

**CITY OF BRENTWOOD
BOARD OF ALDERMEN MEETING
MAY 16, 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 O'Neill	Present
Alderman Slusser	Present	Alderman Leahy	Present
Alderman Lochmoeller	Present	Alderman Sims	Present
Alderman Kramer	Present	Alderman Dimmitt	Present
Mayor Thornton	Present		

Members present constituted a quorum. Also present were City Clerk/Administrator Bola Akande, Attorney Kevin O'Keefe, Treasurer Greg Reynders, Assistant City Administrator/Planning Director Lisa Koerkenmeier, and Deputy Clerk Octavia Pittman.

APPROVAL OF AGENDA

Board of Aldermen May 16, 2016

Motion was made by Alderman Leahy and seconded by Alderman Lochmoeller to amend the agenda moving Bill #12A to #10A to conduct staggered readings. Discussion was held regarding the rationale of the Ways and Means Committee to move the bill forward based on the amount of time the bill has been considered and comments were offered of slowing down the process for transparency. **VOTE TAKEN:** 4 – yes; 4 – no; (Tie Vote) Mayor Thornton – no; **MOTION FAILED.**

Motion was made by Alderman Plufka and seconded by Alderman Dimmitt to add to the agenda item #12Ei (presentation by staff). Unanimous vote in favor taken; **MOTION PASSED.**

Motion was made by Alderman Slusser and seconded by Alderman Plufka to add to the agenda item #19 Closed Session for Personnel Matters pursuant to RSMo 610.021(3). Unanimous vote in favor taken; **MOTION PASSED.**

Hearing no additional amendments, unanimous vote in favor was taken to approve the meeting agenda as amended.

CONSIDERATION AND APPROVAL OF MINUTES

Board of Aldermen Regular Meeting Minutes May 2, 2016

Hearing no changes, meeting minutes were approved by acclamation.

PRESENTATION/RECOGNITION

Eagle Scout Troop 301 – Noah Lee

He was unable to attend; this will be presented at a future meeting.

PUBLIC HEARING

2017 Community Development Block Grant

Mayor Thornton opened the public hearing at 7:16 p.m.

Lisa Koerkenmeier, Planning & Development Director announced the purpose of the hearing to discuss the community development block grant and outline the usage of these funds. A handout listing eligible activities as well as a sign in sheet for those interested in speaking were available.

Director Koerkenmeier gave a brief overview of previous years' allocations (\$20,000) to the home improvement program administered through St. Louis County which provides home owners with forgivable loans of up to \$5,000 to make needed repairs on their owner-occupied properties if they meet certain income requirements. These repairs include such projects as electrical, plumbing, heating and cooling, roofing, concrete work and tree trimming. In addition to the home improvement program, funds can also be used for acquisition of property, improvements to public facilities, clearance activities, public services, privately owned utilities, and the creation of low income housing. As the program is well utilized, staff recommendation for the FY 2017 funds will be to allocate the funds in the amount of \$20,000 towards "Rehabilitation of Private Property" for the home improvement program. For the past several years, the board has also authorized staff to waive the costs of permit fees for projects being funded through the community development block grant program. It was announced that comments will continue to be received regarding this grant for an additional 30 days.

As there was no objection from the Board and there were no comments from Citizens; the public hearing was closed at 7:18 p.m.

BIDS

Bid Selection – Asphalt Street Mill and Overlay Project

Administrator Akande announced that the city conducted a request for proposal for the overlay and mill of seven streets and one alley as budgeted in FY 2016. A total of four responses were received; Spencer Contracting (\$590,617.68), West Contracting (\$573,755.03), Krupp Construction (\$644,996.10), and Gershenson Construction (\$667,173.65). After review by staff and the Public Works Committee, West Contracting was recommended as the low and best bidder. It was noted that budget savings are estimated in the amount of \$54,114.97.

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.)

None

UNFINISHED BUSINESS

None

BILLS TO BE GIVEN A FIRST READING ONLY

None

BILLS TO BE GIVEN A SECOND READING ONLY

Bill No. 6063 – An Ordinance Amending Schedule III Of The Brentwood City Code Regarding Residential Parking Restrictions

Attorney O’Keefe read Bill #6063 by title only. Alderman Kramer provided the synopsis, “this bill is for ordinance that ensures there is protected margins of no parking, 27 feet to the east and west of the Brentwood Court Apartments egress onto Eager Road and 27 feet to the east from Oriole Lane on Eager Road; no parking from here to the corner. The Public Safety Committee voted unanimously that the request be forwarded to the Board of Aldermen with a positive recommendation”.

Perfection of Bills

Motion was made by Alderman Leahy and seconded by Alderman Lochmoeller to perfect Bill #6063 into ordinance form. **ROLL CALL:** Alderman Dimmitt – yes; Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderwoman O’Neill – yes; Alderman Plufka – yes; Alderwoman Sims – yes; Alderman Slusser – yes; **MOTION PASSED.**

BILL #6063 IS HEREBY PASSED BY THE BOARD OF ALDERMAN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4712.

BILLS TO BE GIVEN A FIRST AND SECOND READING

Bill No. 6029.1 – An Ordinance Amending Title I Of The Revised Code Of Ordinances Of The City Of Brentwood, Missouri, By Amending Chapter 115: Officers And Employees, Adding A New Section 115.030 Conflicts Of Interest; Amending Chapter 135 By Repealing Section 135.210 On The Same Subject; Providing For The Effective Date Of This Ordinance; Providing For The Repeal Of All Conflicting Ordinances

Attorney O’Keefe read Bill #6029.1 by title only. Alderman Kramer provided the synopsis, “the purpose of this ordinance is to set forth standards of conduct for elected and appointed official as well as employees of the City of Brentwood. The proper operation of municipal government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the proper channels of the government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, this bill establishes a procedure for disclosure and/or recusal of officials and employees faced with financial or personal conflicts of interest in matters affecting the City. The Ways and Means Committee made a unanimous motion to forward to the full Board of Aldermen, with at 1st and 2nd reading at the next meeting”.

Presentation By Staff

Attorney O’Keefe explained that this Bill incorporates portions of state law, definitional portions of the law governing the conduct of elected and appointed officials alleviating redundancy. It replaces a reporting requirement in Chapter 135 of the municipal code, follows up on state law authority allowing municipalities to adopt their own means of reporting and disclosing potential conflicts of interest and establishes local provisions of disclosure and recusal. It also follows that standard that the judgement of the propriety of conduct of officials rests with the voters as well as the officials themselves so that they are allowed to recused themselves but the voice of the constituents is not removed from the decision making process except in limited circumstances. There are also additional standards that are not required under state law, this includes real estate holdings in the city by an official, member of their family or dependent child as well as business interest doing business with the city in an extent even more rigorous that state law dictate.

Questions By Aldermen

None

Perfection Of Bills

Attorney O'Keefe read Bill #6029.1 by title only. Motion was made by Aldermen Slusser and seconded by Alderman Dimmitt. Discussion ensued regarding comments to extent the requirement to appointed officials, Planning and Zoning members, Board of Adjustment members, and the potential impact of decreased interest to serve as a volunteer. Comments were also offered regarding the inclusion of campaign contributions and leasehold interests. Alderman Kramer asked for a list of comparable cities with similar language as included in Bill #6029.1. Attorney O'Keefe responded that this is similar to most local governments as the language was mostly taken from state statute, however the language regarding real estate is an original draft.

Motion was made by Alderman Kramer to modify the bill to include commercial and residential leasehold interest (115.030.4.3.A/B) regarding disclosure for the parties mentioned and various parts of the family that may be related; to include disclosures of campaign contributions; and to include planning and zoning commission, the board of aldermen and the board of adjustment. Motion seconded by Alderman Lochmoeller. As Attorney O'Keefe would need to research for inclusions of the appropriate language, the motion was withdrawn.

Alderman Kramer made a motion to Call the question and refer Bill #6029.1 back to Ways and Means to entertain new language regarding leasehold interest for residential and commercial property, campaign contribution and include appointed members of the Board of Adjustment and Planning and Zoning. Motion seconded by Alderwoman O'Neill. **ROLL CALL:** Alderman Dimmitt – no; Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderwoman O'Neill – yes; Alderman Plufka – no; Alderwoman Sims – no; Alderman Slusser – no; (Tie Vote) Mayor Thornton – no; **MOTION FAILED.**

Motion was made by Alderman Slusser and seconded by Alderman Plufka to call to question. **ROLL CALL:** Alderman Dimmitt – yes; Alderman Kramer – no; Alderman Leahy – yes; Alderman Lochmoeller – no; Alderwoman O'Neill – no; Alderman Plufka – yes; Alderwoman Sims – yes; Alderman Slusser – yes; **MOTION PASSED.**

ROLL CALL: Alderman Dimmitt – yes; Alderman Kramer – no; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderwoman O'Neill – no; Alderman Plufka – yes; Alderwoman Sims – yes; Alderman Slusser – yes; **MOTION PASSED.**

BILL #6029.1 IS HEREBY PASSED BY THE BOARD OF ALDERMAN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4713.

Bill No. 6062 – An Ordinance Repealing Sections 215.1330 And 215.1340 And Enacting Residency, Presence And Activity Limitations For Sex Offenders And Certain Facilities In Proximity To Schools, Child Care And Similar Facilities

Attorney O'Keefe read Bill #6062 by title only. Alderman Kramer provided the synopsis, "Brentwood ordinances and state law have long had regulations intended to protect children from convicted sex offenders and violent criminals. The residency limitation distance that is stated in Bill No. 6062 mirrors the state restriction of 1,000 feet. This restriction is triggered by the proximity to public and private schools up to 12th grade. Public libraries, public parks, pools open to the public, and child care facilities, gymnasias and other places where kids gather are not relevant to the residency limitation. This ordinance also incorporates the City's new "felon business" proximity regulation adopted last month. Meaning there is a prohibition against sex offenders and certain facilities being in proximity to child care facilities and schools. The Public Safety Committee made a unanimous motion that the request be forwarded to the Board of Aldermen with a positive recommendation with a 1st and 2nd reading at the next meeting".

Presentation By Staff

None

Questions By Aldermen

Alderman Leahy questioned if home care qualifies for home schooling, if there are a certain number of kids required, if it would have to be registered. Attorney O’Keefe explained that this deals with a qualifying offender that takes up residence within the proximity at the time of establishing residence. He added that if they are not subject to licensure by the state to be applicable. After further questions he clarified that you cannot prosecute for conduct outside this jurisdiction.

Perfection Of Bills

Attorney O’Keefe read Bill #6062 by title only. Motion was made by Alderman Slusser and seconded by Alderman Lochmoeller. **ROLL CALL:** Alderman Dimmitt – yes; Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderwoman O’Neill – yes; Alderman Plufka – yes; Alderwoman Sims – yes; Alderman Slusser – yes; **MOTION PASSED.**

BILL #6062 IS HEREBY PASSED BY THE BOARD OF ALDERMAN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4714.

Bill No. 6064 – An Ordinance Approving A Final Subdivision Plat Of A Parcel Located At 2419 Annalee Avenue Into Two (2) Single-Family Residential Lots And Establishing The Effective Date Of This Ordinance

Attorney O’Keefe read Bill #6064 by title only. Alderman Kramer provided the synopsis, “this bill is for an ordinance approving a final subdivision plat of a single lot into two parcels located at 2419 and 2423 Annalee Ave. The Planning & Zoning Commission passed a motion by a vote of 5-1, recommending the Board of Aldermen approve the subdivision plat for 2419 & 2423 Annalee Avenue.”

Alderman Kramer announced personal interest and recused himself. Attorney O’Keefe pointed out that he should also be removed from the introduction of the bill; there were no objections from the Board.

Presentation By Staff

None

Questions By Aldermen

Alderman Leahy questioned if the existing house would be demolished. Director Koerkenmeier explained that eventually it would come down. The reason it went back to the board was because a variance was approved in 2013 but was voided due to the time expiration of which the variance was acted on.

Perfection Of Bills

Attorney O’Keefe read Bill #6064 by title only. Motion was made by Alderman Leahy and seconded by Alderman Slusser to perfect Bill #6064 into ordinance form. **ROLL CALL:** Alderman Dimmitt – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderwoman O’Neill – yes; Alderman Plufka – yes; Alderwoman Sims – yes; Alderman Slusser – yes; **MOTION PASSED.**

BILL #6064 IS HEREBY PASSED BY THE BOARD OF ALDERMAN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4715.

Bill No. 6065 – An Ordinance Of The City Of Brentwood, Missouri, Authorizing The Mayor And/Or City Administrator To Enter Into And Execute An Agreement Between The City Of Brentwood, Missouri And NB West Contracting; And Providing For The Effective Date Of This Ordinance

Attorney O’Keefe read Bill #6065 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 and N. B. West Contracting for the FY 16 Asphalt Projects (seven streets and one alley). The Public Works Committee made a

unanimous motion that the request be forwarded to the Board of Aldermen for the approval of N. B. West Contracting for asphalt projects in the amount of \$573,755.03 and the 1st and 2nd reading at the next meeting.”

Presentation By Staff

Administrator Akande explained that this project is expected to start upon close of schools. They are also scheduling a town hall to provide those residents that will be impacted an opportunity to meet with the contractor.

Questions By Aldermen

Alderman Lochmoeller asked if curbs and sidewalks would be included and Administrator Akande clarified that staff will perform these improvements.

Perfection Of Bills

Attorney O’Keefe read Bill #6065 by title only. Motion was made by Alderman Slusser and seconded by Alderman Plufka to perfect Bill #6065 into ordinance form. **ROLL CALL:** Alderman Dimmitt – yes; Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderwoman O’Neill – yes; Alderman Plufka – yes; Alderwoman Sims – yes; Alderman Slusser – yes; **MOTION PASSED.**

BILL #6065 IS HEREBY PASSED BY THE BOARD OF ALDERMAN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4716.

Bill No. 6066 – An Ordinance Approving A Final Subdivision Plat Of A Parcel Located At 8815 Litzsinger Road Into Three (3) Lots And Establishing The Effective Date Of This Ordinance

Attorney O’Keefe read Bill #6066 by title only. Alderman Kramer provided the synopsis, “this bill is for an ordinance approving a final subdivision plat of three (3) parcels located at 8815, 8825 and 8827 Litzsinger Road into one Single Family Residential District and establishing the effective date of this ordinance. The Planning & Zoning Commission passed a motion by a vote of 9-0, recommending the Board of Aldermen approve the subdivision pat for 8815, 8825, and 8827 Litzsinger Road.”

Presentation By Staff

None

Questions By Aldermen

Petitioner, Eric Kirby was present and explained that the intent is not to develop new homes but to create the parcels for each of the existing homes shown on the subdivision. If that plan changes, it would be brought to the planning and zoning commission.

Perfection Of Bills

Attorney O’Keefe read Bill #6066 by title only. Motion was made by Alderman Leahy and seconded by Alderman Slusser to perfect Bill #6066 into ordinance form. **ROLL CALL:** Alderman Dimmitt – yes; Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderwoman O’Neill – yes; Alderman Plufka – yes; Alderwoman Sims – yes; Alderman Slusser – yes; **MOTION PASSED.**

BILL #6066 IS HEREBY PASSED BY THE BOARD OF ALDERMAN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4717.

RESOLUTIONS

Resolution No. 1052 – A Resolution Providing For The Consumption Of Beer, Wine And Liquors, As Provided For In Section 600.040 Of The Brentwood Municipal Code

Alderman Kramer provided the synopsis, “the Parks and Recreation Department is seeking approval to provide for the consumption of beer, wine and liquors as stated in Section 600.040

of the Brentwood Municipal Code. There are a number of events each year that the Parks and Recreation Department requests the ability to provide for the consumption of beer, wine and liquors. The City's first Music on the Menu will take place on June 19, 2016. The Public Works Committee made a unanimous motion to recommend to the full board of Aldermen approval of Music in the Park and the allowance of the consumption of alcohol." Hearing no objections, by unanimous vote Resolution #1052 was approved.

ACCOUNTS AGAINST THE CITY

Alderman Slusser presented the warrant list in the amount of \$49,248.23 and made a motion for approval. Motion seconded by Alderman Kramer. **ROLL CALL:** Alderman Dimmitt – yes; Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderwoman O'Neill – yes; Alderman Plufka – yes; Alderwoman Sims – yes; Alderman Slusser – yes; **MOTION PASSED.**

REPORT OF COMMITTEES AND DEPARTMENT HEADS

Mayor Thornton stated his appreciation of the discussion from the board regarding transparency and with his believe that any amount of information provided to the public regarding who, how and why the board operates if only beneficial. He also commented that the job of filling appointments to boards and committees is not an easy one, and that while he can agree, to some degree, with including appointees in the transparency ordinance, it may make finding appointments more difficult.

Public Safety Committee, Alderman Plufka reported that the next meeting is scheduled to be held on May 19th.

Public Works Committee, Alderman Leahy reported the **Request for a Change Order on the Litzsinger Project** of which is recommended by the committee. There are a number of light posts that the city has received request to install dimmers. Discussion was held and it was announced that the engineer has reviewed and estimates the cost for dimmers at \$9,825.37. Request has been made to MoDOT to include this cost within the original grant, which they denied. If the change order is authorized, funds could be used from savings within the asphalt project.

Upon motion by Alderman Leahy and seconded by Alderman Slusser, the following resolution was adopted:

RESOLVED, that the board authorize a change order in the amount of \$9,825.37 to install adjusting switches on the lights on Litzsinger Road.

ROLL CALL: Alderman Dimmitt – yes; Alderman Kramer – yes; Alderman Leahy – no; Alderman Lochmoeller – yes; Alderwoman O'Neill – no; Alderman Plufka – yes; Alderwoman Sims – yes; Alderman Slusser – yes; **MOTION PASSED.**

Director of Planning & Development, Director Koerkenmeier recalled that the Board approved a cooperative agreement for the formation of the 8750 Manchester Road Community Improvement District in December 2017. Annually they forward their Board members for approval, this information was provided in the board meeting packet. It was confirmed that all of the proposed member meet the qualifications set forth in the agreement. Motion was made by Alderman Leahy to approve the **Board Appointments – 8750 Manchester Road CID.** Motion seconded by Alderman Slusser. Unanimous vote in favor taken; **MOTION PASSED.**

Ways and Means Committee, Alderman Slusser reported that the committee will be discussing the 2015 audit at the next meeting to be held on June 2nd.

City Attorney Kevin O’Keefe had no report.

City Clerk/Administrator Akande reported that the **Communications Committee** has been discussing how the city can better market itself. It was requested to issue a RFP for the ability to begin recording all committee and board meetings. The proposal submitted were so cost prohibitive that it was decided to spend funds in the 2016 budget to update equipment in the chambers. It was further discussed to record the Annual Maddenfest; of which quotes were obtained to conduct a 3-5 video of the festival including the parade and other activities and the committee forwarded a recommendation. A discussion was held regarding previous videos recorded in years past and efforts to increase attendance of Brentwood families and local businesses.

Upon motion by Alderman Leahy and seconded by Alderman Slusser, the following resolution was unanimously approved:

RESOLVED, to authorize the expense of \$7,534 to Create A Video of the 2016 Brentwood Annual Maddenfest.

Excise Commissioner Slusser had no report.

Library, Alderwoman O’Neill had no report.

Municipal League, Mayor Thornton had no report.

Historical Society, Chief Fitzgerald had no report.

ANNOUNCEMENTS

Alderman Slusser announced his purchase of a home in Ward I, with that, he must resign from the position of Alderman effective June 3, 2016. He added comments of his time on the Board and reminded everyone that city staff is exemplary and should be treated as such. Mayor Thornton offered comments that he will be sorely missed and announced, pursuant to the city code, that a special meeting will be held to appoint a replacement; tentatively scheduled for Monday, June 6th at 7pm.

Alderman Lochmoeller announced the Ward III meeting to be held on 5/31 at 7pm.

NEW BUSINESS

None

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)

Louise Charboneau, Madge, offered comments regarding the conflicts of interest bill and asked that the Board continue to review.

Karen Meyer, 8726 Pine, congratulated the board on the strong discussion.

CLOSED SESSION

Personnel – RSMO 610.021(3)

Motion was made by Alderman Leahy and seconded by Alderman Lochmoeller to enter into executive session to discuss personnel matters pursuant to RSMo 610.021(3). **ROLL CALL:** Alderman Dimmitt – yes; Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderwoman O’Neill – yes; Alderman Plufka – yes; Alderwoman Sims – yes; Alderman Slusser – yes; **MOTION PASSED.**

Mayor Thornton called the closed meeting to order at 9:18 pm with the following members present:, Alderman Lochmoeller, Alderman Leahy, Alderman Plufka, Alderwoman Sims, Alderman Slusser, Alderwoman O’Neill, Alderman Dimmitt and Alderman Kramer. Also present were City Administrator Akande, City Attorney O’Keefe, and Deputy City Clerk Pittman.

No action was taken.

ADJOURNMENT

Alderman Leahy made a motion to adjourn the closed session at 9:30 pm. Motion seconded by Alderman Plufka. **ROLL CALL:** Alderman Dimmitt – yes; Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderwoman O’Neill – yes; Alderman Plufka – yes; Alderwoman Sims – yes; Alderman Slusser – yes; **MOTION PASSED.**

Approved as submitted on the 20th day of June, 2016.

Attest:

Christopher A. Thornton, Mayor

Bola Akande, City Clerk/Administrator