

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

**City Hall
Council Chambers**

**March 7, 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, Alderwoman Krewson, Alderman Kramer, Alderman Robertson, Alderman Wynn and Alderman Harper.

Absent: Alderman Marshall.

Staff present: City Attorney Albrecht, City Clerk/Administrator Seemayer, Director of Planning and Development/Asst. City Administrator Rottjakob, Executive Secretary Williams, Director of Park & Recreation Frankowski.

Mayor Kelly announced that Alderman Marshall is doing extremely well on his road to recovery and that if he is released after his doctor's appointment this Thursday, he will start physical therapy next Monday. Alderman Marshall sent thanks to everybody for their support and prayers.

CONSIDERATION AND APPROVAL OF THE MARCH 7, 2011 BOA MEETING AGENDA

Motion was made by Alderwoman Clements, second by Alderman Wynn to accept the BOA meeting agenda of March 7, 2011. All in favor none opposed.

CONSIDERATION AND APPROVAL OF THE FEBRUARY 7, 2011 BOA MEETING MINUTES

Motion was made by Alderman Leahy, second by Alderman Robertson to approve the February 7, 2011 BOA meeting minutes. All in favor none opposed.

BIDS – Strassner and Brentwood Landscape Maintenance

City Administrator Seemayer stated that bids were opened on February 10 for the maintenance of the berm at Strassner Road and Brentwood Boulevard. One bid was received from SFP Landscaping, Inc. for \$9,309.00. That bid is in the form of Bill No. 5591, which is on the agenda for consideration this evening.

Mayor Kelly asked how many bid packets were sent out.

Director of Planning and Development Rottjakob responded that 12 to 15 bid packets went out.

**HEARING OF ANY MATTER OF PUBLIC INTEREST UPON REQUEST OF ANY PERSON PRESENT –
None**

Public Hearing – Amendment to Chapter 25

Mayor Kelly announced a public hearing for the amendment of Chapter 25 would now be heard.

Director of Planning and Development Rottjakob came before the Board and stated that the Planning and Zoning Commission recommended an amendment to Division 3 of the zoning code to reduce the setback requirements for swimming pools from 15 feet to 10 feet. Recently, an application was submitted for a swimming pool and it came to their attention that the building and the zoning codes were in conflict. The building code requires a 10-foot setback and the zoning code requires a 15-foot setback. They agreed, especially given the lot sizes in most of Brentwood, that a 10-foot setback was reasonable. After the Planning and Zoning Commission and subcommittee reviews, the 10-foot setback for swimming pools was recommended.

Mayor Kelly asked if there were any comments from the audience in regards to the amendment to Chapter 25.

Hearing none, Mayor Kelly announced the public hearing closed.

Presentation by GBA Architects – Building Assessment

Director of Parks & Recreation Frankowski came before the Board and stated that Suzanne Berkey and John Choinka are here tonight representing GBA Architects. Suzanne will present the results of their assessment of the Brentwood Parks & Recreation facility.

Suzanne Berkey came before the Board and stated that everyone should have a copy of a PowerPoint presentation at their places. There are also some building drawings of the site for review and electronic copies are available as well. Ms. Berkey stated that she has been employed with GBA for four years and John Choinka, from the O'Fallon office is a civil engineer with the firm, and they have architects and engineers within the company. Their headquarters is located in Lenexa, Kansas, but they have 164 employees in different locations. They are an integrated, multi-disciplinary firm, with architecture, MEP, structural, civil and fire protection, as well as commissioning, all in-house in different locations across the US. Their company was a good candidate to do the report because they have all the discipline to be able to evaluate the building from a holistic perspective. The City contracted with them to evaluate the existing Brentwood Community Center. They were asked to determine the long-term viability of the building, evaluate the existing conditions and the work needed for repairs and maintenance issues, and identify areas of improvement. A couple of conceptual expansion options were developed. Along with the concepts developed, they provided a rough estimate of phases with

the schedule and timeframe of the work needed, and estimated a probable cost for the work. Ms. Berkey went over the Building Assessment report, which is available for viewing in the Brentwood Library and on brentwoodmo.org. She stated that the building as they see it, and from a structural, mechanical, electrical, and architectural standpoint seems to be viable and structurally sound for use in the future. The things that need to be done are normal maintenance/repair items. There is room to grow on the site, approximately 8,455 square feet. It seems to be an economical decision to maintain and bring the building up to date. If more square footage is needed, than the additional 8,455 square feet, Concepts 1 and 2 seem to be viable options. After the presentation of the Building Assessment report, the Board was given the opportunity to ask questions.

Mayor Kelly stated that the information in the Building Assessment report would be reviewed in the Public Works Committee meeting.

Alderman Kramer asked if the amounts for Concepts 1 and 2 are separate amounts from the cost of updating the existing facility.

Ms. Berkey responded that they are separate amounts.

Alderman Kramer stated that it would appear that the structural deficiencies in the existing building are relegated to the slab and not necessarily the structure itself, so that there would not need to be any boring or any type of pier to the structure. Additionally, the roof system that is on the existing building does not allow for expansion upwards. Laterally is preferred. The expansion for Concept 1 and Concept 2, which is the lateral towards the street, would not require any type of pier or the soil load conditions existing under the projected path of the expansion would not require any reinforcement.

Ms. Berkey stated that her understanding from the structural engineer is that if Concept 1 or Concept 2 goes forward, there would be piers drilled to the bedrock similar to the structure in the existing building and the current soil conditions would support future expansion.

Mr. Choinka stated that they would have a geotechnical engineer perform soil borings, and make a recommendation on the type of foundation to construct. They are basing it on the site conditions when it was originally developed and where those borings were taken underneath the footprint. They may be different where the new expansion is proposed. However, they will not know that definitely, until they have a geotechnical report and engineer look at it.

Alderman Kramer asked if Concept 2 would be a two-story expansion.

Ms. Berkey stated that it would be higher from floor to ceiling but not two-stories.

Alderman Kramer asked if it were on the lateral side of the building, how high above the roofline is Concept 2.

Ms. Berkey responded that there are several different possibilities. You could potentially sink that building into the ground because there is a 4 foot x 8 inch difference between the two heights. If you sink it to be at the level of the supportive building to the ice rink, then it would create a different dynamic. It would be substantially higher. In creating that height, you create snowdrift problems, structurally. That would have to be looked at as well, depending on what it ends up being.

Alderman Leahy stated that the proposal states that they are looking at replacing the electrical, heating and cooling units that are there. Is he correct that they are not addressing replacement of the cooling unit that makes the ice for the skating rink?

Ms. Berkey stated that it is a separate charge. Renovating the ice rink was not something they specifically addressed.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Motion was made by Alderman Leahy, second by Alderwoman Krewson to place Bill No. 5594 on hold, until the full Board is present. All in favor none opposed.

1st and 2nd Readings of Bills

Motion was made by Alderwoman Clements, second by Alderman Leahy to give Bills No. 5589, 5590, 5591, 5592 and 5593 first and second readings. All in favor none opposed.

Bill No. 5589 – Amending Chapter 14

City Attorney Albrecht gave Bill No. 5589, AN ORDINANCE AMENDING CHAPTER 14 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, MISSOURI BY ADDING A NEW PARAGRAPH TO SECTION 14-357, AS IT RELATES TO DIMMING OF LIGHTS; PROVIDING FOR THE CURRENT MAINTENANCE OF THIS CODE; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5589 as a Bill that adds a section to our traffic code that makes it a violation to drive a vehicle with the high beam lights into oncoming traffic or when following a vehicle.

Alderman Kramer asked if the matter was brought up in the Public Safety Committee meeting.

Alderwoman Clements responded that it was discussed in the Public Safety Committee meeting at the request of Police Chief Disbennett. The dimming of the lights is a law in the County, but Brentwood officers were not able to write tickets, so the request is to make it a law in Brentwood.

Motion was made by Alderwoman Clements, second by Alderman Harper to approve Bill No. 5589. Roll call: Alderwoman Clements, 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. 5589 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4271.

Bill No. 5590 – Amending Chapter 14

City Attorney Albrecht gave Bill No. 5590, AN ORDINANCE AMENDING CHAPTER 14 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, MISSOURI BY DELETING A PARAGRAPH IN SECTION 14-1030, SCHEDULE DD, AS IT RELATES TO THROUGH STREETS, AND ADDING A NEW PARAGRAPH TO SECTION 14-1031, SCHEDULE EE, AS IT RELATES TO SCHOOL STOPS; PROVIDING FOR THE CURRENT MAINTENANCE OF THIS CODE; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5590 as a Bill that changes the stop sign at Bridgeport & High School Drive (in front of the high school) from a permanent stop sign to a school zone stop sign. The stop sign will only be displayed during school hours.

Alderman Leahy stated that the stop sign was originally a school stop and then it was made permanent. Now they are going back to rotating.

Mayor Kelly stated that when it was initially installed at the request of the school district, they had agreed that they would turn it. Then they said they did not want to do that any longer, so it was made permanent. Now they want to turn it again.

Alderman Leahy asked if there is a northbound and southbound stop sign.

Mayor Kelly responded yes.

Alderman Leahy asked if they are addressing both stop signs for rotation.

Mayor Kelly responded yes.

Motion was made by Alderman Robertson, second by Alderman Harper to approve and adopt Bill No. 5590. Roll call: Alderwoman Clements, 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. 5590 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4272.

Bill No. 5591 – Agreement with SFP Landscaping, Inc.

City Attorney Albrecht gave Bill No. 5591, AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY OF BRENTWOOD, MISSOURI WITH SFP LANDSCAPING, INC. FOR THE STRASSNER DRIVE AND BRENTWOOD BOULEVARD INTERSECTION LANDSCAPE MAINTENANCE; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5591 as a Bill that authorizes the Mayor to enter into a contract with SFP Landscaping to perform maintenance to the berm area located on Strassner Drive at its intersection with Brentwood Blvd. The annual fee for this service is \$9,309.00.

Alderman Leahy asked what service is so important that they need to hire a private contractor versus using City facilities and personnel.

Mayor Kelly responded that the City has invested a lot of money in that area. It is anticipated that a landscape company will be doing the maintenance for the new enhancement area at Eager Road as well. The amount of labor that the Public Works Department is putting in cost more than the cost for the landscape contractor. Superintendent Nahmensen looked at the hours used to maintain the area and if they have a company come in and do the work, they will save money.

Alderman Kramer asked if it is for the maintenance only, and no plantings involved.

Mayor Kelly stated that the plants are already there, so it will be for the trimming, weeding, and so forth.

Alderman Wynn stated that the area has become one of the beauty spots in Brentwood.

Mayor Kelly stated that with the amount of things that the Public Works Department has to take care of, regular maintenance of areas such as the berm are sometimes pushed to the back. Because of the investment made, they want to make sure that the area is kept up to the quality that it should be and it will save the City money in the end.

Motion was made by Alderwoman Clements, second by Alderman Kramer to approve and adopt Bill No. 5591. Roll call: Alderwoman Clements, 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. 5591 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4273.

Bill No. 5592- STP-Urban Program Agreement

City Attorney Albrecht gave Bill No. 5592, AN ORDINANCE AUTHORIZING AN STP-URBAN PROGRAM AGREEMENT WITH MODOT RELATING TO THE ROSE AVENUE PEDESTRIAN IMPROVEMENTS PROJECT; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5592 as a Bill that approves an agreement with MoDOT for an STP grant that will provide pedestrian access along Rose Avenue between Brentwood Boulevard and the Promenade. The estimated cost of the project is \$386,000 with 80% funding (\$308,800) being provided through the STP grant.

Mayor Kelly stated that this is the second time that staff has applied for the grant for the Rose Avenue project. There will be improved sidewalks from Brentwood Boulevard to the Promenade, streetlights will be installed and it will be a great improvement for pedestrian traffic as well as improving the roadway. Thanks to Mrs. Rottjakob and GBA for putting the grant application together.

Alderman Kramer asked where the walkway would be located.

Mrs. Rottjakob responded that the walkway would be on the south side with lights on both sides.

Alderman Leahy asked how does the potential of the Drury Inn project, he believes it will come all the way up to Rose Avenue, interrelate to this effort and will the City end up losing it if they develop the properties.

Mayor Kelly stated that it would be another entrance into the roadway and Drury would have to tie into improvements made.

Alderman Leahy asked for clarification, if Sansone Group had taken possession of Rose Avenue as part of the development of the Promenade, with designs to do some lighting and stuff on Rose, and then planned to deed it back to the City.

Mayor Kelly responded no. They never had possession of Rose Avenue.

Motion was made by Alderman Kramer, second by Alderwoman Krewson to approve and adopt Bill No. 5592. Roll call: Alderwoman Clements, 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. 5592 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4274.

Alderman Leahy asked if the City's 20% portion is in the budget.

City Administrator Seemayer responded that a very small portion of it is in the budget because the construction work will not take place this year.

Bill No. 5593 – Amending Section 25-387

City Attorney Albrecht gave Bill No. 5593, AN ORDINANCE AMENDING CHAPTER 25 OF THE REVISED CODE OF THE CITY OF BRENTWOOD, MISSOURI BY AMENDING THE SETBACK REQUIREMENT FOR SWIMMING POOLS AND TENNIS COURTS IN SECTION 25-387; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE; PROVIDING FOR THE CURRENT MAINTENANCE OF THIS CODE; AND PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES, its first and second readings.

Alderman Kramer read a synopsis of Bill No. 5593 as a Bill that amends the Zoning Code as it relates to setbacks for swimming pools. The City found a conflict between our Zoning Code, which required a 15' setback, and our building code, which required a 10' setback. After discussion, the Planning & Zoning Commission approved modifying the Zoning Code to be consistent with the building Code and require a 10' setback for swimming pools.

Motion was made by Alderwoman Clements, second by Alderman Kramer to approve and adopt Bill No. 5593. Roll call: Alderwoman Clements, 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. 5593 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4275.

ACCOUNTS AGAINST THE CITY

Motion was made by Alderwoman Clements, second by Alderman Wynn to approve the warrant list dated 3/7/11. All in favor none opposed.

Alderman Kramer asked if the expenditure for Curtis Heinz Garrett for \$2,199.31 is the City's portion of a larger cost.

City Administrator Seemayer responded yes. Most of that amount is for work the firm has done with Mrs. Rottjakob regarding planning and zoning issues. The sewer lateral portion is closed out because the lawsuit has ended.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor's Report

Mayor Kelly reminded everyone about the open house and dedication for the new fire station on March 13 from 2:00 – 6:00 pm. For people that cannot make it on Sunday, there will be another open house on Wednesday, March 16 from 6:00 to 8:30 pm.

Mayor Kelly stated that he is excited about the Rose Avenue project. One of the ways that the City can get projects like that done is to apply for grants. The project is huge and because of the grant, the City will pay 20% of the cost.

Director of Planning and Development Rottjakob stated that the contractor for the Brentwood Gateway Enhancement project hope to have the fountain going over the summer. The project is scheduled to be done by October or November. The McKnight project is scheduled to start on April 19. They plan to send a letter to residents in the area because for the first week or two of the project, there will be some night work that will include saw cutting and millwork. It will be done quickly but it could bother some of the residents. The contractor for the Litzsinger Bridge expects the bridge to be open, weather permitting, by the end of the month.

Mayor Kelly stated that with the heavy rains over the weekend, there was no flooding in Hanley Industrial Court, but Marshall Road flooded in Webster Groves. Usually those two areas will flood about the same time.

Public Safety Committee - No report

Public Works Committee – No report

Director of Planning and Development

Site Development Plan Extension/2301 S. Brentwood Blvd.

Director of Planning and Development Rottjakob stated that there was a request from Chris Thornton who had received approval for a Site Plan Development for an insurance company at 2301 S. Brentwood Boulevard. The approval was given about a year ago and they are still trying to get the property under contract. They expect to close on the property by the end of the month. They have had some unanticipated delays and have requested a twelve-month extension of the site plan approval, so they can close on the property and do whatever else they need to do to the site to get it ready for construction.

Mayor Kelly stated that his recommendation is to go ahead with the extension. He stated that the applicant has been working very hard to negotiate with the property owners. There is contamination on the property and they will take on the liability of getting the property cleaned before they can start construction. The property is located at the corner of White Avenue and Brentwood Boulevard.

Motion was made by Alderwoman Clements, second by Alderman Harper to grant Chris Thornton an extension of the Site Development Plan at 2301 S. Brentwood Boulevard. All in favor none opposed.

Ways and Means Committee – No report

City Attorney – No report

City Clerk/Administrator – No report

Excise Commissioner

Liquor License Request/Ionia Atlantic

City Administrator Seemayer stated that there was a request for a change in the liquor license for Ionia Atlantic Imports located at 8216 Brentwood Industrial Drive. They are a wholesaler with a beer and wine license within the City. Their desire is to contract with a new customer who would like all types of liquor, so they are asking to change their license to sell all liquor wholesale.

Motion was made by Alderman Robertson, second by Alderman Kramer to approve the liquor license request for Ionia Atlantic Imports. Roll call: Alderwoman Clements, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Library – No report

Municipal League

Mayor Kelly stated that he would like to continue to encourage everyone to pay attention to the legislative updates. There is a proposal to change TIF legislation. Once it goes through the TIF Commission, the approval would have to go to the East/West Gateway Coordinating Council and the RCGA, and if it did not meet their approval, then a super majority of the Board of Aldermen of local municipalities could not overrule it. In essence, they would take all control away from local municipalities to deal with any kind of incentive. The TIF legislation is coming from representatives from the St. Charles Districts who would benefit if municipalities were doing less redevelopment in their communities, and yet they could continue to do TIF projects in the St. Charles County area and continue to grow.

Mayor Kelly stated that the condition of the current financial situation of the City, along with the information in the Census that just came out showing that the City's population has increased to over 8,000 residents, shows that when you make investments and you offer amenities that people want, it stabilizes the community.

Alderman Kramer mentioned that there is also potential legislation that would do away with the sharing between “A” cities and “B” cities.

City Administrator Seemayer stated that there is a hearing on it on Wednesday. The bill has been filed since it started in the 1990’s, but this time there seems to be a little more interest.

Mayor Kelly stated that in 1994 or 1995, Buzz Westfall, former County Executive came up with a plan to take money away from the point of sale cities, like Brentwood and redistribute a portion of the sales tax to the pool cities, like Webster Groves, Glendale, and so forth that do not have as much retail. It never went to a vote of the people. Last year, \$1.7 million dollars of Brentwood’s sales tax revenue was taken and redistributed to other communities. That is another reason that they are glad to see the population increase because that reduces the amount they can take, because sharing is based on population. It is important that they pay attention to what is going on with the State because a lot of legislation can affect them on the local level. When Buzz Westfall first proposed the plan, he said that no city would ever lose more than 5% of their sales tax revenue to go to the pool cities. The \$1.7 million dollars was 21% of Brentwood’s sales tax revenue last year. If that changes, the revenue can stay in the City. Brentwood has a population of over 8,000, but the City has a working population of approximately 25,000, so services, like police and fire, and road repairs are provided to accommodate the working population as well.

Communication – No report

Historical Society - No report

UNFINISHED BUSINESS

Alderman Kramer stated that he and Alderwoman Krewson would like to echo the Mayor’s thanks and positive thoughts about Rose Avenue. He remembers asking about that topic in the past, not long after he tried to traverse that pathway, stopping at the bridge and almost taking his life into his hands trying to walk between the cars into that shopping center. The improvements will be a benefit for all the folks that go to Brentwood Square, the Promenade, Brentwood Forest residents, etc. He appreciates all the work that the City did on behalf of getting that done.

NEW BUSINESS

Mayor Kelly stated that pedestrian access is very important. In talking to representatives from Richmond Heights, they expressed that some of the residents that live at the Boulevard were complaining that it is difficult to walk to Brentwood to go to some of the shops. As gas prices increase, people will be walking more and they want to encourage that and good pedestrian access.

Alderman Kramer stated that he has had growing concerns about the patrons of the Double D Lounge who are parking on the Brentwood Square lot and running across moving traffic in various conditions of consciousness from both sides of the street. He does not know how to solve the problem, but it seems to be an accident waiting to happen.

Mayor Kelly stated that it is dark in that area at night and he has seen it on a couple of occasions as well. It is something that the Public Safety Committee could address and the Police Department could monitor that area. There is a crosswalk there, but the patrons are not using it.

Alderman Robertson stated that he has been interested in expanding the trail system throughout the City for a long time. While talking about segments, he would like to mention the need to talk about planning a whole network, so that they can put it in place over time, and it will all make sense when they are done and they all link together.

Alderman Leahy stated that a Ward 3 meeting would be held on Tuesday, March 29 at 7 pm.

Alderwoman Clements stated that there was an article in the West County Journal. She would like to sing the praises of Mayor Kelly's son, Brian Kelly who was selected as one of the undergraduates to participate in a five-day seminar during spring break in Washington D.C. The students will learn about global issues and businesses, the environment and politics, at the Center for Strategic and International Studies. To earn the opportunity, students were required to demonstrate leadership involvement on and off campus, academic excellence or both.

Alderman Harper stated that he was speaking with a former Brentwood resident, Greg Carr, who lived in Evans Place and he mentioned that they stumbled across an old video of the Evans Place neighborhood, so they are working on putting something together that he can bring to the Board.

ADJOURNMENT

Motion was made by Alderman Leahy, second by Alderwoman Clements to adjourn the meeting at 8:15 pm. All in favor none opposed.