

**CITY OF BRENTWOOD
BOARD OF ALDERMEN MEETING
MARCH 7, 2016**

MEETING CALLED TO ORDER

Mayor Christopher Thornton called the meeting to order at 7:00 pm, in the Council Room of City Hall located at 2348 S. Brentwood Blvd., Brentwood, MO 63144 and immediately led the Pledge of Allegiance.

ROLL CALL

The following members were present

Alderman Plufka	Present	Alderman Toohey	Present
Alderman Slusser	Present	Alderman Leahy	Present
Alderman Lochmoeller	Present	Alderman Manestar	Present
Alderman Kramer	Present	Alderman Saunders	Present
Mayor Thornton	Present		

Members present constituted a quorum. Also present were City Clerk/Administrator Bola Akande, Attorney Kevin O'Keefe, Treasurer Greg Reynders and Planning Consultant Todd Streiler.

APPROVAL OF AGENDA

Board of Aldermen March 7, 2016

Motion was made by Alderman Toohey and seconded by Alderman Leahy to amend the agenda moving the executive session to item #5B and to limit the session to 15 minutes. **Roll Call:** Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderman Manestar – yes; Alderman Plufka – yes; Alderman Saunders – no; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

Alderman Leahy made a motion to add to the agenda, Item #10A – 1st reading of Bill No 6053. Motion seconded by Alderman Toohey. Unanimous vote in favor taken; **MOTION PASSED.**

Motion was made by Alderman Leahy and seconded by Alderman Slusser to approve the meeting agenda as amended. Unanimous vote in favor taken; **MOTION PASSED.**

CONSIDERATION AND APPROVAL OF MINUTES

Board of Aldermen Regular Meeting Minutes February 16, 2016

Hearing no changes, the meeting minutes were unanimously approved.

PRESENTATION/RECOGNITION

Proclamation – Eagle Scout Troop 361 – James O'Halloran

Mayor Thornton announced the achievements of James O'Halloran and prepared a proclamation of which was read aloud by Alderman Kramer.

CLOSED MEETING

Legal – RSMO 610.021(1)

Motion was made by Alderman Saunders and seconded by Alderman Leahy to enter into executive session at 7:12 p.m. to discuss legal matters and consultation with counsel pursuant to RSMO 610.021(1). **ROLL CALL:** Alderman Kramer – yes; Alderman Leahy – yes; Alderman

Lochmoeller – yes; Alderwoman Manestar – yes; Alderman Plufka – yes; Alderwoman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

Motion was made by Alderman Toohey and seconded by Alderman Leahy to adjourn the executive session and reconvene the regular meeting at 7:34 p.m. **ROLL CALL:** Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderwoman Manestar – yes; Alderman Plufka – yes; Alderwoman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

PUBLIC HEARING

None

BIDS

Bid Selection – Fire House HVAC Preventative Maintenance

The Parks and Recreation Department issued an RFP for the purpose of contracting with an experienced and qualified firm to provide preventative maintenance and repair services for the newly remodeled Recreation Center. Since the Recreation Center and the Fire House utilize a Daikin Commercial HVAC System, plus the fact that we have not been satisfied with our current preventative maintenance contractor, it was decided that it would be in the best interest of the City to utilize the same contractor on both systems. Parks Director Gruenenfelder included an Alternate Proposal in the RFP to provide preventative maintenance, according to the manufacturer's recommendation, and repair services for the Daikin Commercial HVAC System at the Fire House. The city received one proposal in response to the request.

At the February 19th regular meeting, the Board of Aldermen approved the preventative maintenance and repair services agreement for the Parks and Recreation Department; however, it was decided to bring the Firehouse HVAC addendum to the March 7th meeting to ensure the correct proposal was being presented.

The proposed cost for the Fire Department was higher than the \$6,400 budgeted for FY 2016. Given City Attorney O'Keefe's approval (because there were no other bids submitted), we negotiated with State Mechanical Services in order to obtain better pricing for 2016. We negotiated a price of \$6,400 for 2016 for a limited Scope of Services. The Annual Cost will increase to \$22,898 in 2017 and \$24,385 in 2018.

After Aldermen questions to clarify the cost, Chief Jury explained that State Mechanical was willing to work with the city to keep the costs within budget and this step will get the city back on track.

Bid Selection – Right of Way (ROW) Negotiator Services

The City of Brentwood issued a request for proposals for ROW Negotiator Services related to the Hanley Industrial Court Project. The approved ROW plans call for the acquisition of both permanent and temporary easements to accommodate the construction project. Because federal funds are used for the ROW phase of this project, the City must follow federal guidelines for acquisition of the permanent and temporary easements, and as such is requesting assistance for these negotiations. Staff requested proposals from four (4) MoDOT approved ROW negotiators receiving two (2) responses, O. R. Colan Associates (\$34,450.00) and BHE (\$29,400). Based on the evaluation of the proposals, staff recommended approval of the proposal from O. R. Colan.

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

(Each person addressing the board shall give his/her name, address and organization or firm

represented, if any. He/she shall speak for a period not to exceed three (3) minutes; though additional time may be granted by the presiding officer of the board.)

Louis Charboneau, 8833 Madge, addressed the Board with regards to Bill No 6051. She distributed pictures of the property at 2533-2539 Brentwood Blvd and stated that she feels that planning and zoning did not sufficiently address the issue with fencing and dumpsters. She read, for the record, a letter from Faith Beckerman (8823 Madge):

"I would have been here tonight however I'm under the weather and unable to attend in person as I would have liked to. I've prepared this statement for Louis to read in my absence. When the new owner of the Pasta House property erected his new fence he graded the adjacent property removing a natural berm which exposed more of the rear of the building to my view. I see the back of the building and the fencing as I park my car every day and take my dog out. It takes away from the enjoyment of my own yard. Good fences make good neighbors."

She added that comments were made at planning and zoning that the adjacent property is vacant but it doesn't matter if the adjacent property is vacant because it can be viewed from other properties. She asked if the site plan can be amended to require stockade fencing as used by the remainder of commercial properties along this portion of Brentwood Blvd. Also with regard to the dumpsters, they are not properly enclosed and are not adhering to the city's municipal code.

Karen Meyer, 8726 Pine Ave, questioned why the newly installed curb at Pine (east of Brentwood) did not have handicap cuts and that there are dollops of asphalt pushed up along the new curb.

Aldermanic Response

Mayor Thornton explained that the city newsletter will be released in a couple of days and it addresses the construction on Brentwood Blvd. These issues have also been addressed with County.

UNFINISHED BUSINESS

None

BILLS TO BE GIVEN A FIRST READING ONLY

Bill No 6053 – An Ordinance Amending Section 215.1330 And 215.1340 Relating To Prohibitions Against Sex Offenders And Certain Facilities Being In Proximity To Child Care Facilities And Schools

Attorney O'Keefe read Bill #6053 by title only. Mayor Thornton explained that this bill would expand the city's current ordinance prohibiting the presence of sex offenders in certain locations and would broaden it to include certain additional locations and additional types of convicted felons.

It was questioned if the proposed change in Section 215.1330 referring to businesses intended designed or operated, if there are concerns that it is too vague and there may be businesses operated to attract certain persons. Attorney O'Keefe explained that the issue is as businesses morph as opposed to how they start out and perhaps their clientele or focus changes; it is intended to address circumstances where businesses evolve over time so that they don't obtain some preexisting use status. It was also questioned of how we define the measurement of the 500 feet distance. Attorney O'Keefe explained that the ordinance provides for specific measurement techniques; from the nearest point on the lot line from location to location. It was also questioned if the intention was to bring us more in line with state statute and to expand our language. Attorney O'Keefe explained that current provisions are not in sync with

all related provisions in state law and this brings the code more in line and also furthers the purpose of the existing ordinance by way of the conduct.

BILLS TO BE GIVEN A SECOND READING ONLY

None

BILLS TO BE GIVEN A FIRST AND SECOND READING

Bill No 6046 – An Ordinance Authorizing The Mayor And/Or City Administrator To Execute A Contract On Behalf Of The City Of Brentwood, Missouri With State Mechanical Services, Inc., HVAC Services At The Brentwood Fire Station

Attorney O’Keefe read Bill #6046 by title only. Alderman Kramer provided the synopsis, “The Fire Department seeks approval for an ordinance authorizing the mayor and/or city administrator to sign a one year contract with an option for two one-year extensions with State Mechanical Services for preventative maintenance and repair services for the HVAC System in the Brentwood Fire Station. It was clarified that the city received one proposal in response to the request. Attorney O’Keefe read Bill #6046 by title only. Motion was made by Alderman Slusser and seconded by Alderwoman Saunders to perfect Bill #6046 into ordinance form.

Roll Call: Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderwoman Manestar – yes; Alderman Plufka – yes; Alderwoman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

BILL #6046 IS HEREBY PASSED BY THE BOARD OF ALDERMAN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4699.

Bill No. 6047 – An Ordinance Authorizing The Mayor And/Or City Administrator To Enter Into And Execute An Agreement Between The City Of Brentwood, Missouri, The Regional Justice Information Service And Forte Payment Systems Inc For On-Line Payment Services

Attorney O’Keefe read Bill #6047 by title only. Alderman Kramer provided the synopsis, “This bill is for an ordinance authorizing the mayor and/or city administrator to enter into and execute an agreement between the City of Brentwood, Missouri, the Regional Justice Information Service and Forte Payment Systems Inc. for on-line payment services. The on-line payment system allows for the payment of traffic tickets and other ordinance violations from a link on the City’s website. There is no cost to the City for this service; the combined 5.5% processing fee required by both entities is charged to the user. Staff requests a first and second reading at the same meeting”. It was clarified by Court Administrator Schwartz that the 5.5% charged to the users by the vendor is paid directly. It was also questioned if the code should be changed to allow the 5.5% charge and explained that this is a service offered as a convenience, not a requirement so the code does not need to be changed. Attorney O’Keefe read Bill #6047 by title only. Motion was made by Alderman Slusser and seconded by Alderman Plufka to perfect Bill #6047 into ordinance form. **Roll Call:** Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderwoman Manestar – yes; Alderman Plufka – yes; Alderwoman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

BILL #6047 IS HEREBY PASSED BY THE BOARD OF ALDERMAN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4700.

Bill No. 6048 – An Ordinance Amending Section 110.200 Of The Brentwood City Code To Clarify The Process For Establishing Compensation For Officers And Employees Of The City

Attorney O’Keefe read Bill #6048 by title only. Alderman Kramer provided the synopsis, “this bill is for an ordinance amending section 110.200 of the Brentwood City Code to clarify the process for establishing compensation for officers and employees of the city. The Brentwood Municipal Code states that the Board of Aldermen shall fix the compensation of all officers and

city employees on an annual basis in connection with the adoption of the annual budget. With this amendment, the code will now state that the salary of an officer elected or appointed for a fixed term shall not be changed during the time for which he or she was elected or appointed. Any change in compensation of elected officials should be performed by separate ordinance instead of using the budget. The Ways and Means Committee recommends approval". It was clarified that you are unable to change any compensation of elected or appointed officials until the term expires. This bill tracks the provisions of 79.270 RSMo and for convenience adds the provision to the city's code. Attorney O'Keefe also clarified that he has no reason to believe that previous actions of the board have been illegal in this regard. It was also clarified that the changes would apply following the election or re-election of their specific term. Attorney O'Keefe read Bill #6048 by title only. Motion was made by Alderman Slusser and seconded by Alderman Plufka to perfect Bill #6048 into ordinance form. **Roll Call:** Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderwoman Manestar – yes; Alderman Plufka – yes; Alderwoman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

BILL #6048 IS HEREBY PASSED BY THE BOARD OF ALDERMAN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4701.

Bill No. 6049 – An Ordinance Authorizing And Directing The Mayor And/Or City Administrator To Enter Into On Behalf Of The City Of Brentwood, Missouri A Contract With St. Louis, County Missouri For Mosquito Control Service

Attorney O'Keefe read Bill #6049 by title only. Alderman Kramer provided the synopsis, "the City adopted an ordinance entering into a contract with St. Louis County Department of Health for mosquito control services in February 2011. The current contract expired in February 2016. This contract term is for a total of five (5) year and would be for adulticiding and larvaciding as the City of Brentwood provides fogging. Staff recommends approval of the contract and a first and second reading at the same meeting". It was clarified that this is separate from the fogging program administered by the city. Attorney O'Keefe read Bill #6049 by title only. Motion was made by Alderman Leahy and seconded by Alderman Plufka to perfect Bill #6049 into ordinance form. **Roll Call:** Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderwoman Manestar – yes; Alderman Plufka – yes; Alderwoman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

BILL #6049 IS HEREBY PASSED BY THE BOARD OF ALDERMAN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4702.

Bill No. 6050 – An Ordinance Authorizing The Mayor And/Or City Administrator To Enter Into An Easement Agreement Between The City Of Brentwood And Metropolitan Sewer District Agreement

Attorney O'Keefe read Bill #6050 by title only. Alderman Kramer provided the synopsis, "This bill is for an ordinance of the City of Brentwood, authorizing the mayor and/or city administrator to enter into and execute an agreement between the City of Brentwood, Missouri and Metropolitan St. Louis Sewer District for electrical easements related to MDS Project #10021, DC-02 and DC-03 Sanitary Relief Phase I as a part of Project Clear. MSD has submitted a plat with Ameren Missouri drawings to show the relocation of the power lines where the six new easements for the work associated with Project Clear are required". Attorney O'Keefe read Bill #6050 by title only. Motion was made by Alderman Slusser and seconded by Alderman Leahy to perfect Bill #6050 into ordinance form. **Roll Call:** Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderwoman Manestar – yes; Alderman Plufka – yes; Alderwoman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

BILL #6050 IS HEREBY PASSED BY THE BOARD OF ALDERMAN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4703.

Bill No. 6051 – An Ordinance Granting Site Plan Approval To 2533-2539 Brentwood Boulevard (Pasta Pronto) For A New Façade & Related Improvements Which Requires Site Plan Approval Pursuant To Title Iv, Chapter 400 Of The Brentwood Code Of Ordinances

Attorney O’Keefe read Bill #6051 by title only. Alderman Kramer provided the synopsis, “this bill is for an ordinance granting site plan approval to 2533-2539 Brentwood Blvd. (Pasta Pronto) for a new façade and related improvements which requires site plan approval pursuant to Title IV, Chapter 400 of the Brentwood Code of Ordinances. Staff recommends the 1st & 2nd reading take place at the same meeting. **Planning & Zoning** Commission passed a motion by a vote of 8-0, recommending the Board of Aldermen approve the Architectural Elevations and Site Plan for 2533 Brentwood Boulevard with the following conditions: 1) Include two planters (urns) in the center of the primary façade as approved by Staff; 2) Install wall sconces in the center of the primary façade as approved by Staff; 3) Install a planter at the unused curb-cut as approved by the Planning Director”.

As requested, Robert Hagen (property owner), clarified that upon closing on the purchase of the property last year, they contacted the city with regards to any violations and the fencing issue was never noted; the 3 citations received were corrected. They are currently undergoing many renovations that will improve the appearance of the property and feels that extending the fence is a cost that they do not need to bare at this time. It was noted that the code specifies fencing and dumpster enclosure requirements and there were questions of why either were not noted as a condition of approval if they are not in compliance. Todd Streiler, Planning Consultant, stated that the screening is required when the property abuts residential property and in this case, the adjacent property is commercial; this proposal meets code section 400.2410. Mr. Hagen was asked to consider the cost of the additional fencing as a good neighbor. Hagen explained that they have exceeded the expectations in other parts of the project, i.e., the parking lot, the planter box and fencing along Brentwood, and added that he does not see the value of the additional stockade fencing in the back of the building. It was also noted that staff will be asked to visit the site to ensure there are no violations with regards to the dumpster. Attorney O’Keefe read Bill #6051 by title only.

Motion was made by Alderman Slusser and seconded by Alderman Lochmoeller to perfect Bill #6051 into ordinance form. After discussions of the dumpster location, possible difficulties with haulers, and code requirements, Attorney O’Keefe clarified that per the city’s zoning code, preexisting nonconformities are allowed to continue if there is a change of ownership or not, it is only when the use is abandoned that the preexisting nonconforming condition must be brought into compliance with subsequently enacted zoning regulations. **Roll Call:** Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderwoman Manestar – yes; Alderman Plufka – no; Alderwoman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

BILL #6051 IS HEREBY PASSED BY THE BOARD OF ALDERMAN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4704.

Bill No. 6052 – An Ordinance Authorizing The Mayor And/Or City Administrator To Execute A Professional Services Agreement On Behalf Of The City Of Brentwood, Missouri With O.R. Colan Associates, For Right-Of-Way Negotiator Services For The Hanley Industrial Court Project

Attorney O’Keefe read Bill #6052 by title only. Alderman Kramer provided the synopsis, “this Bill is for an ordinance authorizing the mayor and/or city administrator to approve an agreement for right-of-way negotiator services for the Hanley Industrial Court Project (STP-5577(632). A federally funded project consisting of sidewalks and pedestrian lighting which will bring much needed pedestrian improvements to an area that experiences a heavy volume of pedestrian traffic. Staff requests a first and second reading as this is a time sensitive phase in the project schedule”. Attorney O’Keefe read Bill #6052 by title only”. Motion was made by Alderman Leahy and seconded by Alderwoman Saunders to perfect Bill #6052 into ordinance form. **Roll Call:** Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes;

Alderwoman Manestar – yes; Alderman Plufka – yes; Alderwoman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

BILL #6052 IS HEREBY PASSED BY THE BOARD OF ALDERMAN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4705.

RESOLUTIONS

None

ACCOUNTS AGAINST THE CITY

Alderman Slusser presented the warrant list in the amount of \$368,920.19 and made a motion for approval. Motion seconded by Alderman Kramer. Unanimous vote in favor taken; **MOTION PASSED.**

REPORT OF COMMITTEES AND DEPARTMENT HEADS

Mayor Thornton clarified his rationale for an earlier ruling that a motion was out of order. He stated that the city is bound to operation according to state statute, the city's ordinances and Robert's Rules of Order. He announced the upcoming Mayor's Happy Hour on March 10th and invited everyone to attend. He also announced the forthcoming newsletter in which he has included information regarding important topics like Brentwood Blvd, the comprehensive plan and others. The popular community shred day, hosted by Shred & Protect is scheduled for May 7th from 9am – 11am, and on Saturday, May 21st, 11am – 1pm, the Brentwood Fire Department will conduct its annual open house.

After questions regarding activity surrounding pool cities and the sharing of taxes, Mayor asked for additional time to research and provide updated information.

Public Safety Committee, Alderman Plufka announced a conflict with the upcoming meeting scheduled for March 17th. The committee will work to reschedule another date.

Public Works Committee, Alderman Toohey announced that staff has recently made application for a STP grant for Manchester Road. He also announced the next meeting on March 9th in which discussions will be held regarding FEMA and perennially flooding property program; everyone was invited.

Director of Planning & Development, Todd Streiler Planning Consultant

Planning and Zoning will have its meeting on March 9th and a petitioner will be present with request for a zoning change on the property at Manchester and Hanley to UD for an apartment complex.

Ways and Means Committee, Alderman Slusser announced the lack of quorum at the last meeting and requested, in the future, if Aldermen are unable to attend to notify staff or the committee chair.

City Attorney Kevin O'Keefe had no report.

City Clerk/Administrator Akande had no report.

Excise Commissioner Manestar had no report.

Library, Alderwoman Manestar had no report.

Municipal League, Mayor Thornton had no report.

Historical Society, Chief Fitzgerald had no report.

ANNOUNCEMENTS

Alderman Kramer announced the birth of his newborn son on March 3rd; everyone welcomed the arrival of Eli Joseph.

Alderwoman Saunders announced the next Ward 1 meeting on Tuesday, May 10th at 6:30pm; they will begin to be held quarterly.

Alderman Leahy announced the next Ward 3 meeting on Tuesday, March 29th at 7pm; all were invited.

NEW BUSINESS

After questions of development plans for the property at White and Brentwood, Mayor Thornton explained that plans are still underway however they have not received the required no further action notice from the department of natural resources. Currently, the site is being leased to the contractors performing the updates on Brentwood Blvd.

Mayor Thornton also announced his unfortunate conflict with the next meeting of the board of aldermen on March 21st. Alderman Leahy made a motion to reschedule the March 21st board meeting March 28th at the Brentwood Recreation Complex. Motion seconded by Alderwoman Saunders. Unanimous vote in favor taken; **MOTION PASSED.**

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

PRESENT (Each person addressing the board shall give his/her name, address and organization or firm represented, if any. He/she shall speak for a period not to exceed three (3) minutes; though additional time may be granted by the presiding officer of the board. Total time allotted for this section shall not exceed 15 minutes)

Karen Smith, Harrison, commented that as a new member of Planning and Zoning she is still not sure of what can and can't be asked of applicants; she is currently taking an economic development course to compliment the planning and zoning course taken for additional education. She stated her belief that an opportunity may have been missed to make some property improvements based on code requirements. She added that this could also be attributed to the comprehensive plan which can be used to help guide applicants. She urged Aldermen to continue to work to get the plan back on track.

ADJOURNMENT

Motion was made by Alderman Kramer and seconded by Alderman Leahy to adjourn the meeting at 9:19 p.m. Unanimous vote in favor taken; **MOTION PASSED.**

Approved as submitted on the 28th day of March, 2016.

Attest:

Christopher A. Thornton, Mayor

Bola Akande, City Clerk/Administrator