

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

**City Hall
Council Chambers**

**October 3, 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: Alderman Marshall, Alderman Leahy, Alderwoman Krewson, Alderman Kramer, Alderman Robertson, Alderman Wynn and Alderman Harper.

Absent: Alderwoman Clements.

Staff present: City Clerk/Administrator Akande, Director of Planning and Development/Asst. City Administrator Rottjakob, City Attorney Albrecht, Asst. Police Chief Fitzgerald, Executive Secretary Williams, and City Treasurer Reynders.

CONSIDERATION AND APPROVAL OF THE OCTOBER 3, 2011 BOA MEETING AGENDA

Motion was made by Alderman Leahy, second by Alderwoman Krewson to amend the Agenda of the Regular Board of Aldermen meeting of October 3, 2011 by adding Bill No. 5633. All in favor none opposed.

Mayor Kelly explained that Bill No. 5633 is a last minute addition and is another version of Bills No. 5631 and 5632, which changes the boundaries of the wards for the Board of Elections.

Motion was made by Alderwoman Krewson, second by Alderman Wynn to approve the Agenda of the Regular Board of Aldermen meeting of October 3, 2011 as amended. All in favor none opposed.

CONSIDERATION AND APPROVAL OF THE SEPTEMBER 19, 2011 BOA MEETING MINUTES

Motion was made by Alderman Leahy, second by Alderman Marshall to approve and adopt the Minutes from the Regular BOA meeting of September 19, 2011 as submitted. All in favor none opposed.

PRESENTATION OF CENTURY HOME PLAQUE

Asst. Police Chief Fitzgerald came before the Board on behalf of the Brentwood Historical Society and stated that the Historical Society started a program this year to honor the century homes in Brentwood. There are about 30 or 40 in town. The first century home resident lives at 8913 Madge Avenue, the Lowe's residence. It is interesting from a historical perspective what they learned about the history of Brentwood through reading the deed that Mrs. Lowe

provided as proof of ownership. The area of town near Madge and Annalee is called the Warren Subdivision but they never knew who Warren was until they looked at the deed. The deed stated that the original owner of the property at 8913 Madge bought it from the estate of Isaac Warren in 1908. Isaac Warren had a daughter-in-law, who was an executor of the estate, by the name of Madge Warren, which tells them how the street Madge Avenue got its name. After doing some research, they found out that Isaac also had a daughter by the name of Annalee, which tells them why that street is named Annalee. Madge and Annalee are two of the oldest named streets in Brentwood. Asst. Chief Fitzgerald presented a plaque to Mary Lowe in honor of her home being a century home.

Mrs. Lowe came before the Board and stated that she is honored and they love the house. They have lived there 50 years and raised a family there. She thanked everyone for the plaque.

BIDS – None

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

Maureen Saunders, resident at 2326 Parkridge Avenue came before the Board and asked if the City has a policy for the approval of overtime.

City Administrator Akande responded that supervisors approve overtime.

Ms. Saunders stated that she did not attend the last BOA meeting where Chapter 353 was amended to bring it up to date with Missouri statutes. She asked when the State of Missouri revised the statutes.

Mayor Kelly responded that he is not sure but probably within the last year or so.

Ms. Saunders asked why Brentwood felt the need to update the ordinance. What was the benefit or the purpose?

Mayor Kelly responded to keep in compliance with State law to have or use a 353.

Ms. Saunders asked what is a 353.

Mayor Kelly responded that he would be more than happy to meet with Ms. Saunders and go over the 353. It is an economic development tool used for certain types of tax abatement and things.

Ms. Saunders asked who requested the changes.

Mayor Kelly responded that staff requested the changes to bring the code in compliance. Mayor Kelly explained that Brentwood has a 353 Corporation and in order to keep it going the amendments were proposed to comply with State statutes.

Ms. Saunders asked about the makeup of the members of the 353 Corporation.

Mayor Kelly responded that he would be more than happy to forward that information to Ms. Saunders.

Ms. Saunders stated that Section 7 of the 353 ordinance is a little vague. What is the meaning of “a preponderance of the proposed redevelopment area is blighted”? Section 11, Public Hearing, should give better notification than just a general circulation, considering that most people do not get the paper. If it is a 353, she is assuming that it will be a significant impact, so perhaps addressing people by letters would be good. The 353 ordinance references the City’s Department of Planning and Development. She is not sure what department that is. It also references appropriate department personnel, which is rather vague. Ms. Saunders asked about the process for input on a proposed bill, and how she would go about giving input.

Mayor Kelly suggested that Ms. Saunders contact him, her alderperson or staff with concerns and/or comments.

Ms. Saunders stated that it is interesting to hear the discussion at the meetings but if they have a follow up question, they cannot respond because the public session is closed, something is voted on, and then it is too late. She does not know if the Board should consider changing that process. For example, the Board could have the first reading of a bill at one meeting and then have the second reading at the next meeting.

Karen Smith, resident at 8930 Harrison came before the Board and stated that she is responding to a recent editorial that was in the St. Louis Post Dispatch and on the Brentwood-Maplewood Patch website. The editorial was from a resident who attended former Fire Chief Niemeyer’s retirement party, and commented on how nice it was, but how unfair it was that Mr. Niemeyer is being crucified. The resident challenged the people of Brentwood to hold the aldermen and the Public Safety Committee responsible, the bosses who approved the overtime and the people that signed the checks, and to get more involved. Ms. Smith stated that the resident raised some good questions, but she (Ms. Smith) wants to know how they are supposed to hold the bosses in Brentwood accountable. She attends many of the BOA meetings, follows up with questions after the meeting, tries to hold the Board accountable, and cannot figure out what has gone on in the City. There have been many questions asked over the last three months, but despite all those questions, she still does not feel that it is any more transparent in Brentwood. Even though there is a desire for transparency. For example, she thought that Bob Niemeyer was originally supposed to retire in September and the reason the City was extending his date was so he would be eligible for more pension, and that there was going to be a tribute for him at Brentwood Days. Despite some fraudulent activity that occurred, the City was going to do all that which she believes was in the Mayor’s Newsletter. Some of her neighbors that attended Brentwood Days said that they did not see anything for Niemeyer. Ms. Smith asked if a tribute was done for Mr. Niemeyer at Brentwood Days.

Mayor Kelly responded no.

Ms. Smith asked when Mr. Niemeyer retired.

Mayor Kelly responded that Mr. Niemeyer's retirement date is sometime in April 2012. His last day on duty was September 16. From that time going forward is his eligible sick and vacation days that he has on the books. He is not accruing any more benefits because he was capped at 30 years of service.

Ms. Smith stated that the editorial implied that Mr. Niemeyer has taken a hit and that he is covering for others. That he really did not commit fraud because his bosses approved the overtime. If that is the case, if he really did not commit fraud, he needs to come forward. Her question is how does that happen in Brentwood? If Mr. Niemeyer knows this information, why isn't he coming forward with it? She can only respond to the information that is available to her and the information that she has which is very limited. She can only make decisions and form her own opinions based on the information that she has. Right now, unfortunately in her mind, Mr. Niemeyer is the one that is on the line and people are telling her that she is misjudging him. She also find it hard to believe that the three line letter of understanding relating to the firefighters overtime that was released to the public was all the documents and the actions that had transpired. Following up with the editorial, she asked when are the residents going to be informed about what all transpired around the firefighters' overtime. The public has the right to understand what has gone on in this City. At the last Board of Aldermen meeting, there was a vote not to pay Attorney Hesse because he has not provided the City with certain documents. The way that it was inferred was that he has documents that belong to the City that he is not giving to the City. It is her understanding that he is the City's attorney for labor issues, so any documents that he has are the City's.

Mayor Kelly responded that he would not comment because it is a legal issue.

Ms. Smith asked if a legal issue is public information.

City Attorney Albrecht responded that privileged matters are covered under closed records.

Ms. Smith asked if the residents will ever know what those documents are or will Mr. Hesse release them.

Mayor Kelly repeated that he would not comment.

Ms. Smith stated that at another meeting she attended, an attorney was hired to get a second opinion. Public dollars are being used to obtain that second opinion. They are not private or personal dollars. Are they entitled to understand what his second opinion is?

Mayor Kelly responded eventually, yes.

Ms. Smith asked how would the City share what is going on with the issues.

Mayor Kelly responded when the action is taken by the City.

Ms. Smith stated that she has been reading the case files for the Meridian lawsuit and she does not have the same interpretation of what has transpired. The developer did not meet the lease up period, but the agreements provided that the opportunity to request an extension was provided in the redevelopment agreements and it was not supposed to be unreasonably withheld. The reason that the bank withheld the extension was because of the missing sales tax revenues, failure of the City to deposit the funds collected in the appropriate fund accounts, and failure of the City to pay fees on the letters of credit. It is her understanding that the City claims that the retailers did not code the taxes correctly. In the case files, the developer is claiming that they had the leases up to date with the correct information to get the sales tax revenues in the appropriate accounts. Also in the case files are depositions of City staff that said they had the information necessary to allocate the funds appropriately in the right accounts. In addition, an expert witness said that they had information needed to allocate the funds in the right accounts. Once the City knew about the problem, staff supposedly acted quickly, but in the case files, there is mention that the problems with the City collection, allocation of fees and taxes were known as far back as 2006. The developer and the bank claim that this was going to be corrected. As of March and October of 2009, it still was not corrected. Even though they had the information needed to correct the problem. She asked about the \$400,000. There is still no accounting to the public about what happened to that money and why the City did not have the money appropriately accounted for.

Mayor Kelly stated that in the simplest form, because Ms. Smith is taking depositions of people and one side of the case versus the other, the funds were put into the City's general revenue account. When the State sent those funds in, instead of the funds being put into the TIF accounts when allocated to the City, they allocated it in the general revenue account. Usually the TIF funds are transferred to the trustees for the TIF payments to be made. The funds were put into the City's general revenue account when the error was found. It took over six months in order to get the numbers straight from the State and then the \$460,000 was determined to be the amount. That was from the period of January of 2008 until a year and a half ago when this all came about. They borrowed the money in order to balance out the TIF accounts. Mayor Kelly stated that bits and pieces are being taken of a lot of the information for something that has been going on for a long time from the City's standpoint. Obviously, the developer thinks that they have their reasoning and the City believes they have theirs.

In response to Ms. Saunders questions about the bills, Alderman Marshall stated that the packets are put online the week before the meeting.

City Administrator Akande responded that the agenda is uploaded to the website, not the actual ordinances, but staff could start doing it.

Alderman Kramer mentioned that most of the time the genesis of the bills begin at the committee level, which is a public meeting that people can attend, and ask questions at the beginning of the meeting. They can ask questions about the updating or changing of bills before they come to the BOA for a vote. Usually most of the bills are from the Ways and Means, Public Safety, and Public Works Committees. Occasionally, the Board will get a bill that is a housekeeping item for compliance, so that they can continue to use certain tools if needed. It is not to say that one is going to be used or one is planning to be used. They take recommendation from staff when situations arise such as the one with Chapter 353. If you look at the last meeting minutes, there was a good amount of discussion on the Chapter 353 amendments on pages 12, 13, 14 and 15, that answers many of the questions raised by Ms. Saunders. He suggested Ms. Saunders look at that.

Continued Public Hearing – Text Amendment for ARB Review Procedure

Mayor Kelly announced that the public hearing for the text amendment for the ARB review procedures would now be continued.

Director of Planning and Development Rottjakob came before the Board and stated that she has spoken to Matt Foreman, ARB member who had questions about the proposed ordinance. They discussed it the day after the last BOA meeting and he was satisfied with the text amendment moving forward. Shortly after the architectural review board was created in 2005, the BOA adopted Resolution No. 920 exempting certain items from review by the ARB, based on recommendation from the ARB members. These items included existing home decks, fences, window replacements, and roofing shingle replacements. Resolution No. 920 included a sunset clause, as the intent was to allow ARB enough time to determine whether these items should be exempted on a permanent basis. The BOA has renewed the resolution each year and has requested a text amendment to make the exemptions permanent once the ARB is ready to do so. The text amendment before the Board this evening was taken to the Planning and Zoning Commission and they recommended approval. It would make the changes mentioned earlier permanent as exempted from ARB review. Mr. Foreman, ARB member indicated that he plans to continue to work with staff and through the ARB process to recommend additional changes, which could eventually be brought back to the P&Z Commission and the BOA.

Mayor Kelly asked if there were any comments from the audience. Hearing none, Mayor Kelly announced the public hearing closed.

Bill No. 5627 – Amending ARB Application Procedures

Motion was made by Alderman Marshall, second by Alderman Leahy to remove Bill No. 5627 from hold. All in favor none opposed.

First and Second Readings

Motion was made by Alderman Robertson, second by Alderman Marshall to give Bill No. 5627 its first and second readings. All in favor none opposed.

City Attorney Albrecht gave Bill No. 5627, AN ORDINANCE AMENDING CHAPTER 25 OF THE REVISED CODE OF THE CITY OF BRENTWOOD, MISSOURI BY AMENDING THE APPLICATION PROCEDURES FOR THE ARCHITECTURAL REVIEW BOARD AND IN SECTION 25-113; 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. 5627 as a Bill that amends Section 25-113 of the Revised Code of Ordinances by amending the application procedures for the Architectural Review Board. This is to preclude plans for projects involving alterations and repairs, which do not affect the outward appearance of the building and existing home decks, fences, window replacements and roofing shingle replacement. The Planning & Zoning Commission has completed its review of this application and recommends approval.

Motion was made by Alderman Marshall, second by Alderman Kramer to approve and adopt Bill No. 5627. Roll call: 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. 5627 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4310.

Mayor Kelly stated that the next three bills pertain to the boundaries of wards. He suggested that the Board decide which one they want to use. Because of the new census, the City is required by the St. Louis County Election Board to restructure the boundaries of the four wards in order to balance them out within a certain percentage level. The primary issue is that ward 1 is the largest ward, which throws the percentages off. The changes have to be submitted to the Election Board by next Monday.

City Administrator Akande came before the Board and illustrated on the map options 1, 2 and 3.

Alderman Robertson stated that since it is the most fair and close to the average, option 2 would be his choice.

City Administrator Akande stated that the first option would only affect two wards. She is proposing to move census block 3011 currently in ward 1 to ward 3. With this movement, there would be a fair balance in terms of number of population per each ward and it would fall within the 10% deviation.

Mayor Kelly stated for clarification that it would be the boundary of Litzsinger, High School Drive, and Brentwood Boulevard, so the homes on the north side of Litzsinger and Harrison that will be transferred to ward three. Option two (2) impacts multiple census blocks. They are proposing to move census block 3011, which is option 1 to ward 3 and move census block 3012 and 3013, so that they become part of Brentwood ward 2, which borders White, Harrison and Annalee Avenues. The third option would move census block 3004 and 3005, which is Pine and Moritz, up to High School Drive to ward two. The primary consideration is what the most logical thing is for the residents. With option 1, many of those residents already vote at the Brentwood Recreation Center, even though they are in ward 1.

Alderman Leahy stated that if you take the 3011 block and move it into ward 3, at times that group, depending on which election St. Louis County is holding, comes to the Recreation Center to vote. In proportional arrangement, the least differential is option two to get you the four percent differential, which he thinks would be wonderful. The other intent of trying to rearrange the boundaries is that he would love to see the residents come out in equal percentages to participate in municipal and general elections. He agrees with Alderman Robertson that option two seems to be the better for all four of the wards.

Alderman Kramer stated that there is an extra parcel, which is 2017-12 and 3002 at the southern portion of Brentwood Square, which somehow ended up in the other ward. Since it is a cohesive development, it would be nice if that were contiguous and not separated in the middle of the development. He suggested that in any of the choices of options 1, 2, or 3 the winning choice also include a contiguous annex of the rest of Brentwood Square to ward four, which looks like 2017-12 and 3002. Whatever option would include 2017-12 and 3002 would be helpful for the representatives because issues come up at Brentwood Square and it is hard to find the dividing line in the middle of that shopping center.

City Administrator Akande stated that she does not believe those percentages are significant enough to make a difference.

Mayor Kelly stated that the area looks to be at the end of Bobolink.

Alderman Kramer stated that it is something that may not be totally necessary or it could be necessary several times but the way he understands it is that it will be another ten years before they get a chance to redistrict again.

City Administrator Akande mentioned that Alderman Kramer should be aware that the City does not have the boundary descriptions to reflect the inclusion of 2017-12 and 3002 in the ordinance being considered tonight. It could be done at another meeting.

Mayor Kelly stated that the City has to be in compliance by next week for election purposes but Alderman Kramer could request another change later. He believes that if you are in compliance then you could change the boundaries whenever you want.

City Attorney Albrecht agreed.

City Administrator Akande stated that the request could be put on another agenda and brought back for consideration.

Alderman Kramer stated that if they could find a way to amend it tonight great, if not, he would like it amended soon after.

Alderman Marshall stated that he does not have any residents on that side of Brentwood Boulevard.

Mayor Kelly stated that technically there are 12 people.

First and Second Readings of Bill No. 5632

Motion was made by Alderman Leahy, second by Alderman Wynn to give Bill No. 5632 first and second readings. All in favor none opposed.

City Attorney Albrecht gave Bill No. 5632, AN ORDINANCE AMENDING CHAPTER 8 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, MISSOURI DELETING SECTION 8-3 IN ITS ENTIRETY AND BY ADDING IN LIEU THEREOF A NEW SECTION 8-3, AS IT RELATES TO THE BOUNDARIES OF WARDS IN THE CITY OF BRENTWOOD; 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. 5632 as a Bill that amends Chapter 8 of the Revised Code of Ordinances by deleting Section 8-3 in its entirety adding a new Section 8-3, as it relates to the boundaries of wards in the City of Brentwood. The City is required to realign ward boundaries prior to the next municipal election (April 2012). This amendment will transfer multiple census blocks. First, census block 3011 with a population of 106 and census block 3014 with zero population from ward one to ward three. Second, census block 3012 with a population of 20 and census block 3013 with a population of 38 from ward one to ward two.

Alderman Marshall requested that the residents be notified of the change.

City Administrator Akande stated that St. Louis County Board of Elections would send the residents a card notifying them of their polling place.

Alderman Kramer stated that Section (d) of Bill No. 5632 refers to Brentwood Forest as Audubon Park Apartments.

City Attorney Albrecht stated that the engineers prepared the descriptions. As the entire Brentwood Code is recodified, they are going to address that. He does not know if it is still platted as Audubon Park Apartments or if it was replatted for Brentwood Forest.

Alderman Kramer asked if that could be checked into.

Alderman Leahy asked City Administrator Akande if he understand correctly that she would request that they not amend the bill to accomplish bringing the other three sections into ward 4 or that they could amend it and define the four legal descriptions of boundaries to the time that staff has had a chance to define it.

City Administrator Akande stated that she would contact St. Louis County Board of Elections to get clarification whether there is any impact to them coming back at the October 17 meeting and changing it, and if it would affect the reprogramming of the ballots. If they do not vote on Bill No. 5632 tonight, she would have no document to present to the Board of Elections and that would affect them going forward.

Motion was made by Alderman Leahy, second by Alderwoman Krewson to approve and adopt Bill No. 5632. Roll call: 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. 5632 duly passed and sign same into approval thereof. Said Bill was given Ordinance No. 4311.

Removal of Bills No. 5631 and 5633

Motion was made by Alderman Leahy, second by Alderman Marshall to remove Bills No. 5631 and 5633 from the agenda. All in favor none opposed.

ACCOUNTS AGAINST THE CITY

Alderman Marshall complimented City Administrator Akande on the additional descriptions on the warrant list. Motion was made by Alderman Marshall, second by Alderwoman Krewson to approve the warrant list dated 10/3/11. All in favor none opposed.

Alderwoman Krewson stated that Ms. Frankowski called the City's insurance company and got the amount lowered to \$1,000.00 for the State Mechanical Services expenditure regarding the compressor and starter for the ice rink.

Alderman Kramer stated that he is very appreciative as well of the extra explanation on the warrant list.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor's Report

Mayor Kelly announced an executive session would be held following the meeting.

Committee Appointments

Mayor Kelly requested that Alderman Kramer be appointed to the Public Safety Committee.

Motion was made by Alderman Harper, second by Alderman Marshall to appoint Alderman Kramer to the Public Safety Committee. All in favor none opposed.

Mayor Kelly stated that there is a vacancy on the Planning and Zoning Commission after the resignation of Jim Howe. Mayor Kelly asked for the appointment of Rich Obertino to replace Jim Howe. Mr. Obertino is an architect who currently serves on the City's architectural review board. Going forward with the planning process for the Drury Hotel project, he would be a great addition to the Planning and Zoning Commission.

Motion was made by Alderman Robertson, second by Alderman Wynn to approve the appointment of Rich Obertino to the Planning and Zoning Commission. All in favor none opposed.

Public Safety Committee

Alderwoman Krewson stated that at the Public Safety Committee meeting last Thursday, the committee discussed the school stop sign at Bridgeport and High School Drive and there will be an ordinance on the October 17 BOA agenda.

Alderman Leahy stated that there were two different arrangements. The intent was to have a discussion so that staff could get direction as to which ordinance they are looking to bring forward. One was to keep the sign and one was to remove the sign. He asked if they were going to have that discussion this evening or are they postponing it?

Mayor Kelly stated that he thinks the discussion should take place at the Public Safety Committee meeting.

Alderman Leahy responded that they had discussion and they came up with a two for and two against vote, on leaving the stop sign and removing it completely.

Mayor Kelly stated that his understanding of the discussion was whether they should leave the sign permanently in place or leave it as it is now where it is turnable.

Alderman Leahy responded that the recommendation was to make it permanent or remove it completely.

Mayor Kelly suggested that maybe both ordinances could come before the Board at the next meeting on whether to remove the sign or leave it a permanent stop sign.

Alderman Leahy suggested for the courtesy of Alderwoman Clements that the Board hold off on any action until she can attend and have a full Board discussion

Alderman Kramer pointed out that in the meantime there is a lack of enforcement at that juncture.

Alderman Marshall stated that if the school will not maintain the stop sign then make it permanent until a decision is made.

Mayor Kelly pointed out that no action could be taken because they do not have an ordinance before them.

Alderman Kramer stated that his understanding is that if they have the ordinance on the books their fiduciary responsibility would be to make sure it is enforced. If the school district will not turn the sign, they should find someone else to turn it.

City Administrator Akande stated that Police Chief Disbennett suggested at the last Public Safety Committee that the officers could turn the sign as a temporary solution.

Motion was made by Alderman Kramer, second by Alderwoman Krewson to approve the stop sign at Bridgeport and High School Drive to be temporarily turned by the City of Brentwood's police department. Roll call: Alderman Marshall, yes; Alderman Leahy, no; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, no.

Alderman Leahy asked City Attorney Albrecht if the City would be negligent if the stop sign, initially there at that intersection, were removed and an accident took place. City Attorney Albrecht responded that he would have to research it.

Alderman Leahy asked City Attorney Albrecht to research it. He would seriously entertain possibly looking at removing the sign completely but he does not want to do so if it puts the City in a negligent position in the future.

Public Works Committee

Next meeting will be held on October 12 at 4:00 pm.

Ways and Means Committee

Next meeting will be held on October 27 at 4:30 pm.

City Attorney – No report

City Clerk/Administrator

2011 Property Tax Rate Update

City Administrator Akande stated that in the notice of public hearing at the last meeting there was a typo under debt service estimated revenue. The number should have been \$299,376 instead of \$306,823. This does not change the tax rate or the estimated revenue. It was just a typo on the notice. The Ways and Means Committee at their last meeting approved going forward with the professional services agreement to hire a human resource consultant to help the City update the employee manual.

Excise Commissioner – No report

Library – No report

Municipal League – No report

Communication – No report

Historical Society

The Historical Society will hold a tea on November 20 at the Congregational Church from 1:00 to 3:00 pm. Everyone is invited.

UNFINISHED BUSINESS

Alderman Marshall asked for an update on the meter at the Litzsinger Bridge.

Director of Planning and Development Rottjakob stated that she followed up with them three or four meetings ago when there were some questions about the status of the stream gauge that is near the Litzsinger Bridge, on the west side of the creek. The USGS installed it several years ago with permission of the City in order to monitor stream flow. That data is used to help produce data for FEMA maps that affect FEMA insurance and how they determine no-rise certificates for projects that are near the creek or in the floodplain. It is helpful information that can be used in the community. The issue was the gauge was somewhat unsightly. Alderman Marshall had mentioned that he thought there was a metal post from the chain link fence that was still left on the bridge. Mrs. Rottjakob stated that when she had contacted USGS they said that they had installed the post. It is another gauge installed directly on the bridge. Public Works staff is going to paint the gauge so it matches the rest of the bridge and the USGS is going to replace in early November the equipment that they have on the creek bank. It will move about two feet closer to the bank. Public Works Superintendent Nahmensen met with them

to determine a better location. The box and the base are going to be replaced. It will be more like a traffic control box so it will look a little bit better.

Mrs. Rottjakob stated that staff met with the previous area engineer for MoDOT periodically to talk about what MoDOT might do along Manchester Road. The answer has always been that they do not have funding, plans to do any resurfacing, or improvements to Manchester Road. They recently were given a new area engineer with MoDOT's consolidation. Now the south area engineer is also the west county area engineer. They met with her to talk about Manchester Road. She seemed very experienced in doing phased improvements in corridors in the south county area and seemed very eager to work with the City, meet with staff on an ongoing basis to talk about identifying some short term improvements like maintenance of the curbs and the grit that is left behind after it rains, ADA, and trip hazards along the sidewalk. They will also talk about long-term improvements, which would involve MoDOT and the City working together to apply for grant funds on a phased approach to improve Manchester Road.

Alderman Marshall stated that it was pointed out that they are past repairing anything. The damage to Manchester Road would have to include replacement. The engineer mentioned that MoDOT do not like the swales and that any improvement made to that corridor would include curb cuts.

Alderman Kramer asked if during the meetings anybody mentioned realignment.

Mrs. Rottjakob responded no. They talked to the previous area engineer about that last fall and it is such a costly project. MoDOT would allow them to do the realignment that is proposed in the Manchester corridor plan, but it would be costly. If the City could pay for it, they would support it.

Alderman Leahy responded to Ms. Smith's question regarding the \$460,000. He stated that Mayor Kelly pointed out that the money went into the general revenue of the City and spent on day-to-day operational fees. They took the loan out so that they could make good on the money that was miscoded that the City had spent, put it into the TIF funds and paid them correctly. From there, the miscoding fee is with the sales tax. He asked Mayor Kelly if any other party received sales tax from the miscoding.

Mayor Kelly responded St. Louis County.

Alderman Leahy stated that the City got its correct share, they took out a loan to pay back what they were supposed to, St. Louis County has collected their misallocations, so they too have made good, which makes the Meridian financially whole at this point. Additionally, the City has collected the individual retail sales coding requirements so that everybody in the development is coding correctly now.

City Administrator Akande stated that going forward they are checking it on a monthly basis.

Alderman Leahy stated that the City is repaying the \$460,000 loan.

Mayor Kelly pointed out that the loan has already been paid off.

Alderman Leahy stated that the second question that Ms. Smith raised was the legal document from Mr. Hesse. From what he understands, those documents have now been made available and are under review by the second labor attorney for his opinion. Based on that, his motion last meeting was that they hold the \$9,600 check until the issue has been resolved to satisfy everybody. Do they want to wait for the second attorney to say he has everything?

City Administrator Akande stated that she would recommend waiting at least until the October 17 meeting.

Alderman Robertson stated that he has not heard much about the issue of making a decision on how to move forward with the Recreation Center. It was taken to the Ways and Means Committee and he does not believe they have completed their process. He asked that they do that.

Alderman Marshall stated that he believes the committee came up with a consensus. It was just a matter of deciding when they were going to go for a bond issue. They can talk about it at the next Ways and Means Committee meeting.

NEW BUSINESS

Alderman Leahy stated that a Ward 3 meeting would be held on Tuesday, October 25 at 7:00 pm in City Hall Council Chambers.

Alderman Kramer stated that the Brentwood Gateway project is closer to being operational. All of the fountains, waterfalls are working, landscaping is going in, and it is looking very sharp.

Mayor Kelly stated that there is some work to do on the waterfalls. They are working on adjusting some of the lights. The landscaping is being installed, so they should see some significant improvements shortly.

Recess

Motion was made by Alderwoman Krewson, second by Alderman Kramer to recess the meeting at 8:03 pm. All in favor none opposed.

Reconvene

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

Motion was made by Alderman Wynn, second by Alderman Leahy to go into an executive session at 8:06 pm. Roll call: Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

After discussion, motion was made by Alderman Leahy, second by Alderman Wynn to return to open session at 8:29 pm. Roll call: Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

ADJOURNMENT

Motion was made by Alderman Leahy, second by Alderman Wynn to adjourn the meeting at 8:30 pm. All in favor none opposed.

Pat Kelly, Mayor

Attest:

Bola Akande
City Clerk/Administrator