

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

**City Hall
Council Chambers**

**October 17, 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, Executive Secretary Williams and City Treasurer Reynders.

CONSIDERATION AND APPROVAL OF THE OCTOBER 17, 2011 BOA MEETING AGENDA

Mayor Kelly asked that the agenda be amended under the City Administrator's report to add a Special Use Permit/Temporary Liquor License request for Atlas in Hanley Industrial Court.

Motion was made by Alderman Robertson, second by Alderman Wynn to amend the Agenda of the Regular BOA meeting of October 17, 2011. All in favor none opposed.

Motion was made by Alderman Leahy, second by Alderwoman Krewson to approve the Agenda of the Regular BOA meeting of October 17, 2011 as amended. All in favor none opposed.

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

Motion was made by Alderman Leahy, second by Alderman Marshall to approve the Minutes of the Regular BOA meeting of October 3, 2011 as submitted. All in favor none opposed.

BIDS – None

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

Mayor Kelly read comments into the record as follows: There has been some concern and displeasure expressed by the fact that the City paid Mr. Seemayer sick leave and vacation time he had accrued while he was a City employee. We did so in accordance with City policy, State and Federal laws, which required that he be paid once he reimbursed the City for the funds he had taken, and our legal expenses. We followed established legal precedent rather than risk subjecting the City to added cost and the distraction of a legal battle. Furthermore, our existing policies and laws made it clear that Mr. Seemayer was entitled to the funds we most certainly would have lost if we challenged the payment in court. As City leaders, our responsibility was to make sure that the City was made whole. It was the courts responsibility to levy a punishment against Mr. Seemayer. The City has been made whole. The funds that Mr. Seemayer took from the City have been recovered in full and we've been reimbursed for our legal fees. Alderman Leahy and I explained this in our victim impact statements the US Attorney's

office asked us to make on behalf of the City prior to the sentencing. Excerpts of those statements were published in the media over the past weekend. However, now that the police report has been issued, some of the items that were part of the investigation can be released. Before we put this matter to rest, we need to inform the citizens of three other items noted in the police report. These items did not meet the threshold of criminal misconduct but were investigated. Now we are addressing these issues as we go forward. According to the investigation, it appears that Mr. Seemayer entered into an unauthorized contract with T-Mobile for cellular phone service for the City. Phones were purchased and payments were made to T-Mobile amounting to \$16,000, although the phones were never activated. We are currently negotiating with T-Mobile to recoup partial funds that the City paid. It was also uncovered that under Mr. Seemayer's leadership, the City's annual golf tournament ran a deficit for a number of years, and not a profit as Mr. Seemayer reported to the Board of Aldermen.

To remedy this going forward, they have created a committee of staff members to run this event. This year, it was headed by Chief Disbennett of the police department to ensure that the expenditures and revenues are tracked and reported properly. I am proud to say that this year the tournament did make \$10,000. We also have one other item that was in the report. The report also noted the presence of purchases by a number of City employees with the City's Sam's credit card. According to the findings in the investigation, it has been a common practice for employees to make personal charges on the credit card and then reimburse the City. We have stopped this practice and have implemented improved credit card controls. We as elected officials have dual obligations to the citizens and to our employees. In this instance, and in future instances involving questionable activity by City employees, it is important that our citizens understand that the City has an obligation to investigate. We cannot just fire an employee outright because of an appearance of allegation or wrongdoing. We must look into the matter and hear the other side of the story.

In the case of Mr. Seemayer, we launched this investigation immediately after being alerted by City staff and the outside auditors of the questionable charges. We put him on administrative leave pending the outcome of the investigation and cooperated fully throughout. I think I can speak for the entire Board of Aldermen when I say that this episode has reminded us all of our solemn responsibility to honor our constituents right to know about matters pertaining to the city, its operations and its finances. At the same time, it is imperative as an employer that we are respectful of our employees' right to privacy and the right to present their side of the story when allegations are raised. Neglecting the later issue can put the City at risk of litigation and financial obligations and the distractions that they represent. During the last few months, these dual and sometimes competing obligations have limited our ability to appear responsive to our citizens. We recognize that but we cannot apologize for it. Sometimes doing the right thing for all concerned is very difficult. It is hard to believe that a lot of positive is going to emerge from this. We can agree that this has been an extremely difficult time for the city of Brentwood. The investigation that followed discovering Mr. Seemayer actions uncovered a number of deficiencies in our processes and procedures but we are now in the process of correcting those deficiencies. Among the actions that we have already taken is the new City Administrator. In just two months, Bola Akande has added a new level of professionalism to the City of Brentwood. With Bola's leadership, we have already seen a new level of top down accountability and transparency. We are also going to hire a new finance officer. We are currently conducting a search to add this new position which will provide additional financial and management oversight. Information from eleven applicants was received by the September 30, 2011 deadline. The pool of applicants has been narrowed to seven. The applicants have been asked to respond to supplemental questions. The deadline for them to submit their answers is by

Friday, October 21, 2011. After review, the applicants will be narrowed further and the interview process will follow.

With the credit card oversight, we have implemented procedures to improve the administration oversight of the credit cards and gas cards used by City employees. Usage of the City's credit cards has been reduced to department heads, assistant department heads and the elected officials. Written policies and procedures are being developed to ensure appropriate and proper use. Line item enhancement of our budget—the addition of more detailed line items in our annual budget will offer greater transparency and accountability. These details will also be included in our annual audit for citizens' review. Time clock system—employees hours will be tracked through an automated time-clock system to help establish consistent enforcement of wage hour rules, vacation and overtime policies. The Board of Aldermen approved an agreement with ADP in September. Staff is meeting with ADP to begin the discussions on the implementation and the Ways and Means Committee is working with the City Administrator to develop the written policies and procedures to oversee the operations. The City Administrator has also initiated weekly staff meetings with all department leaders to help facilitate better communication and open communication with all of our departments. We are in the process of updating, and where necessary, documenting City policies and procedures, so that they may consistently apply them throughout the City. We are also working on the recodification of the Municipal Code so it complies with recent changes in State law and current policies in the City. We are looking to hire a human resources consultant to ensure that the application of and the adherence of best practices by working with an established human resources professional. Funding for this consultant has been added to next year's budget. We also will be cooperating fully with the State auditors when the audit gets underway later this year or the beginning of next year. The bottom line is to fix these issues, which will take some time. The systemic problems that we are addressing today developed over an extended period and they will not be fixed overnight. However, I can personally assure you that each of us on this Board are fully committed to moving forward and resolving these matters and putting in place supervisory infrastructure that reflects the best practices. We understand the concerns of our citizens and stand ready to take the steps necessary to resolve the matters to ensure that something like this never happens again. The city has a lot to be proud of and we look forward to working together with our constituents and the City Administrator to do what it takes to help Brentwood emerge from this episode a stronger more disciplined community. We welcome all your suggestions and look forward to sharing our progress as we move forward.

Jeff Harrison, resident at 2519 Annalee Avenue came before the Board and stated that he loves Brentwood. He moved to St. Louis in 1982 with his family, graduated high school and moved to St. Charles. He always wanted to live in Brentwood. Lived in Ladue and then moved to Brentwood. He is personally embarrassed to call Brentwood his home. Mr. Harrison stated that Mr. Seemayer stole \$30,000 and entered into a contract for \$16,000. What happened to the money from the golf tournament deficit? This year, the tournament made \$10,000. Has it been investigated?

Mayor Kelly stated that the proceeds were given to the charities for the tournament for this year.

Mr. Harrison asked if the money from the year when the tournament was a deficit has been investigated. He asked if Mr. Seemayer was paid on his administrative leave.

Mayor Kelly responded Mr. Seemayer was not paid while on administrative leave.

Mr. Harrison stated that Mr. Seemayer stole \$30,000, and he did all those other terrible things and has no penalty for it. He gets probation. They have firefighters for 24 years stealing and lying about it to the people that they swore to protect and serve. Former Asst. Chief Kurtz was supervising said theft, now he has been moved to a job making \$83,000 while collecting his fat pension. If he is the best building person on earth, it seems improper. He does not get it, it does not make any sense and it is a bad move. Our superintendent of schools retires from a job making \$218,000 a year, for a little district of Brentwood. That is crazy. The City cannot find \$400,000 in TIF funding. There are cities all over the country going bankrupt because of the pensions. He stated that Brentwood is too generous. \$68,000 in sick and vacation time to Mr. Seemayer, and that is how he pays his debt to Brentwood. Mr. Seemayer has no penalty for any of it. He is embarrassed for Brentwood and it looks terrible. It is a pattern of criminally inept. He stated that they should be personally embarrassed and suggested that the Mayor and Board should step down.

Christine Kobler, resident at 8615 Henrietta Avenue came before the Board and stated that she is a proud, lifelong citizen of Brentwood. She has been here her entire life. Her parents moved in three months before she was born. She is not so proud to live in Brentwood anymore. It is a great place to raise kids and teach them the lessons needed to be successful in life or is it really. Having said that, she is extremely disappointed with the way this situation with Mr. Seemayer has been handled. He stole from our community for an entire year and it took that long for the Board to figure out what was going on. Nobody is willing to take responsibility for what happened. It is the elected officials' responsibility to watch over Brentwood, how its operated, and what its employees do or do not do. When he stole from them because of the public nature of his crime, he should be made an example. He should not be let off with probation and six months of house arrest. She stated that if she had done that from any organization in this community, she could guarantee that she would be in prison right now, not at her home enjoying her life and then have five years of probation. In addition, she is perplexed by why they allowed him to resign. He should have been fired. When the investigation came back that he was guilty, he should not have been allowed to resign. She is curious if he would have had the ability to get that compensation for his unpaid vacation and sick leave, if he would have been fired. He should not have been allowed to use his unpaid time to repay the City. That should have been a separate issue and he should have been made to come up with the money. He did not have any problem taking it from the City, so it should not be the City's responsibility to allow him to pay it back that way. It is a crime. What lessons are being thought here, that if you work for the City for a long time you can do anything you want, or that nobody is watching over your shoulders or taking responsibility for you. There should be consequences and each time the election comes up, she will remember who was willing to stand up for them and who was not. She considers some of the elected officials her friends and others she has know her entire life. She is embarrassed to say that she lives in Brentwood between the Seemayer issue, and the firefighters, and who knows what else is going on. It is a shame the state their community is in right now. She urged the Board to do whatever needs to be done to make Brentwood a place that they can be proud to live in again, take the responsibility as their elected officials seriously, and watch over what is going on with their money. It is not the City's money. It is their money. It comes from them.

Maureen Saunders, resident at 2326 Parkridge Avenue came before the Board and stated that it is a very sad day and she is very disappointed in all that has transpired. She hears the words transparency and accountability. She stated that she is getting that from City Administrator Akande. For her though, it dates back to when former Mayor Mark Kurtz and Pat Kelly was on the Board of Aldermen. She heard vicious rumors about Mr. Seemayer and different people about the TIFs that were going on. She does not like to go on rumors. She attends meetings, get involved and tries to get information. At that time,

she was stonewalled. It was very difficult to get information. She got on the Economic Council and went through the Hanley Industrial Study only to find reports that they commissioned that the City had going directly to Joe Johnson, the developer. She did not have enough support and at that time her kids were young and the only thing she could do was possibly run for office. She did not have it in her because she wouldn't have been able to sleep at night. She trusted that when things changed people would start looking deeper. They promised her they would look deeper. She did not agree with the TIFs, but the developments have been prosperous, things are good, and she frequents the businesses. When the embezzlement hit the paper, she wondered had things changed. The first thing she did was to take a lot at the auditor's report. The management letter was not there. She came to the meeting and people told her they would send her the management letter. She did not get the management letter from the City. She got it from Karen Smith who diligently comes to the meetings. In the management letter are things that could have been addressed and had they been you could have seen some of the things that Mr. Seemayer was doing. There were flags raised. Some of the elected officials have business degrees or run businesses. There are glaring things that you just do not do in the course of business. When Mr. Seemayer made an unauthorized credit card charge, at the casino, his keys were not taken and he was not escorted to the door. He was given a chance to resign so that they make it even more possible for him to keep all of his benefits. On top of that, the citizens can know nothing because of the Sunshine Law. She stated that Alderman Kramer had a suit against the City for Sunshine Law violations. Both Mayor Kelly and Alderman Kramer incurred many expenses on that. She would like to know the disposition of the suit. It is not that big of a law and it is not that complicated. She would hope that through the course of the suit you would have learned the nuances of the Sunshine Law. You can tell some things like generalities. Therefore, they could have known that Mr. Seemayer was on administrative leave, that there were accusations of embezzlement, that he had used the credit card probably prior to the election that put some of the elected officials in for four years. She was at the meeting two weeks ago and asked about the timing of the amendment to Chapter 353. She knows the Missouri Statutes changed. She was told that staff brought it forward, no answer. She then read that the Brentwood Redevelopment Corporation met and heard that they are anticipating that Drury Hotels will want incentives. She gives them credit that when they met, they provided electronic notification but she asked for notification by letter to each household because if it is going to be something that will affect the community for a long time they need to know about it. The City needs to be upfront. They need to have a public hearing and have Attorney Chris Hesse and the police department attend, and the residents need to be able to ask whatever questions they want. She wants the defined Sunshine Law. How is it that teachers are let go on administrative leave for sex abuse, which would be horrible had it really been found out, and yet schools are allowed to get that going. Here, they do not get to know anything until it is said, done, and over. They should have been writing their impact letters asking for a stiff fine to compensate for the fact that Mr. Seemayer was going to get his benefits but they were in the dark. They did not know anything. She thinks that under the Sunshine Law they would have been allowed to know that he was trying to sue the City or get his benefits. She does not think there is anything special about that. Maybe she is wrong but she wants to hear it directly from the attorney that they hired and paid for. She wants to talk to them directly, in a public hearing, along with the police.

Denise Carrington, resident at 8542 Rosalie Avenue came before the Board and stated that she is new to hearing everything, but then she heard the Mayor's comments earlier about looking at people to hire and it seems to her they need an auditor. There has not been any kind of internal controls whatsoever. People are running rampant and just doing whatever they please. Obviously, the City must have some money to hire people; maybe you should rethink a chief financial officer and human resources persons because it seems very clear to her that somebody needs to audit this place.

Mr. Harrison asked if Mr. Seemayer would get his retirement benefits.

Mayor Kelly responded yes, he will.

Mr. Harrison asked how do you steal from the City and still are paid by them.

Julie Pozzo, resident at 2211 St. Clair Avenue came before the Board to comment on the letters that were written to the judge. Mr. Seemayer faced five years in prison or \$250,000 in fines. She is disappointed in Mayor Kelly and Alderman Leahy's letters. Evidently, they were glowing letters for Mr. Seemayer. She is afraid that may have had an impact on how the judge sentenced him, with only a \$2,000 fine. She believes a higher fine would have been in order and would have made up for what he was legally entitled to as far as pension in retirement. The City hired somebody a few years ago to do the employee manual and the person was let go. She understands that the manual was never done. She would like to know what that employee did and how much she was paid.

William Bock, resident at 9 Stratford Lane came before the Board and stated that during the investigation they found that there were unauthorized purchases made on the credit card at Sam's Club. He asked if the employees had been terminated by the City. If not, why not. They stole.

Jim Malone, resident at 60 Middlesex Drive came before the Board and stated that with the new allegations the Mayor brought up this evening, and obviously, they do not have the facts about it, but it is his understanding that there was a T-Mobile contract. \$16,000 was paid by the City to T-Mobile but the phones were never activated. He would like to know what the motivation was, or if it was determined that Mr. Seemayer enriched himself as part of the T-Mobile deal. Secondly, if the golf tournament made a profit of \$10,000 this year has it been determined if Mr. Seemayer enriched himself off the proceeds of the golf tournament? He remembers when the issue first began to get some press, they were told that all of the allegations began on January 1 of 2010 and continued up until the time this credit card thing with the casino. He asked why they know for sure that all those years before January 1 of 2010 that everything was fine and no moneys were being taken. He is a lawyer and understands how sentencing works in the federal courts. It is his understanding the US Attorney had recommended a six-month sentence. Mr. Kelly and Mr. Leahy asked for no jail time, which is fine. He is not campaigning to see Mr. Seemayer sit in the penitentiary. He thinks there are all kinds of ways people can be punished. He would like to know if Mr. Kelly and Mr. Leahy were aware when they made their victim impact statements of the other allegations concerning T-Mobile, golf tournament, all of the other things, and were those made clear to Judge Perry when she did the sentencing. Finally, it goes to the anger that all the residents have, employees steal from employers, you don't like to see it happen but it does happen which is the absolute feeling that the Board and the Mayor are trying to hide everything under the carpet and absolutely deep-six anything. The most glaring example of this was the attempt to defeat the Sunshine Law provisions on the firefighters' settlement. You spent money and time to go to court to leave a one-paragraph settlement so that the taxpayers could not see it and know what happened. The Post Dispatch already had it. It was going to get out. He would like to know who is responsible for that decision, which attorney recommended it, and what was paid for that suit which was thrown out in about two-tenths of a second by the courts. It was so meaningless. He thinks it is a lack of transparency. He knows that the Board goes into executive session and they cannot discuss things that are employment matters. They have heard that for six months. Those were not employment matters.

Those were allegations of thief and fraud in the City. That is stuff that should be revealed, and that is what he thinks everybody is angry about.

Maureen Saunders suggested adding a public comment section at the end of the agenda. Many questions are being asked. In the event that they do not get them answered, they would like to be able to come back. The problem is there is never any give and take. It has closed and they are done, and that is the end. She is hoping that the meetings can be changed so that the first readings and second readings of bills are staggered, so that there is public input. Did Mr. Seemayer have a contract?

Mayor Kelly responded no.

Ms. Saunders asked if the City has an employee manual. Is the City going to sue Mr. Seemayer for the \$16,000 for the T-Mobile contract, the loss for the golf tournament and so forth? The City should consider suing him now.

Dennise Soebbing, resident at 2612 Porter Avenue came before the Board and asked who made the decision to allow Mr. Seemayer to resign instead of firing him. People are laid-off all the time, they are escorted out of the building, and their computers are shut down as soon as they are told their employment is no needed. If he was allowed to continue to work, how many other things did he have a chance to hide that they are not finding. Secondly, with him resigning instead of being fired, does it mean if he would have been fired, he would have lost his pension and not be eligible for that paid time off? She would like answers to those questions. Finally, this looks like gross negligence at best, if not intentional. It is embarrassing. She thinks they are all good people but it has gotten out of hand.

Karen Smith, resident at 8930 Harrison Avenue came before the Board and stated that although she has been saddened by Mr. Seemayer's debacle, he did steal from the City. He and only he placed himself and the City in that position. Although she does not like the idea of someone going to jail, he did it to himself. The paper reported that Chris Hesse was responsible for the decision made about Mr. Seemayer receiving his pension and benefits.

Mayor Kelly responded that Mr. Hesse did not have anything to do with the pension.

Ms. Smith stated that the way the articles read was that the Board looked to Mr. Hesse to make that decision. Her comment is that it is the leadership's responsibility to make those kinds of decisions. As citizens, who are they to hold accountable. Mr. Hesse is in the background, another shadow government that they have, if he is running the City and making the decisions about how and what they will not do with their employees. They do not elect Chris Hesse. They elect the Board and Mayor and are supposed to hold them accountable. They cannot hold Mr. Hesse accountable. She has never even met the man. He has never come to a meeting and she wonders why he is being relied upon to make the decisions. The judge that presided over Mr. Seemayer's sentencing showed leniency in his sentencing and it was due in great measure to the wonderful impact letters written by Mayor Kelly and Alderman Leahy. Usually they do not receive such letters from an organization after an individual has stolen money from them. In addition, if the Mayor Kelly and Alderman Leahy knew about those other things and wrote the letters, it is sad. She has not seen the letters, but has been told how to get a hold of the letters, which she plans to do. She is glad that they will be moving forward and making changes. It is a shame that it has taken so long. She has been involved with this City and if she had been treated differently by this City in 1990 when her basement flooded, if she had been treated with some ounce of

respect back then, she probably would've gotten her situation fixed and left and never come back to a City meeting again. As time went on and she saw how people were treated as well as herself when she tried to ask questions and get things resolved, it kept her wanting to come back because she thought there has to be something going on. Why would people treat people like this? Why would they try to hide things like this? In 1995, some of them knew that there were issues with the way money was moved back and forth in the City because of the way that the funds were handled with the sewer tax and Parks dollars being moved back and forth. It only got worse as time went on. In 2004 to 2005, everybody ran for office. Another alderman also ran for the mayor's position. She also thought there was some funny stuff going on out there. They were not as close as you all were. They did not have the information that you all get and have, and they thought there were funny stuff going on at City Hall. If they thought that, she cannot understand how the elected officials can sit there and not have done anything about it. We all have issues on our jobs where we walk off with a tablet of paper, or a pen, and people access the Internet at their jobs. There are those kinds of questionable things but taking a company credit card and buying personal things on it, she doesn't understand how that is even considered a tolerable action. Ms. Smith stated that the Mayor do not answer their questions. Sometimes the questions have to be researched and you never hear back on it unless you follow up, which she does. Other times, she will ask questions, the Mayor will write it down and then he will respond to it in his report, but there is no opportunity for them to ask another question. She stated that they should have all their questions typed up and should have a session where they could sit down and ask the questions. She stated that the Mayor does not enter into exchange with them. He functions very well in a scripted manner. The Mayor read that nice letter about all the accountability things that the City will be doing but there were accountability issues brought up with the Meridian, Tiff and TDD that were known back in 2004 to 2006. The developers and bank were told that this issue was going to be cleaned up in Brentwood and it was not done. They have a history of it. The question is who of the elected officials knew about all the stuff going on. She thinks that more of the elected officials know what has been going on for a long time and they are just not coming forward with it. She does not know how any of them sleep at night, walk around the city, or sit in those positions.

Jim Fiete, resident at 2201 Parkridge Avenue came before the Board and stated that he thinks they are going to have to change the City's motto from the "City of Warmth" to the City of Heat. He hopes they have changes when the next election comes.

Susan Lee, resident at 8611 Eulalie Avenue came before the Board and asked who kept track of Mr. Seemayer's vacation and sick time.

Mayor Kelly responded the accounting/payroll office.

Ms. Lee asked if it was just what he told the payroll office because the City did not have a time clock.

Mayor Kelly responded yes.

Ms. Lee responded so they are not sure if that is accurate. If Mr. Seemayer did not have a contract with the City why were they held bound to pay him all the funds. By law, does the City have to do that?

Mayor Kelly responded that it is a policy for all City employees.

Ms. Saunders stated that regarding the Meridian funds and the \$400,000 that was missing which was also under Mr. Seemayer's management, although you are all aware of it because of the litigation, she cannot imagine that it would take an accountant a month to figure out where the miscalculations were made. Normally what you do in those situations is put the money in an account under protest until it is resolved, but the City probably did not have the money. Why didn't the City make the letter of credit fee payments for 90 days? That is not contingent on how the money is accounted for. It is the City's responsibility and that is part of the reason they called the loan.

Mr. Harrison asked Mayor Kelly why he would give a glowing reference to a man who stole from the City he serves. People that steal from employers do not usually get glowing references.

Mayor Kelly stated that there is a lot more involved than just the letter of credit payments. The key to that was the fact that the funds were not in the TIF account. There had to be a certain balance for those payments to be made. If the funds were not there to make the bond payment then the bank did not get their letter of credit fees. When the retailers within the developments sent their sales tax returns into the State, if one of them put X business at 8800 Eager Road it went into the TIF account. If they put X business Brentwood Missouri, it went into the Brentwood's general revenue account. The State collects those funds, puts them into the different districts, pools the money, and wires the funds to the City of Brentwood. The City then takes the TIF account funds that are wired from the State and wire them directly to the trustee for the bond payments on a semi-annual basis. They did not get, at that time, monthly returns from each of those retailers on what they were depositing into the accounts. That is why it was not found for a period. Once it was discovered, it took months to get reports from the State to try to straighten it out. There were never any funds missing. They were just in the wrong accounts. Once it was determined what the City owned, they reimbursed the TIF account and made them whole. They did everything they could. Of course, if you are reading the depositions of the other side they are going to say things differently than what they said during their depositions.

Mayor Kelly stated that the personnel manual needs to be updated. A number of years ago, an employee could accrue as many sick days and vacation days as they wanted. About ten years ago a change was made that would allow them to accrue 120 sick days and five weeks vacation. After that, they lose it if they do not use it. Once those employees leave the City of Brentwood, they are eligible to have the funds for that. It is part of their earned credit as an employee of the City of Brentwood. He is proud of the fact that they have had that and some of the things employees have done with it. For instance, a couple of employees had been sick with cancer and did not have enough time. They ran out of their vacation and sick days and employees have given their days to those employees so that they could still have an income because at that time the City did not have short-term or long-term disability. It is a benefit. The City is required by its policies, Federal and State laws, to give those funds over to the employees.

Mayor Kelly explained with respect to Mr. Seemayer not being fired, he would give the timetable of events that took place as he recollect them. Mayor Kelly stated that he never said that he knew about the credit card situation in October. It was misunderstood, or he did not say it properly. Mr. Seemayer started to use the credit cards in October. Most of the credit card withdrawals took place between the end of October and February, over a three to four month period. It was January 1 when the auditors came in and started asking for the credit statements from Mr. Seemayer's account because they did not have the statements to do the audit. Mr. Seemayer was not turning those statements over. The flags were raised and staff was looking for them as well. On March 9, the credit union called and said that

there had been a large cash withdrawal and that if it was the city administrator's account, they needed to go over his head. Once staff realized that they had verification that there were cash withdrawals, they went to the police department and came to him that afternoon. He met with Mr. Seemayer along with the City Attorney and put him on administrative leave. Mr. Seemayer resigned that Friday. With legal counsel's advice, this was what they did at that time.

With respect to Mr. Seemayer's retirement and pension, it is an accrued benefit. They have to follow State and Federal laws. If he had done something against the pension, then they would have the right to take action against him. That was an accrued benefit, which is for any employee. The laws are not for just the City of Brentwood everybody has to follow pension laws.

Mayor Kelly stated that with respect to the Prosecutor and the victim impact statements, he did not receive the request for a victim impact statement until the Monday before the hearing for Mr. Seemayer's sentencing. The Prosecutor asked if the City had to forgo anything, like not doing a road project. That is what you put into a victim impact statement. He outlined what transpired in his impact statement. Mr. Seemayer had taken the money, he was put on administrative leave, the City recouped the money and the City had been made whole from a financial standpoint. He then made the comment at the bottom of his letter, on a personal note, that he agreed with Alderman Leahy's letter that he should not do jail time. With respect to the other items that were in the police report, those things were submitted as part of the police report in the investigation that was submitted to the Prosecutor who said that those items were not chargeable offenses. The Prosecutor would have charged Mr. Seemayer with those offenses if he could. He stated that they could not talk about it because of the investigation and the agreement until the charges were levied and Mr. Seemayer was sentenced. Tonight he is trying to be as open as possible by telling everyone what was there. They could not say anything until the sentencing was done because it was part of the investigation. Mayor Kelly stated that it has been very difficult and if any of the residents were in their positions they would have to do the same thing.

Alderman Leahy, referring to his letter stated that he would start by addressing a couple of the adjectives used earlier such as a glowing personal report to request no jail time. He does not think his letter accomplished that. For those who would like to see his letter, he would be happy to make it available. When he was asked to write the letter, which he has never written before, and he was not sure what to throw in it, they got his best effort. Alderman Leahy read his letter to Judge Catherine Perry into the record as follows: The loss is not in the amounts that are involved in this case. Those can be accounted for and repaid. What has been wronged is the violation of trust and friendship. The family has been forced to endure the problem and to learn the justice system because Chris's actions affected the family too. Maybe during some period of the family suspected the behavior or even knew and enjoyed the extra income and thus did nothing to stop Chris. Maybe they did not; and if so then maybe Chris's action have forced the family to come to grips with a problem that they had all wish now they didn't have to face. The City of Brentwood trusted Chris and valued his experience in running the City for years. With the first withdraw from City funds to allow Chris to further his gambling; he involved friends and co-workers. Instead of asking for their help and support to stop this problem, he devalued their friendship and trust to reach a thrill or high. Maybe he was embarrassed to the point of trying to hide this from his friends. We all have habits and hobbies that we do to find personal enjoyment and satisfaction, but allowing his personal satisfaction to reach a level of violating our trust and devaluing our friendship and family; we become the immaterial loss. Chris may have won in his habit but he lost and hurt the family, his years of doing an outstanding job for the community, and adding to the public

distrust of public officials because we failed to intervene earlier. Society believes government has the responsibility to protect us from ourselves. Thus pushing for drinking, drugs, smoking, and driving, admittance laws to places to protect us from ourselves. But we allow these vices to co-exist within our own society for the same reason Chris attended. To raise funds to have somebody else pay the bills. When we allow this conflict within community, we too become accountable. As an elected official, I failed to spend more time monitoring our own City Hall because it was easier on me and he grew and trusted Chris as a friend. I should have been there as a resource to help him avoid what both of us know are wrong actions. I was not there for him. As a friend, Chris violated my trust. As a friend, I am a victim. As a friend, we can and will be there to help Chris rebuild and repair the friendship and the trust. Sending Chris to jail will not solve, repair, or make amends to this case. Chris is and can continue to be an addition to the community and the family. He can serve more good by being among us and with his family than removed. Removing Chris from the community and family only adds to the loss. It will not make amends, and it will make the hurt and damage worse, and delay the healing, repair and rebuilding of the damages already caused. Please do not make the problem any worse.

Alderman Leahy stated that every Sunday, most of us go to a church or synagogue. Most of us have learned the Our Father, and in both they tell us to find a time and a place where you can help and hopefully forgive someone as much as you would like to be forgiven yourself. He could sit and burn Mr. Seemayer in effigy, and he can crucify him for being a bad person, he can also take an opportunity and give a little forgiveness that he can hope somebody, someday might show him. For Chris's family and for the 24 years that he has helped the City of Brentwood, and any and everything he did for us, deserves a little bit extra kindness. They did make the financial part of it whole to the best of their recollection. Alderman Leahy explained that he wrote the letter with the intent of looking for that forgiveness and that is what he offered. For those of you that read the Post Dispatch, Chris was sentenced on Wednesday, October 12. If you read the Tuesday, October 11 paper, the same Judge Perry had a young woman who had stolen \$60,000 from her company and she too received the same sentence, but with a little bit larger fine than the \$2,000 that Mr. Seemayer received. He does not know that his letter impacted her decision as much as he would love it to be the great basis for him not going to jail. The final arrangement is that Mr. Seemayer has wasted, as Judge Perry pointed out, his entire career. He will never be able to work in public office again as a city administrator, which is what he wanted to do. The man lost a job with Wal-Mart the minutes he pled guilty to two felonies. He is now going to spend six months on house arrest and from there try to find gainful employment doing something. Did he create his own problem? The answer is yes. Does he have a life of luxury ahead of him? He does not think anyone will agree that he does. If they want to be bitter and harsh, great. He thinks the "City of Warmth" deserves to extend that extra courtesy and that is why he wrote the letter.

Mayor Kelly addressing the question with respect to the agreement letter with the Union stated that it being a labor issue, which was handled by the City's attorney, staff was concerned and wanted to make sure that they could release that letter. It was their decision to let the court and a judge decide and give them permission to release the letter, so that nobody could come back and sue the City for releasing it. The court agreed with their interpretation that they could release the letter and that is what they did. Again, they were trying to protect the City to make sure that other involved parties did not sue them. Many of the things that they do and statements made are to protect the City so that they are not constantly paying lawyers and involved in lawsuits.

Williams Bock, resident at 9 Stratford Lane came before the Board and stated that Mayor Kelly never answered his question about what happened to the employees that used the Sam's Club credit cards. Were they terminated? If not, why weren't they?

Mayor Kelly responded that in the investigation it was determined that the employees that used the Sam's Club credit card used it for purchases but then reimbursed the City. They have stopped that practice. Again, evidently Mr. Seemayer allowed that practice. They were not actually purchasing and taking items home. The City was being reimbursed.

Christine Kobler, resident at 8615 Henrietta Avenue stated that she has a retirement or profit sharing that she participates in on her job. Because she is vested in it, when she leaves her job whether she is fired or resigns it goes with her. Is that the pension being discussed here? How much of that money did the City put into Mr. Seemayer's pension? Is it something that the "City of Warmth" provides for its employees? Just because he resigned that does not mean that his resignation had to be accepted. The Board still could have chosen to fire him. The City did not have to let him resign.

Mayor Kelly responded yes. That is the type of pension being talk about. He believes the City paid a certain percentage of his salary towards his retirement. LAGERS is the organization that runs the pension. They do it for many municipalities throughout the state of Missouri. The pensions can be set up where the employees contribute a certain portion and the cities contribute a certain portion. In the City of Brentwood, the City contributes the entire percentage for the pension.

Ms. Smith stated that in regards to the Meridian project, the Mayor could tell his side of the story, but she is saying that is not what she read in the case files. Mayor Kelly had stated that they reimbursed the accounts in a timely format. That is not what is in the case files because the City was told in March and had not moved on anything until October. There are also other areas of the case files where they say things were found as far back as 2004. That is not timely. The Mayor said that staff put all the money in the account. The City had to take out a loan. They did not have the money sitting in the account and she does not know where it went. It was not there and the City had to take out a loan to pay it back with interest. She asked how much interest was paid on the loan. She is not just reading depositions from the other side, she is reading depositions from City employees and they said they had the information needed to put the money into the account. When the Prosecuting Attorney contacted her, he said that he had left either an email or telephone call to get statements from the Board and the Mayor. She thinks it was the Monday before the sentencing.

Mayor Kelly responded that it was. He intended to correct it. For clarification, it was the Monday before the sentencing but they had to have the letter in by that Thursday.

Alderman Leahy stated that regarding Ms. Smith's phone call to him identifying a victim impact statement, they did not receive an email until that Monday from the City asking them if they wanted to consider writing one and thus his was dated the 5th of October. Alderman Leahy stated that if any emails were sent to Brentwood's email account you received a notice from him that said please reroute your request to his other email because he does not have access to the Brentwood account from his work site.

Ms. Smith stated that Alderman Leahy's letter was a very heartfelt letter and she is glad that he was able to extend that nice letter to him as a victim. She also wonders who is looking out for her. She is a victim

too in this and she does not feel that she was looked out for. Lastly, the City is concerned about lawyer fees; the City at one point hired another lawyer at an earlier meeting to get a second opinion. She has asked what that second opinion was all about and she has not received a response.

Jim Fiete came before the Board and stated that he was a superintendent of schools, in public education most of his life. If a teacher would have handed him a letter of resignation and he accepted it that does not make it official. A letter of resignation is not official until the school board accepts it. He asked Mayor Kelly when he received the letter of resignation at what point did that letter become officially a letter of resignation. He asked Mayor Kelly if he made the decision or did the Board vote on it.

Mayor Kelly responded that the Board did not vote on it. His understanding from the legal counsel was that once it was received it was official.

Ms. Saunders asked for answers to her questions regarding the employee hired to write the employees manual who was with the City for approximately 2 ½ years and was let go at the end of 2010 and the Sunshine Law question to Alderman Kramer regarding what he had learned and the disposition of the case. As far as the Meridian litigation, since the City has such a strong case and they feel so good about it she hopes they will see it through because the City has incurred almost \$200,000 in litigation costs and usually if found in favor for the City, the City gets to recoup those costs. She thought she saw a new letter of credit with Compass Bank, which she would assume that the City is settling and that is not good if they have a strong case. The City needs to see it through to recoup the \$200,000 that has already been spent in legal expenses. Typically, the judgment is plus court costs and legal fees. In regards to the pension fund, it is not that she does not want employees to get benefits; she just wants to make sure that the City is competitive in the market. Just as the unearned overtime was overkill and it should not have been paid with taxpayer dollars. Is the City in the middle of the market, way off, or on the low end? Are benefits in general competitive?

Mayor Kelly responded that he believes they are competitive.

Alderman Leahy asked Ms. Saunders if she is referring to the pension for police and fire or pension for other City employees.

Ms. Saunders responded for City employees.

Mr. Harrison stated that Alderman Leahy sponsored a bill a couple of meetings ago regarding going back to two-year terms. He asked why no more support for that? It seems that the city of Brentwood would benefit from more accountability, not less.

Ms. Smith asked if the City settled on the Meridian case.

Mayor Kelly responded that the case has settled.

Ms. Smith stated that her interpretation is that each party agreed to pay their own legal fees. She asked why the City has settled.

Mayor Kelly stated that he would have a report for the next meeting. With respect to the HR person hired a few years ago, the City decided to go in another direction. The new personnel manual was never developed during that period.

Alderman Kramer stated that he has not spoken about the topic of the Sunshine Law case for some time. The disposition was the case was settled. There were items that both plaintiff and the defendant found that were in error and the judge agreed with the agreement between both parties that it was better for the City in the long-run to settle without a judgment in that case. They both agreed to maintain each of their attorney fees in that particular case. For him, it was quite expensive. The reason the lawsuit was filed was that he believed there was a violation of the Missouri Sunshine Law. What he still believes is that the Sunshine Law needs to be rewritten. It is not strong enough and it is not worded well enough for settlements to be had by the layperson without an extreme amount of expense. The money came out of his pocket based upon his beliefs and he stands behind those beliefs. It was quite injurious to his relationship with his fellow elected officials, and it was a challenge for him personally but he stood up for what he believed in. The actual spirit of the Missouri Sunshine Law is quite different from what is in writing and what is enforceable. If you contact most judges on this particular topic, you will find the same thing. He made several trips to Jefferson City to lobby for several amendments to the Missouri Sunshine Law. He gave several depositions and made several statements in public to try to get the Sunshine Law rewritten. The votes on those particular topics unfortunately fell on a losing side. He still believes in the need for at least an amendment, if not a complete rewriting of the Sunshine Law. The spirit of the Sunshine Law is for the residents, the laypeople to have transparency into what goes on in public government. One of his suggestions when he first came on the Board was the synopsis of the bills. He was fortunate that the Mayor appointed him to his position at the beginning, and he ran elected after that point. He has spent many evenings at other municipalities listening to the readings of the bills. They vote on them, which happen quickly, but at least you get an explanation. You do not even get an explanation from some municipalities. It is very legalese. It happens very quickly and if you are not at the committee meetings, which take place during the day or take place when you are not able to be there, you do not know what happened. He is a believer in transparency and in the Sunshine Law. It was personally challenging and financially injurious to him but he does not think he would go back and change anything. Once again, with the personal situations that happened with some of the elected officials and with the Mayor, it is important for him to do what is best for the City. He has apologized to people that felt they were injured personally and he believes they have been able to move on successfully from there.

Julie Pozzo stated that she is disappointed with everything that has been happening. Mr. Seemayer got paid \$130,000 a year and she keeps hearing what wonderful things he did for the city. She would like to know what those wonderful things are. She feels like the buck stops here with all of you. She does not understand how for ten plus years the loose accounting practices went unnoticed. Why were the recommendations made by the accounting firm to tighten the internal controls ignored?

Alderman Marshall stated that he agrees with Alderman Kramer on the Sunshine Law. He thinks it is a mess. If you ask five different lawyers about the Sunshine Law, they will give you five different opinions, which is irritating because when you want a black and white definition you can never get one. As elected officials, they defer to the lawyer to give them the best representation. If the lawyer says they cannot talk about certain things, that is what they follow.

Alderman Leahy addressing the question of what Mr. Seemayer did that benefited everyone stated that every single year the budget was balanced. The residents have no city property tax to that budget. The City is working off the development money and the sales tax arrangement. The City has one of the best lateral sewer programs in the entire St. Louis County area. These things help the day-to-day operation of the City work well. It ran so smooth. It was very easy to listen to Mr. Seemayer, trust what he was telling them and get an education on how the City works. He stole from the City and stealing is wrong. Our kids steal from us, we punish them and then hug them and tell them that we still love them.

Mayor Kelly stated that with respect to the management letter, a comment was made that when a resident received the audit they did not receive a copy of the management letter. It is usually the policy of all cities that a management letter is a tool to be used by staff. It is not usually attached to the audit. It is something that staff can use to make corrections within the City to help the processes and so forth with accounting and future audits. The auditors usually meet with the Ways and Means Committee to go over the management letter, then staff is supposed to take action where they think it is necessary. The management letter is not attached to the audit. In regards to the request from Karen Smith regarding the second opinion, the Board has not had that opinion given to them as a Board yet. It deals with a personnel matter and they have not had that presentation by the attorney.

Alderman Kramer addressing the Sunshine Law and their interactions stated that they have had several meetings on all the various topics discussed tonight in closed sessions. He cannot think of a meeting that they had where an attorney was not present. He has a very good understanding of the Sunshine Law as it stands right and the understanding of the law in general. He knows enough to know that what they had been advised upon by the attorneys is for the greater good of the city, separate of their own personal desires to share information or to get a little bit deeper into topics. The Mayor speaks for the City. Out of respect for the Mayor's position and the office, it is very difficult for them to have a working relationship for the betterment of the city that is in conflict. The Mayor does not always do or say what he would have done or said, nor would he ever say necessarily what he would say or what he believes. They have to stand together. They are all in the same meeting, and get the same advice. In this particular case, they have had a situation with an attorney where maybe there is a second-guessing and are asking for another opinion. They take their fiduciary responsibility seriously. They want to make sure that they are doing it right. There are a lot of litigious people that would love nothing better than to go after a City that does well for itself and take a lot of money; way more than their legal fees could ever possibly come close to. They would probably do well with it if they do not fall in line and take the steps that the attorneys recommend. If they question those steps, they go to a second opinion and make sure they are getting the proper information. If they do not get the proper information then they are open for a possible suit themselves. An answer to the question is he does understand, he was there and has asked questions. They have all asked questions. They have been in meetings for hours and hours when they would much rather be doing other things, but they are here doing what they think is right for the people. They dig down deep for that. Perhaps some of them over the years have taken it more seriously than others. In this particular case, he takes it very seriously. When a lawyer says if you even vary from this one iota, you are leaving yourself wide open, they listen. Don't even take the chance. It is better to take grief from a public that wants to know something right now than take the lawsuit, tell them later, and hopefully, they will understand. Once again, he will say that he may have handled things differently than the Mayor. He may have said things differently or handled the conversation differently. He is not the Mayor but he respects his office and his judgment. They are all here with him and they are all trying to get past this. They do not want this to go on forever. They are all accountable to each and every one of their constituents. He stated that probably indifference to the

practices that are recommended to them by the attorneys over a period, and he has been doing this since 2003, maybe there are opportunities where they could have communicated better, more often, or more clearly. He thinks that is a valid concern.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Bill No. 5634

Mayor Kelly asked for a motion to place Bill No. 5634 on hold.

Motion was made by Alderman Leahy, second by Alderman Marshall to place Bill No. 5634 on hold. All in favor none opposed.

First and Second Readings of Bill No. 5635

Motion was made by Alderman Wynn, second by Alderman Leahy to give Bill No. 5635 first and second readings. All in favor none opposed.

City Attorney Albrecht gave Bill No. 5635, AN ORDINANCE PROVIDING FOR THE ADOPTION OF THE SIXTH AMENDMENT TO THE AMENDED AND RESTATED CITY OF BRENTWOOD POLICE AND FIREFIGHTERS' PENSION PLAN; 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. 5635 as a Bill that is considered the HEROES Earnings and Assistance Relief Tax Act (HEART) amendment, which is required by Federal law. In 2008, President Bush signed HEART, which provides a number of savings-related benefits to employees serving in the military affecting most qualified retirement plans. It provides for beneficiaries of a participant in the Police and Firefighters Pension Plan who die on active duty or while performing qualified military service shall receive the same benefits they would had received if the participant died while an active employment of the City of Brentwood Police or Fire Departments. The amendment also provides a differential wage payments, as defined in Code Section 3402(h) (2) are treated as Section 415 Compensation.

Mayor Kelly stated that the Pension Board unanimously approved the change. The idea is that if any of the police and firefighters are serving in active duty are killed or injured, they would receive the police and fire pension just as they would if they were injured here on duty. It is something that is well deserved.

Motion was made by Alderman Kramer, second by Alderwoman Krewson to approve and adopt Bill No. 5635. 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. 5635 duly passed and signed same into approval thereof. Said Bill was given Ordinance No. 4312.

Resolution No. 976 – General Municipal Election

Alderman Kramer read a synopsis of Resolution No. 976 as a Resolution that provides for a General Municipal Election to be held in the City of Brentwood, Missouri on Tuesday, April 3, 2012, where qualified voters shall elect one (1) alderperson from each of wards one, two, three and four to serve for a term of four (4) years.

Motion was made by Alderwoman Krewson, second by Alderman Marshall to approve Resolution No. 976. Roll call: Alderman Marshall, yes; Alderman Leahy, no; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

Resolution No. 977 – Veterans Day Observance and Annual Holiday Open House

Alderman Kramer read a synopsis of Resolution No. 977 as a Resolution that would allow for the serving and consumption of beer and wine at the Veterans Day Observance on Friday, November 11 in City Hall, and at the Annual Holiday Open House on Monday, December 12, 2011 at the Brentwood Recreation Center.

Motion was made by Alderman Harper, second by Alderman Leahy to approve Resolution No. 977. Roll call: Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

ACCOUNTS AGAINST THE CITY

Alderman Kramer asked about the expenditure for Acumen Consulting and if any of the services are duplicative of Bud Schilling's work.

City Administrator Akande responded no. When there are different projects going on and two of Bud is needed they step in and provide assistance, particularly when it comes to service on the servers and things like that.

Alderman Kramer asked if the quarterly maintenance service check is for the Recreation Center. Is the Thompson Coburn expenditure for several cases or one case?

City Administrator Akande responded that the quarterly maintenance service check is for the Recreation Center and the expenditure for Thompson Coburn is for the Meridian litigation.

Motion was made by Alderman Marshall, second by Alderwoman Krewson to accept the warrant list dated 10/17/11 as submitted. All in favor none opposed.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS:

Mayor's Report

Mayor Kelly announced an executive session personnel matter will be held following the meeting.

Mayor Kelly stated that the City is having a community blood drive on Tuesday, November 8, 2011 from 10:00 am to 2:00 pm at the Recreation Center. You can drop by and give blood. He encouraged everyone that is eligible to contribute.

Public Safety Committee – No report

Public Works Committee – No report

Director of Planning and Development

2012 Budget – 8750 Manchester Road CID

Director of Planning and Development/Asst. City Administrator Rottjakob stated that the 8750 Manchester Road CID, pursuant to State Statutes provides the City of Brentwood with its annual budget. An error was found in the math and it had to be resubmitted. The anticipated sales tax revenue for 2012 is \$46,000. They are budgeting \$4,000 in administration expenses, \$2,500 for legal and \$1,500 for the trustee fee. Their scheduled debt service payment is \$24,000. They are showing a total expense of \$28,000 and a net income of \$18,000. The City has 30 days from receiving the letter to submit any questions or comments in writing. She would recommend clarification for the use of the net income to verify whether it will be held in reserve for a later debt service or if it is for maintenance on the site. The 8750 Manchester Road is the location of Ace Hardware, Office Depot and Arby's. Another thing that would be useful to request in the debt service schedule to confirm that the \$24,000 that they are showing as a scheduled debt service payment is sufficient to pay down both principal and interest. She would be happy to submit the request to the CID.

Mayor Kelly agreed and asked if they could make additional payments, if there are excess funds, to pay it down sooner.

Mayor Kelly stated that they talked about the 353 Corporation at the last meeting. They are leaning in that direction, but the City has not had any formal request from Drury Hotels to use the 353, an economic development tool.

Ways and Means Committee

The W&M Committee has a meeting on October 27 at 4:00 pm.

City Attorney – No report

City Clerk/Administrator

Special Use Permit/Temporary Liquor License Request

City Administrator Akande stated that the City received a request from Anne Kelleher for a Special Use Permit and a Temporary Liquor License for an event that is scheduled for October 18 from 5:30 to 9:30 pm at 836 Hanley Industrial Court. They will be holding an outside event that is being sponsored by St. Louis Magazine. There will be a tent and valet parking. They have received permission from Thrasher Printing, Inc. to use their site for parking.

Mayor Kelly asked if they are selling alcohol.

City Administrator Akande responded that they would be serving alcohol.

Motion was made by Alderman Leahy, second by Alderman Marshall to approve the Special Use Permit and Temporary Liquor License for petitioner Anne Kelleher for an event to be held at 836 Hanley Industrial Court. Roll call: Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, 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

For clarification, Alderman Harper stated that during Mayor Kelly's comments he mentioned that he and the City Attorney met with Mr. Seemayer, which was after they had urged that they contact the prosecutor to make sure they were not interfering with the criminal investigation. That is his recollection.

Alderman Harper stated that he was going over what the Mayor said about him and the City Attorney meeting with Mr. Seemayer and then he resigned that Friday.

Mayor Kelly stated that they met with Mr. Seemayer around 1:00 pm the Wednesday that it was brought to their attention at City Hall, put him on administrative leave and then that Friday he resigned.

Alderman Harper stated that he remembers urging that they contact the prosecutor's office on one of the visits to Mr. Seemayer to make sure that they were not interfering with a criminal investigation and the labor attorney said that he would contact someone.

Mayor Kelly stated that he believes the attorney was in contact with Mr. Seemayer's attorney. The information, although they notified the Federal Prosecutor right away, was forwarded a couple of weeks later to him.

Alderman Kramer asked for an update on the Brentshire Walk Apartments appraisal.

Mayor Kelly responded that they are still working on the appraisal. Staff has not received it yet.

Mrs. Rottjakob responded that is correct. They have asked for responses by last Friday and have received one so far. The estimated time to complete those is four weeks.

Mayor Kelly stated that Mr. Barron contacted the City and he is leaning more towards donating a portion of the Executive Walk Apartments property to the City. The goal would be to use the funds that

MSD has that were going to be used for the buyout with FEMA's matching funds. They would try to get MSD to use those funds for the demolition of the buildings and then the property would become adjacent open space next to Norm West Park, a little farther north. Staff will need to work with Mr. Barron because he will need access to that property since he is keeping the buildings at the top of the hill. The buildings have residents in them.

Alderman Kramer asked for an update on the Borders site.

Mayor Kelly stated that they have a letter of intent for both spaces. The area where the coffee shop was located will be sectioned off to become a separate retail space. He cannot announce the retailers yet because they do not have a firm deal. The space should be occupied by early summer of next year. The vacant space, which is next to Micro Center will be occupied by a new store will be going in there called Five Below. Buffalo Wild Wings opened a few weeks ago and you are lucky if you get a seat. They have been very happy with that location.

NEW BUSINESS

Alderman Leahy announced a Ward 3 meeting would be held on Tuesday, October 25 at 7:00 pm in the Council Chambers.

Alderman Leahy addressing the audience commended them for coming up and holding the Board accountable. Do not stop. Keep holding them up. He knows at times it sounds like friction but he honestly would prefer the feedback and the questions versus not having it.

Alderman Leahy announced the Parks Department is having a Spooktacular Trunk and Treat in Memorial Park on Friday, October 28. The citizens of Brentwood are invited.

Mayor Kelly announced his Coffee with the Mayor, which is held the last Friday of every month at 9:00 am in the Council Chambers. It is a chance to ask question, or talk about issues.

Alderwoman Krewson credited Director of Parks & Recreation Frankowski for the financial success of the golf tournament.

Mayor Kelly added that staff did a great job this year on the golf tournament. It is something, as a community, that they would like to continue. The idea of trying to bring everybody together and participating in a community event has been good in general. The staff did a great job.

Vote to go into Executive Session

Motion was made by Alderman Leahy, second by Alderman Marshall to recess the regular meeting and go into executive session on a personnel matter at 9:01 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 Alderwoman Krewson, second by Alderman Kramer to return to open session at 10:24 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 Alderman Wynn, second by Alderman Leahy to adjourn the meeting at 10:26 pm. All in favor none opposed.

Pat Kelly, Mayor

Attest:

Bola Akande
City Clerk/Administrator