting.

Alderman Leahy responded that his amendment was that all hand lifted containers be limited to 50 pounds because the 96-gallon containers would probably weigh more than 50 pounds, which would defeat the purpose of getting the bigger containers to be connected to the truck and dumped.

Motion was made by Alderwoman Clements, second by Alderman Wynn to remove Bill No. 5598 from hold. Roll call: Alderwoman Clements, yes; Alderman Leahy, no; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper; no.

1st and 2nd Readings of Bills

Motion was made by Alderwoman Clements, second by Alderman Robertson to give Bills No. 5598, 5602, 5603 and 5604 first and second readings. All in favor none opposed.

Bill No. 5598 – Solid Waste Precollection Requirements

City Attorney Albrecht gave Bill No. 5598, AN ORDINANCE AMENDING CHAPTER 20, ARTICLE II, OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, MISSOURI BY ADDING A NEW PARAGRAPH (c) TO SECTION 20-16, AS IT RELATES TO SOLID WASTE PRECOLLECTION REQUIREMENTS; 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, first and second readings.

Alderman Kramer read a synopsis of Bill No. 5598 as a Bill that was placed on hold at the May 2 meeting. It would amend Chapter 20 of the Brentwood Code to establish a maximum weight limit of fifty (50) pounds for containers placed for the collection of garbage, refuse or yard waste. The Public Works Committee reviewed the bill and made a positive recommendation.

Alderman Leahy stated for clarification that the motion at the last meeting was to send Bill No. 5598 back to Committee, so there is no motion currently on the bill under consideration.

Motion was made by Alderman Leahy, second by Alderman Harper to amend Bill No. 5598 to limit the 50-pound weight limit to the hand lifted containers only.

Alderman Kramer asked if Bill No. 5598 was discussed in a Public Works Committee meeting since the last BOA meeting.

Alderman Robertson responded no.

Alderman Leahy pointed out that the Public Works Committee reviewed the original bill, but no committee discussion since that time.

Dennis Wilson, Supervisor of the Sanitation Department came before the Board and stated that he had not attended any of the Public Works Committee meetings pertaining to the weight limit on trash containers. The 90-gallon carts could hold 150 to 200 pounds on recycling alone, if you have a lot of glass, tin or newspapers. He suggested that sometime in the future, the City should consider getting away from using the cans for yard waste, which could weigh around 100 pounds. They could also set a 50-pound weight limit for 30-gallon containers.

Alderman Leahy stated that when they talk about bricks, broken concrete, or materials, he believes the Code states that those items are not collected by the City.

Mr. Wilson responded that they do not collect any construction materials, but people still put the materials on the bottom of the 90-gallon carts, put trash on top, and place it for collection. He stated that it could damage the trucks and the carts.

Alderwoman Clements stated that she knows the big containers can hold 150 to 200 pounds but where do they draw the line for the homeowners. If they have a weight limit on the containers, they do not run that risk.

Mr. Wilson stated that he would like to see the City eliminate yard waste cans. The residents could mulch the grass or use bags and that would eliminate the biggest weight problem.

Alderwoman Clements asked Mr. Wilson if he would like the trash container/weight issue to go back to the PW Committee for further review.

Mr. Wilson responded that he thinks it would be best.

Alderman Harper withdrew his second and Alderman Leahy his motion to amend Bill No. 5598.

Motion was made by Alderwoman Clements, second by Alderman Leahy to place Bill No. 5598 on hold and return to committee for further discussion. All in favor none opposed.

Bill No. 5602 – Beverage Agreement

City Attorney Albrecht gave Bill No. 5602, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A BEVERAGE AGREEMENT ON BEHALF OF THE CITY OF BRENTWOOD, MISSOURI WITH BOTTLING GROUP, LLC, FOR SODA VENDING FOR BRENTWOOD PARKS AND RECREATION; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5502 as a Bill that would authorize the mayor to execute an agreement on behalf of the city of Brentwood with Bottling Group, LLC, which is comprised of Pepsi Beverages Company. The department of parks and recreation solicited bids from six vendors for its soda-vending contract and received two responses. The Public Works Committee has reviewed the proposals and is recommending approval of this bill, awarding the contract to Pepsi Beverages Company.

Alderwoman Clements stated that City Attorney Albrecht distributed a proposed addition to Exhibit A, which adds #18 to the agreement.

Motion was made by Alderwoman Clements, second by Alderman Robertson to amend Bill No. 5602 by adding #18 to Exhibit A to read, "This agreement shall not apply to sales of beverages by vendors, other than Customer, who are authorized to sell food or beverages at any Brentwood park or the Brentwood Golf Tournament".

City Attorney Albrecht stated that Alderman Leahy expressed some concern about the exclusive arrangement in terms of how it would apply to vendors at Brentwood Days and the Golf Tournament. He does not believe it was the intent of the agreement to affect vendors at Brentwood Days but as the agreement is worded, it could.

Alderman Leahy stated that the wording in the agreement establishes that any special events and anything that is held on City property, managed by the Parks Department, falls under this agreement.

Roll call on the addition of #18 to Exhibit A: Alderwoman Clements, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Alderman Leahy stated that the agreement is a five-year agreement with a three-year renewable option. He believes state statute limits the Board to "x" number of years in the way of commitment.

City Attorney Albrecht responded that it would not apply because the agreement does not require an annual appropriation.

Alderman Leahy asked how the approval of the agreement financially influences how the drinks are dispensed, in terms of vending and fountains machines.

Interim City Administrator/City Clerk Rottjakob stated that this contract includes both the vending machines and the fountain soda.

Alderman Leahy stated that they measure everything in gallons in the terms of the agreement. How is that going to be handled in the sale of cans and bottles?

Mrs. Rottjakob responded that in regards to the vending machines, they get a percentage of the commission based on the type of item. For the soda fountain, it is straight profit after they have paid for the cups and so forth.

Alderman Leahy asked how the concession revenue would be affected if they go with this agreement versus the machines.

Mrs. Rottjakob stated that according to Parks Director Frankowski, they tracked the amount sold from the soda fountain last year. Even though the cost per gallon might be a little bit higher before the rebate for the fountain soda, with what they are getting in annual revenue, which is a \$2,000 marketing fee, plus the 25 cases of soda or water, they will be much better off than they were with the previous year's contract.

Alderman Leahy stated that he is not aware of the Public Works Committee reviewing the agreement.

Alderman Robertson stated that the agreement was not discussed in a Public Works Committee meeting. He pointed out that it is a financial issue, so he does not think it is a public works issue.

Alderman Leahy stated that he would like more information on the agreement. For 35 years, they have not had any agreement that he is aware of. He is not sure why they are going to something of this nature and he would like some more information to make a decision.

Motion was made by Alderman Leahy to send Bill No. 5602 sent to the Public Works Committee for further review. There was no second to Alderman Leahy's motion.

Alderman Kramer asked City Attorney Albrecht if they needed to put something else in the Bill regarding other events such as the Holiday Open House, etc.

City Attorney Albrecht responded that his understanding is that Pepsi was to be the sponsor of the Brentwood Concert Series. After he heard about Alderman Leahy's concerns about Brentwood Days, he wanted to make sure that certain things were specifically excluded.

Motion was made by Alderman Kramer, second by Alderwoman Clements to approve and adopt Bill No. 5602 as amended. Roll call: Alderwoman Clements, yes; Alderman Leahy, no; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5602 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4282.

Bill No. 5603 – 1775 Parkridge Avenue

City Attorney Albrecht gave Bill No. 5603, AN ORDINANCE APPROVING A FINAL PLAT SUBDIVISION OF A PARCEL LOCATED AT 1775 PARKRIDGE AVE. INTO TWO (2) LOTS AND ESTABLISHING THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5603 as a Bill that would approve a final plat for property located at 1775 Parkridge Ave. This is the location is the location of the former administration offices of the Brentwood School District. In 2009, the school district relocated its offices to 1201 Hanley Industrial Court, and has since marketed the subject property to be redeveloped as two single-family residential lots. The Planning & Zoning Commission has completed its review of this application and recommends approval.

Alderman Kramer asked about the ingress and egress that the Parkridge and Brentwood Forest residents use to go back and forth on the sidewalks. If they build two homes on that property, are they going to preserve that access?

Mrs. Rottjakob responded that she does not think that it was part of the subdivision plat process but it is something that could be discussed when it goes to the architectural review board.

Motion was made by Alderwoman Clements, second by Alderman Wynn to approve and adopt Bill No. 5603. Roll call: Alderwoman Clements, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5603 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4283.

Bill No. 5604 – All Critter Care, LLC

City Attorney Albrecht gave Bill No. 5604, AN ORDINANCE GRANTING APPROVAL OF A SITE DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT TO ALL CRITTER CARE, LLC AT PROPERTY NUMBERED 2550 HERMELIN AVENUE WHICH PERMITS UNDER THE PROVISIONS OF CHAPTER 25 OF THE BRENTWOOD CITY CODE THE DEVELOPMENT OF THAT SITE FOR USE AS A PET CARE FACILITY; PROVIDING THE CONDITIONS OF SUCH DEVELOPMENT; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5604 as a Bill that would approve a site development plan and conditional use permit for a pet care facility, All Critter Care, at 2550

Hermelin Avenue. The Planning & Zoning Commission has completed its review of this application and recommends approval.

Alderman Wynn asked how close is the nearest home to the business.

Mayor Kelly stated that Hermelin Avenue is located off Hanley Road in an industrial area.

Alderwoman Clements asked about the pets that will be held in the facility.

Kristen Green, owner of All Critter Care, LLC came before the Board and stated that their business provides services to all kinds of pets. The Hermelin Avenue facility will only service canines. The name of the building will not be All Critter Care, but it is what they have established so far, and eventually it will change. It will be a boarding, daycare, spa and training facility.

Alderman Kramer asked if the canines would be inside at night.

Ms. Green responded yes. When they are outside, they will be supervised. Dogs typically bark when left unattended or have anxiety. The idea behind this facility is that they have the dogs interacting with people and with one another to prevent that type of boredom.

Alderwoman Clements asked about the capacity of the facility.

Matt Bowler, 7348 Bruno Avenue, Richmond Heights came before the Board and stated that the daycare capacity will be 70 dogs and boarding is 30 dogs.

Motion was made by Alderwoman Clements, second by Alderman Harper to approve and adopt Bill No. 5604. Roll call: Alderwoman Clements, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

The Mayor thereupon declared Bill No. 5604 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4284.

ACCOUNTS AGAINST THE CITY

Alderman Leahy asked if the expenditure for Crawford, Bunte, and Brammeier regarding the engineering study for Bright Beginnings is reimbursable.

Interim City Administrator/City Clerk Rottjakob responded that the City paid for it out of the engineering fees.

Alderman Kramer asked about the expenditures for Sieveking Inc., Rejis Commission and Monitor Systems.

Mayor Kelly stated that the expenditure for Sieveking, Inc. is for motor oil for the public works vehicles, the expenditure for Rejis Commission is for the police record keeping system and Monitor Systems is providing the new mobile radar trailer, which will replace the old one.

Motion was made by Alderwoman Clements, second by Alderman Leahy to approve the warrant list dated 5/16/11 as submitted. All in favor none opposed.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor's Report

Mayor Kelly announced an Executive Session, legal and personnel matters will be held following the meeting.

Mayor Kelly stated that the Thornton's closing date is May 25 on the property located at White Avenue and Brentwood Blvd. Their intent is to immediately work to take the building down. The property is still contaminated so they have to excavate a lot of the dirt in order to be cleared with the Department of Natural Resources.

Mayor Kelly stated that the City has helped the City of Rock Hill over the years with some of their communication needs, specifically, the sharing of the dispatching system. Rock Hill is looking to install a new phone system and would like to use the same system the City is using, which would help with the transfer of calls. Brentwood will pay for the system, and then the City of Rock Hill will reimburse Brentwood.

Mrs. Rottjakob stated that the approximate cost of the system is \$30,000. Rock Hill has requested Brentwood's assistance in financing the system over 48 months. They will be relocating to their new city hall location in June. IT Manager Schilling has been working with Rock Hill to put the proposal together but there was not time to get the agreement put together in time for this meeting, so Rock Hill wanted them to bring it to the Board to get a sense of if they would support the concept. Rock Hill will pay the City 6% interest over the 48 months.

Mayor Kelly stated that they should have the agreement ready by the June 20 meeting. He asked if the Board had any concerns.

Alderman Leahy stated that from his understanding they are asking to connect the phone system into the City Hall building, and the police and fire departments. Is the cost effective that they are using all three locations?

Mrs. Rottjakob responded yes.

Alderman Leahy asked if there is any violation with the City's current phone system contract.

Mayor Kelly stated that the City's system is paid off.

Alderman Leahy asked if there was a limitation when the phone system was purchased that it was for the City of Brentwood. If they expand it to the City of Rock Hill, are they violating the agreement?

Mayor Kelly responded no.

Mrs. Rottjakob stated that they have been working with ShoreTel to put the agreement together.

Mayor Kelly distributed a committee appointment list and stated that everything is the same as last year, except for one addition to the ARB of a new member and extending the dates.

Motion was made by Alderwoman Clements, second by Alderman Kramer to approve the committee appointment list as submitted. All in favor none opposed.

Mayor Kelly announced that the summer schedule for the BOA meetings would start next month. The BOA meetings will be held on the third Mondays of June, July and August.

Public Safety Committee – No 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/Brentwood Parks & Recreation Summer Concert Series and Brentwood Days

Mrs. Rottjakob stated that they have an application for a Special Use Permit to allow alcohol in Brentwood Park for the Summer Concert Series and Brentwood Days. The dates for the Special Use Permit are June 10, July 8, August 12, September 17 and September 17.

Motion was made by Alderman Leahy, second by Alderman Robertson to approve the Special Use Permit for the Summer Concert Series and Brentwood Days. Roll call: Alderwoman Clements, yes; Alderman Leahy, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Excise Commissioner – No report

Library – No report

Municipal League – No report

Communication – No report

Historical Society – No report

UNFINISHED BUSINESS

Alderman Kramer asked if there is an update of the application for the PetsMart pet hotel.

Mayor Kelly stated that he has spoken to the manager within the last six months about if they still intend on doing it, but they did not get an extension.

Mrs. Rottjakob stated that she would follow up with them.

Alderman Kramer asked for an update on Mr. Toliver's hot dog cart.

Mrs. Rottjakob stated that it would be taken to the Planning and Zoning Commission. Mr. Toliver attended one of the Planning and Zoning Commission meetings and they were okay with the concept of having a mobile food cart ordinance added to the zoning code, so they are working on that right now.

NEW BUSINESS

Alderman Leahy announced a Ward 3 meeting would be held on Tuesday, May 31 at 7:00 pm in the Council Chambers.

Alderman Leahy stated that St. Mary Magdalen's Parish Picnic is this Friday and Saturday.

Recess

Motion was made by Alderwoman Clements, second by Alderman Leahy to recess the meeting at 8:00 pm. All in favor none opposed.

Reconvene

Motion was made by Alderwoman Clements, second by Alderman Leahy to reconvene the meeting at 8:05 pm. All in favor none opposed.

Executive Session

Motion was made by Alderwoman Clements, second by Alderman Leahy to enter into executive session on legal and personnel matters at 8:06 pm. All in favor none opposed.

After discussion, motion was made by Alderwoman Clements, second by Alderman Leahy to return to open session at 9:35 pm. All in favor none opposed.

ADJOURNMENT

Motion was made by Alderwoman Clements, second by Alderman Leahy to adjourn the meeting at 9:36 pm. All in favor none opposed.

Pat Kelly, Mayor

Attest:

Ellen Rottjakob
Interim City Administrator/City Clerk