

**CITY OF BRENTWOOD
BOARD OF ALDERMEN MEETING
April 2, 2018**

MEETING CALLED TO ORDER

Mayor Christopher Thornton called the meeting to order at 7:01pm, 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 Dimmitt	Alderman O'Neill
Alderman Kramer	Alderman Plufka
Alderman Leahy	Alderman Sims
Alderman Lochmoeller	Alderman Wegge
Mayor Thornton	

Members present constituted a quorum. Also present were City Administrator Bola Akande, City Attorney Kevin O'Keefe and Interim Deputy City Clerk Gina Williams.

APPROVAL OF AGENDA

Board of Aldermen April 2, 2018

The Agenda was approved by acclamation.

CONSIDERATION AND APPROVAL OF MINUTES

Board of Aldermen Meeting Minutes March 19, 2018

Alderman Lochmoeller requested minutes be revised, changes are required on page 5, under public works.

Alderman Leahy seconded the motion. A unanimous voice vote was taken.

Motion Passed

PRESENTATION/RECOGNITION

Swearing in of Firefighter Don Bushdiecker – Chief Kurten gave a brief introduction of Don. Don was born and raised in St. Charles, MO. He graduated from St. Charles West High School in 1999, then attended St. Charles Community College to pursue a degree in computer science. It didn't take long for Don to realize that the thought of spending his working career behind a computer screen was not how he wanted to live his life. Don began a new journey to pursue his dream of becoming a firefighter/paramedic. He enrolled in EMT school at St. Louis Community College and shortly after began volunteering for the Lake St. Louis Fire District. Don graduated paramedic school in January 2012 and was immediately hired at Meramec Ambulance District, where he worked for the district until September 2017. Don attended the

100th class of the St. Louis County Fire Academy and graduated in March 2017. He worked briefly for Frontenac Fire Department from September 2017 until being hired by the Brentwood Fire Department in March of 2018. Don now resides in O'Fallon with his wife Heather and their twin daughters Isabelle and Gabrielle. Chief Kurten welcomed him to the City of Brentwood and City Administrator Akande administered the Oath of Office. In the traditional pinning ceremony, Don's wife Heather pinned on his badge. The Board of Aldermen congratulated Don and welcomed him to the City of Brentwood.

PROCLAMATION

None

PUBLIC HEARING

Bill No.6191 - Text Amendments to Continue Prohibition of Short-Term Rentals in the Residential Districts and UD, Urban Development District (Case #18-01) - Short-term rentals are defined as rentals of dwelling units for typical periods of less than a month. Currently the City's Zoning Code does not specifically define short-term rentals. However, since short-term rentals are not permitted by right and do not comply with the City's occupancy permit program, short-term rentals operations have been prohibited. The Public Works Committee requested the Planning and Development Department staff propose text amendments to Chapter 400, the Zoning Ordinance, to clarify the current prohibition of the operation of short-term rentals in Brentwood. New definitions are proposed for short-term rentals, transient guest, and vacation rentals which would be added to the definition section. The home occupation provisions would be amended to prohibit short-term rentals, boardinghouses, bed and breakfast, hotels, and similar facilities. The district regulations for each residential zoning district and the UD District would be amended to clarify that "residential" use does not include short-term residential use by transient guests (i.e. short-term rentals). Lastly, additional language concerning occupancy permits would be added to clarify that short-term rentals cannot qualify for an occupancy permit. At the March 14th Planning and Zoning Commission Meeting, the Commission voted 3-yays and 4-nays on the Bill prohibiting short-term rentals. This Bill prohibiting short-term rentals moves forward to the Board of Alderman for consideration with an unfavorable recommendation to approve from the Commission. Resident Kathy Thomas, 9016 Madge Avenue, asked the Commission not to prohibit based on that there are several, unregulated short-term rentals that operate without much recourse from the City. Ms. Thomas also stated that a pro to short-term rentals is that there some sort of modicum of background checks conducted with third-party rental websites. Ms. Thomas also stated that with regulation, if the Commission votes not to prohibit, recourse could potentially include fines, revoke licenses to operate, etc. She also stated that research shows that short-term rentals increase property values, an increase in money spent staying within the community, and positive exposure to future residents. Lastly, Ms. Thomas stated that the State of Missouri will eventually pass this and it'll be beneficial to the City of Brentwood to be proactive now rather than later so that regulation can be in place. Ms. Karen Smith, 8930 Harrison Avenue, asked the Board of Aldermen not to allow short-term rentals. She stated that the residential character of a neighborhood is threatened when a significant number of homes are occupied not be a permanent residence, but by a stream of tenants staying less than 30 days. She commented that prohibition of short-term rentals also ensures the stability of a community. Mrs. Pam Thornton, 9421 Tilles Drive, asked the Board not to change the text that would prohibit short-term rental, but to look at ways to regulate it into different

categories, which would allow the City of Brentwood to use short-term rentals to its advantage. Mr. Mike Harton, 2527 Kentland Drive, stated that short-term rentals are not good idea for the City of Brentwood. He stated that short-term rental websites operate as a business, therefore should be compliant to paying local taxes, businesses license, etc.

BIDS

None

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

None

Aldermanic Response

None

UNFINISHED BUSINESS

None

BILLS TO BE GIVEN A FIRST READING ONLY

Bill No. 6190 – **2018 Series Certificate of Participation** - The City of Brentwood, Missouri desires to enter into a lease purchase transaction and borrow \$42,930,000. These proceeds will be used to pay for the costs of the Manchester Renewal Project. There are three parts to the Manchester Renewal Project.

Namely:

- 1. Deer Creek Flood Mitigation** - The Deer Creek Flood Mitigation project involves the planning, design, and construction of improvements to the Deer Creek Channel starting from the existing Metro Facility to the Union Pacific RR crossing in Maplewood. To address the ongoing flooding problems located along Deer Creek, between Brentwood Boulevard and Hanley Road, the City of Brentwood proposes a project constructed to protect affected properties from the 100-year flood and more frequent flooding.
- 2. Manchester Road Improvements** - Manchester Road Improvements is a Missouri Department of Transportation (MoDOT) project that consist of 1.5 miles of pedestrian and vehicular improvements to Manchester Road within the city limits of Brentwood. The project will consist of a mill and overlay of the existing asphalt pavement; replacement of the existing concrete gutter with curb and gutter; partial access management of existing business entrances; and pedestrian improvements to sidewalks, pedestrian signals, and pedestrian crossings. In conjunction with the MoDOT project, the City of Brentwood is acquiring additional right-of-way space to improve the appearance and use of the Manchester corridor.
- 3. Great Rivers Greenway (GRG) Deer Creek Connector** - The GRG Connector is approximately .60-mile extension of the existing Rogers Parkway trail to the Great Rivers Greenway District's (GRG) Deer Creek Greenway. The GRG connector will connect to a newly constructed below grade tunnel. The trail will continue south along the west side of

Mary Avenue to Norm West Park. Continuing south past Norm West Park, users will then utilize approximately 1,200 feet of pedestrian bridge to traverse over the Union Pacific Railroad and Deer Creek terminating at a trailhead along the Deer Creek Greenway. This project involves the planning, design and construction of a connection between the City of Brentwood's Rogers Parkway and the Great Rivers Greenway's - Deer Creek Greenway.

Alderman Plufka asked what increase does this put on the City's debt service as it currently exists, as well as pertaining to the several years and beyond. Mayor Thornton stated that currently, for the past 3 years the City of Brentwood has serviced at \$1.47M in debt per year. The City has been paying on the firehouse construction, the construction of the recreation center, and 2 capital leases that total a little under \$125,000. Mayor Thornton stated that if we were to adopt this measure, the debt payment would increase to \$2.8M annually, with an increase of \$1.33M until 2024. Then, the debt service would increase to a total of \$3.2M, with an increase of \$1.8M. Alderman Dimmitt asked if any of the provided documents stated that the total debt service and the service debt it would need to service the \$43M. Mayor Thornton answered that the documents contain information only for this transaction, which does not include previous transactions. Mr. Jim Lahay, Senior Vice President, Stifel, Nicolaus & Company, stated that this is the guidance that his organization will take to pricing if it is approved. The bonds will be priced, regardless of the interest rate, to structure the proposed annual debt service. Mr. Lahay stated that the second reading documents will reflect the final numbers related to the debt service. Alderman Dimmitt inquired about the ability to prepay without a penalty. Mr. Lahay stated, typically, bonds have a final maturity of 25 years. Usually after 10 years, it would be normal for the bonds to be callable at par, but provisions can be included related to an earlier callable date; however, an increased interest rate would be in effect. Alderman Dimmitt referred to the COP regarding the different sources offered to service the debt annually, specifically the TIF proceeds and inquired about the assurances there are about the \$1M sales tax revenue. Mayor Thornton stated that a rough estimate was performed and totaled \$1.2M from this estimate, but is toned down quite a bit for the purposes of being extra careful. City Administrator Akande stated that another basis for coming up with the calculation is that Brentwood Pointe and Brentwood Square were paid off early. Mayor Thornton stated that the structure of this transaction is not to raise a particular amount of money, rather to not exceed the debt limits. Alderman Kramer inquired about the payback timeline of the bonds if, hypothetically, a development could be assigned part of the bond issuance. Mr. Lahay stated that the new money would be coming into the City and could be used to finance the debt. City Attorney O'Keefe stated that we cannot shift our debt onto someone else to pay and Mayor Thornton stated that ultimately the City is the borrower. Alderman Lochmoeller inquired about the basis of the AA credit rating of the City. Mr. Lahay stated that it is quite an accomplishment to achieve credit rating and all financial documents are considered. The higher the rating, the lower the interest rate. Alderman Wegge inquired about the basic plan for the General Fund and Finance Director Shaw stated that the Capital Improvement Fund would be taking on the project debt, not the General Fund. Alderman Wegge inquired about the process of borrowing \$43M with approval from taxpayers and Erick Creach with Gilmore & Bell explained the reason. He stated that because the City is not exceeding, in any year, the indebtedness regarding the Certification of Participation, taxpayer approval is not necessary. Taxpayer approval is only needed for indebtedness that exceeded the City's annual income. Alderman Leahy inquired about the cost of the bond issuance to Stifel, Nicolaus & Company and Mr. Lahay responded that the underwriter's discount is 1.25%, other costs/fees include bond counsel, underwriter counsel, etc. which add up to an

additional \$215,000. Alderman Leahy stated that this project needs to be completed because a new corridor of revenue through sales tax improves, allows the City to perform and provide services to residents, and the we do not have to go the voters to add a property tax. Alderman Leahy has concerns regarding the project and would like to go to the voters to see if it is a high priority for voters to be indebted to fund the project. Mr. Lahay responded that interest rates will likely increase significantly. Alderman Leahy stated that he is having trouble with the City going into debt and still coming up short to fund the whole project. Mayor Thornton stated that this is a good idea to fund this project now because interest rates, on a historical basis, are very favorable and allows the City to get a good interest rate. Mayor Thornton stated that if an economic interest rate was presented to voters and it was approved, there will still be a significant gap to finance the whole project. Mayor Thornton stated that this is the right thing to do for the City. Alderman Leahy reiterated the importance of going to the voters first before proceeding with the project. Mr. Craig Schluter with Navigate Building Solutions stated that GRG and their council have agreed to make a commitment to the City. The exact amount is forthcoming.

Bill No. 6191 - Text Amendments to Continue Prohibition of Short-Term Rentals in the Residential Districts and UD, Urban Development District (Case #18- 01) –

Short-term rentals are defined as rentals of dwelling units for typical periods of less than a month. Currently the City’s Zoning Code does not specifically define short-term rentals. However, since short-term rentals are not permitted by right and do not comply with the City’s occupancy permit program, short-term rentals operations have been prohibited. The Public Works Committee requested the Planning and Development Department staff propose text amendments to Chapter 400, the Zoning Ordinance, to clarify the current prohibition of the operation of short-term rentals in Brentwood. New definitions are proposed for short-term rentals, transient guest, and vacation rentals which would be added to the definition section. The home occupation provisions would be amended to prohibit short-term rentals, boardinghouses, bed and breakfast, hotels, and similar facilities. The district regulations for each residential zoning district and the UD District would be amended to clarify that “residential” use does not include short-term residential use by transient guests (i.e. short-term rentals). Lastly, additional language concerning occupancy permits would be added to clarify that short-term rentals cannot qualify for an occupancy permit. At the March 14th Planning and Zoning Commission Meeting, the Commission voted 3-yays and 4-nays on the Bill prohibiting short-term rentals. This Bill prohibiting short-term rentals moves forward to the Board of Alderman for consideration with an unfavorable recommendation to approve from the Commission. Planning & Zoning Director Koerkenmeier stated that the synopsis did a great job in explaining the Bill. If adopted, current state legislature in the House and Senate recommends cities to regulate short-term rentals.

BILLS TO BE GIVEN A SECOND READING ONLY

None

BILLS TO BE GIVEN A FIRST and SECOND READING ONLY

None

RESOLUTIONS

Resolution No. 1089 – Destruction of Inactive Records - It is the recommended guideline of the Missouri Secretary of State to formally approve the disposition of local government records at the Board of Aldermen level. Per the Secretary of State’s Local Records Retention Schedules guidelines: “The disposition of records should be recorded in a document such as the minutes of the City Council or other legally constituted authorities that have permanent record statuses.” Staff has reviewed existing records and confirmed that the records listed on Exhibit A are materials that meet the retention schedules set forth by the Secretary of State and that these records are no longer needed by staff. Staff has also verified that this list does not contain any records that would be considered of any historical nature. The recommendation is for the Board of Aldermen to approve the disposition of the records listed on Exhibit A. The Ways & Means Committee unanimously approved this recommendation at the committee’s meeting on March 14, 2018. Alderman Leahy inquired about the 2016 police records included on the record list. City Administrator Akande assured the Board that all records on the list have been reviewed and have been approved for destruction.

Alderman Dimmitt made a motion to adopt Resolution No. 1088. Alderman Plufka seconded the motion. A unanimous voice vote was taken.

ROLL CALL

Alderman Dimmitt-Yes	Alderman O’Neill-Yes
Alderman Kramer-Yes	Alderman Plufka-Yes
Alderman Leahy-Yes	Alderman Sims-Yes
Alderman Lochmoeller-Yes	Alderman Wegge Yes

Resolution No. 1089 is hereby Adopted.

Resolution No. 1091 - Fiscal 2018 Budget Amendment (2018 Budget Amendment Fund Transfer Explanation, 2018 Budget Amendment Reverse General Fund Transfer Table, and 2018 Budget Amendment Summary All Funds) – This resolution adopts the Fiscal Year 2018 Budget Amendment. Within the FY2018 Approved Budget is a large transfer made up from the fund balance of the General Fund Unassigned Reserves. This money was budgeted to be moved into the Storm Water and Park Improvements Fund to fund the Manchester Renewal Project line item-50.00.00.6482. With the Board of Aldermen considering the issuance of the 2018 Series Certificates of Participation there would be no need for this transfer now. To make this change, a budget amendment was submitted to the Ways and Means Committee on March 20th for their consideration and approval. Based on their recommendation the amendment would need to be presented to the full Board of Aldermen for their approval. The Ways and Means Committee unanimously recommends this be presented to the Board of Aldermen for their consideration and approval. Alderman Leahy stated that this resolution needs to be held off until it is determined that the COP route is the best route. He would like the Board to ask the voters approval in making this decision.

Alderman Dimmitt made a motion to adopt Resolution No. 1091. Alderman Sims seconded the motion. A unanimous voice vote was taken.

ROLL CALL

Alderman Dimmitt-Yes	Alderman O’Neill-Yes
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Alderman Kramer-Yes
Alderman Leahy-No
Alderman Lochmoeller-Yes

Alderman Plufka-Yes
Alderwoman Sims-Yes
Alderman Wegge Yes

Resolution No. 1091 is hereby Adopted.

ACCOUNTS AGAINST THE CITY
Warrant List

Alderman Dimmitt made a motion to approve the 2018 Warrant List in the amount of \$222,953.20. Alderman Leahy seconded the motion.

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 Wegge-Yes

REPORT OF COMMITTEES AND DEPARTMENT HEADS

Mayor

Mayor Thornton reminded all who received an email to vote for the Missouri Innovation Award and vote for Project 2. A general election will be held tomorrow and a reminder to get out and vote.

Public Safety Committee

Alderman Plufka stated that Chief Spiess outlined a number of initiatives to take place within Brentwood.

Public Works Committee

Alderman Lochmoeller stated that the next meeting will take place on Wednesday, April 11, 2018 at 4:30pm.

Director of Planning & Development

No report

Ways and Means Committee

Alderman Dimmitt stated that the next meeting is Thursday, April 5, 2018 at 6:00pm and will be discussing in, great detail, the year-end numbers.

City Attorney

No Report

City Clerk/Administrator

No Report

Excise Commissioner

No Report

Library

Alderswoman O'Neill stated that the library staff is absolutely pleased with the cooperation of setting up voting procedures so that people can register.

Municipal League

Mayor Thornton would like to vote for the Missouri Municipal League Innovation Awards early and often.

ANNOUNCEMENTS

Alderman Leahy stated that for the month of April, the Ward 3 meeting will be on Tuesday, April 24, 2018 at 7:00pm at City Hall.

Alderman Dimmitt stated that Ward 1 will meet at City Hall on Tuesday, April 10, 2018 at 6:30pm.

Alderswoman O'Neill stated that Ward 4 will meet on Tuesday, April 24 at 6:00pm at the Club House.

NEW BUSINESS

Request For Authorization To Expand LNB Architecture And Interiors Project Scope For The City Hall Customer Experience Renovation Study Project - A Motion Authorizing The City Administrator To Enter Into And Execute This Change Order No. 1.

1. - The City of Brentwood is committed to its residents and all with whom we have dealings to conduct its business in an efficient and responsive manner. Part of that commitment involves ongoing efforts to organize the City's affairs in City Hall in ways that will promote and enhance efficiency and customer experience. The initial project scope was defined as improving City Hall, only in areas in which the City interacts with customers. The expanded project scope offers even greater access to the public by including the fire bay; it ensures we are in compliance with the American with Disabilities Act of 1990. The original contract cost is \$24,200. The expanded scope cost is \$2,500. Updated Total Project Contract is \$26,700. The recommendation is for the Board of Aldermen to give a positive consideration to the expanded project scope with LNB Architecture and Interiors for the City Hall Customer Experience Renovation Study Project.

ROLL CALL

Alderman Dimmitt-Yes

Alderman Kramer-Yes

Alderswoman O'Neill-Yes

Alderman Plufka-Yes

Alderman Leahy-Yes
Alderman Lochmoeller-Yes

Alderwoman Sims-Yes
Alderman Wegge-Yes

Alderwoman O'Neill made a motion to Authorize The City Administrator To Enter Into And Execute This Change Order No. 1. Alderman Lochmoeller seconded the motion. A favorable unanimous voice vote was taken.

Motion Passed.

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

Mr. Mike Harton inquired about the fund gap regarding the Manchester Renewal project.

- a) Aldermanic Response – Mayor Thornton stated that funds to cover the gap is unknown at this point. He also stated that as the City becomes more prudent about spending and narrowing and better defining the project scope, a definitive number will be forthcoming, then a decision can be made to raise necessary funds.

CLOSED MEETING

At 9:06pm Alderman Leahy made a motion to enter into a CLOSED session for the following reasons and adjourn from the closed session:

Legal - RSMo 610.021 (1)

Real Estate – RSMo 610.021 (2)

Alderman Dimmitt seconded the motion.

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 Wegge - Yes

ADJOURNMENT