

**CITY OF BRENTWOOD  
BOARD OF ALDERMEN MEETING  
April 16, 2018**

**MEETING CALLED TO ORDER**

Mayor Christopher Thornton called the meeting to order at 7:00pm, 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 Planning and Development Director/Assistant City Administrator Lisa Koerkenmeier, City Attorney Kevin O'Keefe and Interim Deputy City Clerk Gina Williams.

**APPROVAL OF AGENDA**

Board of Aldermen April 16, 2018

Alderman Leahy requested the postponement of the swearing in of re-elected officials due to a not receiving certified results in a timely manner. Alderman Plufka seconded the motion. A unanimous vote was taken.

**Motion Passed.**

The Agenda was amended and approved by acclamation.

**CONSIDERATION AND APPROVAL OF MINUTES**

Board of Aldermen Meeting Minutes April 2, 2018

Approved by Acclamation

**PRESENTATION/RECOGNITION**

None

**PROCLAMATION**

- a) **Arbor Day April 27, 2018** - The City of Brentwood urges all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands. Mayor Christopher Thornton proclaimed April 27th, 2018 as Arbor Day in the City of Brentwood. Mayor Thornton also recognized Parks Director Gruenenfelder and staff on the great job for maintaining the Urban Forest in the City of Brentwood.

- b) **Local Government Week April 29 – May 5, 2018** - The City of Brentwood urges all citizens to recognize local governments as they serve their communities. Mayor Christopher Thornton proclaimed April 29- May 5, 2018 as Local Government Week in the City of Brentwood.
  
- c) **Municipal Clerks Week April 29 – May 5, 2018** - The City of Brentwood urges all citizens to extend appreciation to our Municipal Clerks for the vital services they perform and their exemplary dedication to communities they represent. Mayor Christopher Thornton proclaimed April 29- May 5, 2018 as Municipal Clerks Week in the City of Brentwood.

**PUBLIC HEARING**

None

**BIDS**

None

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

Karen Smith, Harrison Motel. Board will decide tomorrow night on Bill No. 6191. Ms. Smith supports the prohibition of Airbnb businesses and residential zoning in the community. After quoting the ordinance, Ms. Smith cited previous supporting arguments heard on behalf of allowing Airbnb's and urged the board to consider homeowners' neighborhood contribution and the inconsistency of the community if allowed as factors. She also suggested that the board consider the children residing near these types of businesses and possible encounters with those that they don't know.

Kurt Trostel seconded Ms. Smith's argument and cited a previous experience living near an Airbnb. He expressed concern regarding having young children and the increase of supervision due to not knowing these temporary residents. Also in his prior experience, boarders looking for the Airbnb would often knock on his door during business hours as well as late into the evening, looking for the location. Mr. Trostel suggested that monitoring would be needed which could only be provided at further cost to the taxpayers. Last, Mr. Trostel argued on behalf of the hotels and motels in Brentwood, business that are also taxpayers and contributors to the community versus Airbnb operators putting extra money in their pockets. Mr. Trostel quoted the Airbnb website and their statement of background checks for those who utilize the business as a possibility and an attempt to keep up to date with criminal background checks. Background checks are not guaranteed. Mr. Trostel questioned again who would be responsible for

monitoring these businesses. He suggested that this would be left to the residents from previous experience. Mr. Trostel urged the board to consider the five neighboring communities that have passed ordinances prohibiting these types of businesses sans Maplewood.

Mayor Thornton stated that no hotel tax is collected in the City of Brentwood. He also stated that, with respect to city resources, this is a societal phenomenon that has caught the city (as well as others) off guard. The City of Brentwood is not staffed to prohibit or regulate these types of businesses. The Mayor would like the Board of Alderman to consider as a matter of policy that the city would like to do and that's the job of the executive branch to figure out how to make that happen. Last the Mayor stated that, either way (pass or fail), the city has some work to do to enforce whatever the policy is that the board decides to put into place.

**Aldermanic Response**

None

**UNFINISHED BUSINESS**

None

**BILLS TO BE GIVEN A FIRST READING ONLY**

**BILLS TO BE GIVEN A SECOND READING ONLY**

City Attorney advised before the second reading of Bill No. 6190 that the Board has received updated documents which reflect the market actions on the securities today and it would be to amend Bill No. 6190 and all related exhibits and the text of the materials distributed to the board this evening, prior to second reading.

Mayor called for motion to amend Bill No. 6190 prior to second reading.

Alderman Leahy so moved.

Alderman Wegge seconded the motion.

Alderman Lochmoeller asked if the information is contained within the financing summary. City Attorney O'Keefe advised that information is provided within the summary as well as within other exhibits.

Mayor Thornton stated that there is a redline packet that presents the information in summarized form (a summary of the changes that have been made).

Attorney O'Keefe clarified that each Alderperson should have two copies (and old and new) of Bill No. 6190.

Mayor verified that the motion was made to amend Bill No 6190 prior to the second reading and that Alderman Leahy moved to do so. A unanimous voice vote was taken.

**Motion Passed.**

**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 plain 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.

Alderswoman O'Neill made a motion to perfect.

Alderswoman Sims seconded the motion.

**Motion Passed**

Mayor Thornton called for a reading of the summary.  
Alderman Kramer read the summary.

Mayor Thornton called for Jim Lahay, Stifel to present the data on pricing that took place that afternoon.

Jim Lahay addressed the board and explained the financial figures located within the summary, verified that orders began to be taken for bonds today. Mr. Lahay then explained how the certificate bonds operate, how interest rates were driven and how the number of certificates included in this issuance was decided. Mr. Lahay also outlined premiums, how interest rates upon the certificates are accrued and what drives the market. Mr. Lahay pinpointed item 6, tax law changes, finalizing of documents and the money being in the bank with the trustee for funding by April 30, 2018.

Alderman Plufka asked what is the phenomenon that allows for the premium discussed in the short term.

Mr. Lahay responded that some of the purchases are not the standard coupon, it could be a fund or an institution. He then discussed who the potential buyers of the bonds could be (individuals, banks, institutions, etc.). Alderman Plufka then verified that it is the interest of the coupon that drove the price above the dollar.

Mr. Lahay confirmed.

Alderman Dimmit asked if this is a refinance of the debt that we already have. Mr. Lahay advised that this money is all new money.

Alderman Dimmit clarified that this money is earmarked for the Manchester Renewal project only. Mr. Lahay confirmed.

Alderman Leahy stated his concern that the money allotted does not fully cover the scope of the project. He stated that he is not in favor of passing the bill now despite understanding the necessity of repairing Manchester Road. Alderman Plufka addressed Alderman Leahy's concern citing the responsibility of the current board is to look to the future with this very credible plan to pull 30 plus acres out of the flood plain and repair what has previously been determined as irreparable. He went on to discuss how future boards will take the lead from this effort and make good decisions based on the track record experience of the next decade or so. If they go in a different direction it will be because something the current board could not predict has occurred. In his opinion this would be a terrific opportunity for the city and he is in favor of it.

Alderman Lochmoeller addressed Alderman Leahy's concern, asking if he is looking for additional tax revenue to cover the rest of the project or if he is looking for the citizens opportunity to weigh in on the project.

Alderman Leahy responded that if the project as it is currently laid out should come up short of funds, the city is in the middle of a project that has to be scaled back to make it affordable. He expounded that in times past and now, it is important to get the citizens on board, procure tax revenue first and then proceed with the bonds instead of having to restructure and shrink the project to afford it. The voters would think better of the City if this were addressed before the undertaking of the project verses after. He asserted that it is well worth doing however all the bases should be covered first.

Alderman Lochmoeller asked if Alderman Leahy meant other funds should be borrowed before the project occurs.

Alderman Leahy clarified that the additional monies needed would be procured by getting the voters permission to pass and incorporate the economic sales taxes. These taxes along with the borrowed funds and potential grants from other cooperative parties would make the grant fully funded. As the current project stands forty million of the funds are borrowed for a seventy-two-million-dollar project. The thirty-million-dollar gap needs to be filled. The economic tax does that along with the funding plus the grants bring in another 3 to 6 million. If the voters are consulted and do not support the economic sales tax in the beginning, then the board can go back, rescope the project and shrink it to size. This information should be obtained before the city goes to borrow money. Alderman Leahy asserted that this is why he believes gaining the support of the citizens should be done first.

Alderman Dimmit commented that this is a large project, one of the largest that the city has entertained. Thus, it is difficult to have an exact number regarding money needed. He explained that he believes that this would be the quickest way to begin the project, it is something that is needed and has been needed for years. One of the reasons for this is the economic benefit. He explained the Ways and Means committee discussion and the four truths regarding the project: taxes, salary, benefits and salary/benefit increases. Alderman Dimmit concluded that not only was it necessary to get moving on the project, he believed that getting started should occur tonight.

### **ROLL CALL**

Alderman Dimmitt - Yes

Alderwoman O'Neill - Yes

Alderman Kramer - Yes

Alderman Plufka - Yes

Alderman Leahy - No

Alderwoman Sims - Yes

Alderman Lochmoeller - Yes

Alderman Wegge - Yes

**Bill No. 6190 as amended passes and upon signature of the Mayor becomes Ordinance Number 4830.**

**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.

Alderman Lochmoeller made a motion to perfect.

Alderwoman Sims seconded the motion.

**Motion Passed**

Alderman Dimmitt stated that he has worked within planning and zoning for ten years before elected as Alderman and that there is a reason we have zones within the city. We have residential and commercial zones. Residential areas are for where people want to reside permanently. One cannot run a business out of a house in residential areas. Neighbors do not wish to reside next to a business where employees are coming and going throughout the day. Short term rentals are not allowed for the same reason. They are transient type businesses and there is a place for these types of businesses; the commercial districts (i.e. hotels). Alderman Dimmitt provided a quick background with public works regarding short term rentals. Ambiguity in the present code prevented public works from allowing short term rentals. Because of the nature of short term rentals, approvals had to go through planning and zoning. Planning and zoning made decisions that were contrary to the public works department directive. For this reason and to remain consistent with public works policy, Alderman Dimmitt supports prohibition of short term rentals which will also make it simpler for city enforcement.

Alderman Sims asked if a previous planning and zoning meeting took place that reversed the March 14<sup>th</sup> decision?

Mayor Thornton clarified that after the bill was passed onto the Board of Alderman with the recommendation of “do not pass,” they took up a text amendment that would propose regulation. That text amendment was discussed and voted “do not pass,” and sent to the Board. This will be on the agenda from the next couple of weeks with a recommendation of do not pass from the planning and zoning commission. It may seem that the action on the current ordinance from the planning and zoning commission which was recommended that the Board not pass this present bill (which would prohibit) as well as not pass the other one (which would regulate) would seem to be inconsistent, however he believes it is due to the different number of numbers of the planning and zoning commission at each of those meetings. Mayor Thornton asserted that the recommendation of the planning and zoning commission (of the seven members that were present at that meeting) is that we do not pass this bill in favor of a bill that proposed regulation. On a second bill that would give the city parameters for regulation, it was voted later do not pass as well.

Alderman Sims questioned if this was a fair inference to what was actually forwarded (the recommendation of the planning and zoning committee of do not regulate).

Mayor Thornton clarified that, after speaking with Chairman Daming regarding the issue, it was determined that the true recommendation of the planning and zoning committee of “do not pass” despite this being a divisive issue.

Alderman Lochmoeller asked if a no vote would prohibit short term rentals.

Mayor Thornton explained that a vote in favor of the current ordinance would be a yes vote to clarify the prohibition of short term rentals. A no vote on tonight’s ordinance would leave the current ordinance ambiguous to short term rentals.

**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

**Bill No. 6191 as amended passes and upon signature of the Mayor becomes Ordinance Number 4831.**

**BILLS TO BE GIVEN A FIRST and SECOND READING ONLY**

None

## **RESOLUTIONS**

None

## **ACCOUNTS AGAINST THE CITY**

### **Warrant List**

Alderman Dimmitt made a motion to approve the 2018 Warrant List in the amount of \$408,511.01.

Alderman Leahy seconded the motion.

Alderman Wegge asked if three repairs listed in the warrant list were bid out. Dan Gummersheimer clarified that the items were bid out to vendor that we currently have contracts with. Alderman Wegge then asked if repairs were still being made by the city. Dan clarified that yes, they were, but only if the repair is a carry-over from 2017.

Alderman Lochmoeller asked if the carry-overs were the reason that the cap was exceeded. Dan concurred that it was.

## **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

## **REPORT OF COMMITTEES AND DEPARTMENT HEADS**

### **Mayor**

Mayor Thornton received a call regarding the Missouri Innovation Award. The City of Brentwood won the award. This would be the second time in a row. He invited all to come down to Branson, Missouri in September to witness The City of Brentwood receiving the award.

Mayor Thornton commended the Public Safety Committee and Chief Joe Spiess regarding reaching an agreement in principal with Brentwood School District to fund a full-time school resource officer.

Prop B, the school building funding plan, passed with an almost 90% approval rating. According to Dr. Lane (Superintendent), the school district expects to be in a heavy design phase until the end of the year and hope to complete the project by next summer.

May 7<sup>th</sup> will be the swearing in of the new officers followed by a reception. He asked the Board of Alderman to email himself or Bola Akande, City Administrator, regarding preferences.

Employee Appreciation Day is Friday, June 22<sup>nd</sup> from 11 am to 1 pm. It is expected to take place at Brentwood Park or Memorial Park. The Mayor will be in Spain and unable to attend. He urged as many of the Board of Alderman that can attend to support and attend in his stead.

Last, Mayor Thornton thanked the City of Brentwood financial team, Karen Shaw, Jim Lahay, Mark Grimm and their groups. The over subscription premium is nearly 60% of the cost of issuance, over and above the par value of the debt. The effective interest rate is in the realm of 3.7 percent, something that speaks well to our financial team. This is a very big step for Brentwood and the Mayor is excited about it. The Mayor thanked the board for their support and again thanked the financial team.

### **Public Safety Committee**

Alderman Plufka advised that the next Public Safety meeting takes place on April 25, 2018 in the City Hall chambers at 5:30 p.m. They will hear from the new Chief of Police regarding some new initiatives. It is an open meeting and the community is invited to attend.

### **Public Works Committee**

Alderman Lochmoeller advised that the public works committee met last week to direct the Public Works director regarding the installation of a curb on Salem Ave to redirect some of the run off that is occurring into the back yards on Cecelia avenue.

The committee also heard from Parks Director in partnering with Clayton, MO on a temporary Dog park in Norm West Park. Clayton Dog Park is currently closed due to MSD repairs.

The decision was made to continue snow plowing private streets next year in the interest of public safety. A policy and hold harmless agreement is being created for this purpose.

The next meeting of the committee is on May 9, 2018 in the City Hall Council Chambers at 4:30 pm.

### **Director of Planning & Development**

Lisa Koerkenmeier, Assistant Administrator advised that at the 4/11/2018 meeting the committee adopted a resolution approving the comprehensive plan, Brentwood 2020, vision for the future. The draft will be available for review and uploaded to the website later this week.

### **Ways and Means Committee**

No Report

### **City Attorney**

No Report

### **City Clerk/Administrator**

Lisa Koerkenmeier, Assistant Administrator advised a monthly report of expenditures for the Manchester Renewal report including expenses classed in three categories: investment class (can be recovered to a large extent if the project is not completed), direct project class and indirect or sub-class, is provided.

#### Investment class expenditures

Recent property purchase, 8606 Manchester road in the amount of \$131,267.32. Total spent in investment class to date is \$297,472.80.

#### Direct project class

Recently \$75,000.00 spent on CH-21 for premier design studies for the Deer Creek Flood Mitigation project.

\$36,017.50 was spent on Manchester Road improvement planning and design along with property appraisals.

Total spent to date is \$451,616.95.

#### Indirect (Sub)class

\$17,083.00 was recently spent in project management along with several property surveys. Total spent to date is \$237,521.49.

Mayor Thornton advised that, based on these numbers, the scope of finances needed for this project is understood and with the bond service now we can afford to continue the project.

### **Excise Commissioner**

No Report

### **Library**

Alderwoman O'Neill advised that the position of Programs for Adult Services has yielded no favorable results with over two hours of interviews without finding a good fit. Therefore, the position has been rewritten, removing the professional level requirement of Masters degree. They will keep searching to find the right person to provide programs for adult services.

The committee is looking to form a long-term study committee for planning for space in the library. This month the children's program had 40 young people without the space to accommodate them. The library is currently paying the Brentwood Recreation Center for space to continue the

programming. The committee is looking to form long-term plans, locate finances within the budget and research planning options.

### **Municipal League**

Mayor Thornton stated that the Municipal Conference takes place from September 17-19 in Branson, the first part of the week after Brentwood days. Mayor Thornton also alerted the Board and community about bills in legislature particularly, the expansion of employee whistle blower protections bill. The bill has put the burden of proof on the entity that would terminate an employee to prove that their actions are not retaliatory. Mayor Thornton advised those in attendance (if they have an interest) to speak with their legislator regarding such things.

### **ANNOUNCEMENTS**

Alderman Leahy announced the following:

- The April Ward 3 meeting will be here at April 24,2018 at 7 p.m. in the City Hall Council Chambers for those that would like to have a discussion with their Alderman.
- The Parks and Recreation Department is hosting an American Red Cross Blood Drive on April 27, 2018 from 4 pm to 8 pm. Donors are needed. Appointments can be scheduled on the website.
- May 3, 2018 is the National Day of Prayer. The city will be hosting a program at noon in the conference room. All denominations are invited.

Alderwoman O'Neill announced that the Ward 4 meeting will be held on April 24, 2018 at 6 pm preceding the Brentwood Forest Condo Association meeting. The condo board is looking forward to hearing from the new police chief.

### **NEW BUSINESS**

None

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

None

### **ADJOURNMENT**

Alderman Plufka made a motion to Adjourn. The motion was seconded by Alderman Sims.

A unanimous voice vote was taken.