

BOARD OF ALDERMEN REGULAR MEETING (Monday, June 18, 2018)

1. MEETING CALLED TO ORDER

A. Meeting Called To Order

The meeting was called to order by Acting President Kramer at 7:00 PM.
The Pledge of Allegiance was led by Acting President Kramer.

2. ROLL CALL

A. Roll Call:

Members Present:

David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge via Skype.

Absent: Mayor Thornton

A quorum was present and Acting President Thomas Kramer presided.

Staff Present:

City Administrator Akande, Deputy City Clerk Todd, City Attorney Starr, Finance Director Shaw, Police Chief Spiess, Fire Chief Kurten, Public Works Director Gummersheimer, Director of Planning & Development Koerkenmeier, Human Resources Manager Kotz, Information Technology Manager Cawvey

3. APPROVAL OF AGENDA

A. Board of Aldermen June 18, 2018

Acting President Kramer stated his only concern is the idea behind the synopsis is to help people at home learn what's going on.

Alderman Dimmitt stated the synopsis is online it's and available here, not suggesting we don't print it anymore. Prefers not to take the time to read during the meeting.

Acting President Kramer stated the idea of the synopsis was to give the members of the audience and attendants an idea of what business we are transacting. To a certain extent, sometimes if they just hear the title of the bill or a brief outline from a member of staff in layman's terms it doesn't always explain what it's about. I understand the motion in terms of trying to create brevity however, that's the reason why it's was put in place.

Alderman Dimmitt stated I appreciate that but again, I'm not suggesting that we don't have the synopsis available for the public. It will be placed on the table and is online. Asked why take up the time of this Board and the public to read it when it's available.

Acting President Kramer stated his answer is, because it's for the public.

Alderman Plufka asked City Attorney Starr in the other cities municipalities you represent what's your experience with how often or frequently is the synopsis included in the way that we do it here.

City Attorney Starr stated I haven't seen it in the five or six cities that I've been to in the last couple of years

Alderman Plufka asked is the more common approach Alderman Dimmitt is talking about.

City Attorney Starr stated yes, many cities don't go through the time and effort of providing a synopsis so, you're ahead of the game there.

Motion to amend regular Board of Aldermen Meeting of June 18, 2018 agenda and remove 11 A. Synopsis of Bills.

Motion by David Dimmitt, second by Sunny Sims.

Yea: David Dimmitt, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

Nay: Tom Kramer, Andy Leahy, Steve Lochmoeller

Final Resolution: Motion Passed

Acting President Kramer stated the motion carries and we will move the Bills to be given a first and second reading. The reason the City placed the Bills on first reading was the City had an ongoing practice of staggering readings and pledged to the voters in the cases where we had items that were not emergent or not time-sensitive and I think we were going try to do that more on a err on the side of caution more than on the liberal side. That was the reason why we put the Bills in first reading category but, if the Board wants to put them in later category, we can adopt them that way and see how their votes go.

Motion to amend the agenda for the regular Board of Aldermen Meeting of June 18, 2018 and move a Bill No. 6198, Bill No. 6200 and Bill No. 6201 to be given a first and second reading.

Motion by David Dimmitt, second by David Plufka.

Yea: David Dimmitt, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

Nay: Tom Kramer

Final Resolution: Motion Passed

Motion to approve the amended agenda for the regular Board of Aldermen Meeting of June 18, 2018.

Motion by Kathy O'Neill, second by Andy Leahy.

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

Final Resolution: Motion Passed

4. CONSIDERATION AND APPROVAL OF MINUTES

A. Approval of Minutes from May 21, 2018

Motion to amend the minutes of May 21, 2018 noting Mayor Thornton absent.

Motion by Steve Lochmoeller, second by David Plufka.

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

Final Resolution: Motion Passed

Motion to approve the minutes of May 21, 2018 as amended.

Motion by Andy Leahy, second by David Dimmitt.

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

Final Resolution: Motion Passed

5. PRESENTATION/RECOGNITION

6. PROCLAMATION

A. Joe Clay, P-D Scholar Athlete of the Year, Brentwood High School

Alderman Kramer read the Proclamation and congratulated Joe Clay, 2018 Scholar Athlete of Brentwood High School.

7. PUBLIC HEARING

A. Community Development Block Grant Funds FY 2019-The City of Brentwood will hold a Public Hearing to discuss the estimated allocation of \$20,000 in Community Development Block Grant funds which will become available after January 1, 2019.

Planning & Development Director Koerkenmeier stated the Community Development Block Grant Funds continues to allocate funds to the home improvement program. Additionally, the Board has authorized waiving permit fees for projects in the past and asking for consideration to continue this practice.

Motion to waive all permit fees for those of qualifying and receiving the Community Development Block Grant for FY 2019.

Motion by Andy Leahy, second by David Plufka.

Final Resolution: Motion Passed

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

B. Chapter 353 Development Plan Manchester Road Flood Mitigation Area Brentwood Redevelopment Corporation

Chris Jones, resident at 2657 Salem Road; President of the Brentwood 353 Urban Development Corporation; Asked the Board for consideration and acceptance of the proposed Development Plan and Redevelopment Area upon conclusion of the presentation and the Board's questions addressed.

John Brancaglione, Senior Director PGAV Planners, LLC stated both of the documents were prepared by PGAV on behalf of the City and the Redevelopment Corporation. The first document addressed was the qualification analysis. In order to create a Chapter 353 Redevelopment Area you have to make certain findings that are backed up by evidence to declare the area a blighted area. The area boundaries includes the parcels fronting Manchester Road between Mary Avenue on the west and Hanley on the east and to the City's limits on the south. The area contains 91 parcels and 91 acres of territory. The existing conditions are shown on the map and also in table format that is specifically designed so that you can see the number of factors that were present on any given parcel. The area has flooded 26 times since 1957, much of that has accelerated and in about the last 10 or 12 years the flooding frequency has become far greater and of course you all know what happens when that occurs. It shuts down Manchester Road, floods properties and generally creates a fair amount of havoc until the water precedes. This is an area that is part of three component projects that you have dubbed Manchester Renewal. We'll talk about those when we get to the belt plan. One of the factors that Chapter 353 requires is relative to the age of buildings. We looked to the way the federal government followed a sort of demarcation that said, if the building was 35 years old or older, it was likely at a stage where it needed more than a little attention, particularly in instances where there hadn't been maintenance to that structure. In this case, based on the Assessors data, 83 of the buildings or 92 percent of them are over 35 years of age. Only eight buildings are newer and those were built between 85 and 99. The average building was constructed 58 years ago and some of them are more than 100 years old. Another factor that we are required to look at is obsolescence. The mapping shows parcel configurations in numerous instances whereas, if you tried to build something on that parcel today, based on current codes, it would be very difficult to do. We have a lot of vacancies in this area due to the flooding. People are reluctant to either become tenants or purchase those structures. You have other factors including these sort of angled

configuration and the intersection of Manchester and Hanley that creates a traffic constriction. Some of these factors that go to obsolescence for example, you have industrial buildings in the southern part of the area and retail buildings in the northern part of the area that don't meet modern standards. They are old buildings that are difficult configurations, are broken up internally and the industrial buildings in many instances don't have clear heights inside that are typically desirable in the market today. Some of these things also factor into another category called inadequate or outmoded design. Those relate to the odd shape or a small buildings that nearly cover a parcel and now you've got constraints on the ability to have sufficient parking for the use that's there. There are a lot of big buildings and you have infrastructure that includes electrical, water, sewer, stormwater that are now outmoded from a design standpoint. Part of that gets affected by again this flooding problem. The most recent two cited were December the 26, 2015 and October 18, 2016. The flooding has contributed to the age, the outmoded buildings and physical deterioration. Parking, paved surfaces and roadways are deteriorating rapidly. This flooding has also affected the infrastructure and storm drainage. After reviewing the factors, the statute states to what degree have these contributed to economic viability. Assessed property value in the area reached a peak in 2008 during the housing real estate bubble but, have seen a 14% decrease since that time. Prior to 2008 the numbers weren't going up at a significant rate and has been a downhill run ever since. This trend is in stark contrast to the rest of the City where the citywide real property assessed valuation over ten years has increased at 32 percent. The social liability factors as have been determined by both a statute and ongoing case law on 353 means that a primary social liability is related to the decrease in assessed value is such that you have many of the taxing districts who are providing a social service of one sort or another. You have a social liability when the revenue is decreasing and is on a continuing downhill run. You have other environmental factors which are important in making that argument and of course we've already talked about the floodplain. There's been an ongoing pattern of illegal dumping in the area, documented flat employment data and EPA data that shows what is coming down the creek every time it floods. Depending on when you visit this area and after a normal rain there's a lot of standing water. Nowadays we pay much more attention to the Zika virus, West Nile and the mosquito breeding grounds. If you know what you're looking for, you can literally see it. As we indicated these are conditions that are conducive to crime anytime there are vacant buildings along with trespassing and graffiti. There is some evidence of illegal dumping that may have been industrial waste although, we didn't see anything that looked like that the last time, which was about four months ago. We believe the area qualifies by virtue of age, obsolescence, inadequate and outmoded design, physical deterioration and other economic and environmental conditions that represent social and economic liabilities to the City, the taxing districts and the various property owners.

John Brancaglione continued with the Development Plan. Stated the City has created a 353 Redevelopment Corporation and established the Board that is acting as an overarching master developer. The Board will facilitate the land acquisition process that has to be carried out to implement the flood mitigation design that is in its final stages of engineering, assist with any land acquisition relative to the City's contribution in the Manchester Road enhancements and assist with the Great Rivers Greenway Project with implementing extensions with the existing trail system through the area. The Development Plan establishes the basis for the redevelopment project. The Redevelopment Corporation will be the City's entity overseeing the land acquisition process on behalf of the City and this Board. Once the activities are completed then the Corporation will be the entity that solicits redevelopment from either existing property owners or third-party developers and screens before passing them onto City. They are playing a role that is right and proper and it's been very successful in other cities. The Development Plan sets forth the project construction costs that are related to those major developments and those are based on current data from city engineers, MoDOT engineers, Great Rivers Greenway consultants and overseen by Navigate Building Solutions. The Development Plan and per legal council, Jim Mellow, meets the provisions of the statute and provides for the purposes intended.

Alderman Lochmoeller asked the properties that are outside of the flooding area but yet, we're looking also blight. Is that mainly due to the obsolescence of the properties.

John Brancaglione stated yes, in many cases and some of those buildings may be functional and businesses there may want to redevelop. In other cases there are a whole string of vacant buildings along the north side of the street. There is the ability later for the Redevelopment Corporation and this Board to provide tax abatement in exchange for a good redevelopment project that you will be able to assist, not just a third party, but maybe assist an existing business.

Alderman Lochmoeller asked if the 353 are the holders of the properties we acquire or is it under the City.

Jim Mellow stated most of the property will be titled to the City. The title will be with the Corporation acting as the City's agent, third-party going under contract and then transferring the title to the City. Down the road, depending on how the the public facility improvements are in place, third-party developments could occur. For example, an existing property owner could redevelop his site and buys adjacent surplus property from the City. Title would have to go through a redevelopment corporation. Mr. Mellow suggested it would go through the City's Redevelopment Corporation because it would be part of the redevelopment plan. By state law, title has to pass through a 353 for tax abatement to apply. It could be it could be a third-party 353, but why would a developer form its own 353 since the City's 353 was already in charge of overseeing the project. The current plan does not provide for any tax abatement. Any tax abatement would have come back to the Board of Aldermen, the tax jurisdictions would receive notice and a tax impact report so the school district and county would know what impact they would have if the project was approved. They can't start giving tax abatement, it has to go through the process again. That will happen after the initial phase and we start seeing interest by third-party developers in this area once the four problems have been resolved.

Alderman Lochmoeller stated we do have a representative of the school board on the committee.

Mr. Mellow stated yes.

Alderman Plufka asked if we vote to authorize Bill 6200 tonight, approving of the 353 Development Plan, then they become a separate corporate entity. Then would the 353, take on that sort of the discernment of various redevelopment proposals when the timing of that is correct and it is appropriate given you know the abatement and the other things that are being done and the other aspects that have already gone into. So let's say that the 353 Corporation at some point down the road says and makes a decision among its Board that one particular redevelopment plan among other redevelopment plans is the one that corporation believes is the direction we want to go. Is their relationship to the Board of Alderman similar to how Planning and Zoning is to this Board of Aldermen or do they have separate and autonomous authority by virtue of this Bill and Ordinance to make deals and authorize the sale of property and things like that.

Mr. Mellow stated the 353 has less autonomy than the Planning and Zoning Board. The 353 cannot grant tax abatement unless the Board of Aldermen approve the underlying plan and the tax abatement. The acquisition of properties is going to be with City funds where the City is going to control the disposition of those properties. It is possible for the Corporation to acquire property without City funds and transfer the property to someone else but, they couldn't do it with tax abatement. It would be a private sale with no benefit.

Alderman Plufka stated the expectation is the 353 would collectively develop and then promote a redevelopment plan that would be presented to the Board of Aldermen.

Mr. Mellow stated yes, it's still subject to the City's control. Also, not every parcel in the redevelopment area will qualify for blight. The state law requires the majority of the property qualify. If you're a property owner in this area, you may have a perfectly fine building but, because it's part of an overall redevelopment area that does qualify, it's included in the plan.

Acting President Kramer asked when you have the designation of blight, is there an expiration before has to be renewed and how long does the blight designation stay in place.

Mr. Mellow stated that's determined by the City Council. There's a limit to how long a tax abatement can be provided for. The 353 makes the most sense when we're talking about property values tied to real estate more than we're talking about sales tax and economic activity tax. This is not going to be a retail big-box development. It will be primarily property tax driven. The benefits will be property tax and the abatement. Also this is going to happen over time. We don't know how this is going to evolve once we start putting infrastructure in place and we need the flexibility of time. This project will go on for a long time and unable to commit to a deadline.

8. BIDS

A. Furnishing, Delivery And Installation Of Audio/Visual System For City of Brentwood Council Chambers

IT Manager, Larry Cawvey stated there was a FY18 capital approved project for the upgrade of the Audio/Video components in the City Council Chambers. A (RFP) Request for bids was advertised and three bids were received within the required deadline. This item was presented for preliminary approval at the Ways and Means Committee meeting on June 7, 2018 where it received full support with a unanimous vote of approval to recommend W. Schiller and Company, Inc., bid amount of \$80,943.01.

Alderman Kramer asked if we have an indication of a potential start time and timeline of the project.

IT Manager Cawvey stated the contract states will start in twenty days after the City provided a signed contract. It's estimated to be completed by November 2018.

B. Lawn Care Service

City Administrator Akande stated in 2015 the Board of Aldermen passed Ordinance Number 4664. At that time staff recommended that we enter into an agreement with the lawn care service to help with grass cutting, shrubbery cutting and tree trimming for services of vacant and abandoned properties and code violations. The reason why we brought this back to the Board earlier was that staff needed assistance and we were able to quickly respond to code violations and respond as soon as residents would like us to do so. We have now determined that the one lawn care company that we have a contract with is not always able to respond in a timely manner. Staff has gone out seeking additional bids and this is one of many that we hope to bring to the Board in the coming months.

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

10. UNFINISHED BUSINESS

11. BILLS TO BE GIVEN A FIRST READING ONLY

12. BILLS TO BE GIVEN A SECOND READING ONLY

13. BILLS TO BE GIVEN A FIRST AND SECOND READING

A. Bill No. 6199 Easement 8606 Manchester Road

Recommendation for consideration of release and termination of easement for the property 8606 Manchester Road.

Motion to perfect Bill 6199 into ordinance form.
Motion by Andy Leahy, second by Sunny Sims.

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge
Final Resolution: Motion Passed

Bill No. 6199 passes and upon signature of Acting President of the Board of Aldermen becomes Ordinance No. 4837

B. Bill No. 6203 Employee Handbook Amendment Military Leave Policy, Smoking Policies, Police Department Promotion Policy

Motion to amend Bill 6203 to add the CALEA policy as amended from time to time that governs the police department promotion policy shall be added to the employee handbook as an addendum.

Motion by Andy Leahy, second by Steve Lochmoeller.

Motion Passed

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

Final Resolution: Motion Passed

Motion to perfect Bill 6203 as amended into ordinance form.

Motion by Andy Leahy, second by Steve Lochmoeller.

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

Final Resolution: Motion Passed

Bill No. 6203 passes as amended and upon signature of Acting President of the Board of Aldermen becomes Ordinance No. 4838.

C. Bill No. 6204 Amendment to Section 220.010 Relating To The Nuisance Of High Grass, Brush and Weeds

Planning & Development Director Koerkenmeier stated we would be changing the section to 220.010(B) to cite (7) inches maximum height of grass, brush and weeds.

Motion to perfect Bill 6204 into ordinance form.

Motion by David Dimmitt, second by Sunny Sims.

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

Final Resolution: Motion Passed

Bill No. 6204 passes and upon signature of Acting President of the Board of Aldermen becomes Ordinance No. 4839.

D. Bill No. 6205 Revisions to The Relocation Policy -Revising The Relocation Policy Of The City And Authorizing Certain Other Actions In Connection Therewith; Providing For The Effective Date Of This Ordinance; And Containing A Severability Clause

Motion to perfect Bill No. 6205 into ordinance form.

Motion by Kathy O'Neill, second by Steve Lochmoeller.

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

Final Resolution: Motion Passed

Bill No. 6205 passes and upon signature of Acting President of the Board of Aldermen becomes Ordinance No. 4840.

E. Bill No. 6206 Lawn Care Service Agreement - 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 Natural One Lawn Care, LLC

Motion to perfect Bill No. 6206 into ordinance form.

Motion by Steve Lochmoeller, second by Andy Leahy.

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

Final Resolution: Motion Passed

Bill No. 6206 passes and upon signature of Acting President of the Board of Aldermen becomes Ordinance No. 4841.

F. Bill No. 6207 An Ordinance Authorizing The Mayor And/Or City Administrator Of The City Of Brentwood, Missouri To Enter Into And Execute An Agreement With Harness Dickey & Pierce; And Providing For The Effective Date Of This Ordinance

Motion to perfect Bill No. 6207 into ordinance form.

Motion by David Dimmitt, second by Steve Lochmoeller.

Yea: David Dimmitt, Tom Kramer, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

Nay: Andy Leahy

Final Resolution: Motion Passed

Bill No. 6207 passes and upon signature of Acting President of the Board of Aldermen becomes Ordinance No. 4842.

G. Bill No. 6208 Furnishing, Delivery And Installation Of Audio/Visual System For City of Brentwood Council Chambers

Motion to perfect Bill No. 6208 into ordinance form.

Motion by David Dimmitt, second by Sunny Sims.

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

Final Resolution: Motion Passed

Bill No. 6208 passes and upon signature of Acting President of the Board of Aldermen becomes Ordinance No. 4843.

H. Bill No. 6198 Amendment to the Order Of Business And Agendas For The Board Of Aldermen Meetings

Aldermen Kramer stated this was recommended by our City Attorney Kevin O'Keefe and I believe the Mayor has weighed in as an affirmation.

City Administrator Akande stated the City Attorney, Kevin O'Keefe recommends after having multiple discussions with Mayor Thornton that it is time for the City to give consideration of the formal agenda protocol which is different from the agenda that you have before you tonight. What we are primarily introducing by this is what is called a consent agenda and this allows the Board to dispose of routine business matters efficiently and allow the Board and the public the time to focus on more substance and legislation and policy matters if at any point in time during the meeting Aldermen are allowed to ask questions or comment on separate items or they could move to ask if they know there's going to be an involved discussion that any one of the items on the consent agenda be removed. What we are hoping for with this is a more efficient way to dispose of items that either have gone through committee multiple times or that the Board is fully aware of. The request is for a first and second reading of this item tonight.

Aldermen Kramer asked did either the Mayor or the City Attorney give you any reason that this would be a time-sensitive matter.

City Administrator Akande stated no.

Before roll call and approval of Bill No. 6198, Alderman Kramer stated my only comment would be I mentioned this before, I made a pledge to the voters along with some of the Aldermen earlier that whenever there was an opportunity to stagger the readings on the Bills that there was not an important or time-sensitive or urgent or emergent matter connected with the Bill that I would not be in favor of a first and second reading. I will be opposed to this bill.

Motion to perfect Bill No. 6198 into ordinance form.

Motion by David Dimmitt, second by David Plufka.

Yea: David Dimmitt, Andy Leahy, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

Nay: Tom Kramer, Steve Lochmoeller

Final Resolution: Motion Passed

Bill No. 6198 passes and upon signature of Acting President of the Board of Aldermen becomes Ordinance No 4844.

Motion to remove Citizen Comments at the at the end of the meeting.

Motion by Andy Leahy, second NONE.

I. Bill No. 6200 Chapter 353 Development Plan Manchester Road Flood Mitigation Area Brentwood Redevelopment Corporation

Alderman Leahy asked if the Board is giving the 353 the right to act as the agent in all of this and the City hasn't given the 353 any money for purchasing, how does that happen.

Mr. Mellow stated when they have come to an arrangement with the acquisition of the property they're gonna say we have a contract for the property. If you approve it, the City would be providing the funding for that property. Everything negotiated comes back to the Board of Aldermen for approval. It's the Board of Aldermen's decision to approve a contract or not.

Alderman Leahy asked if the 353 can go into closed session in order to discuss land acquisition under the Sunshine Law.

Mr. Mellow stated yes as long as they comply with the Statute of being a public entity.

Motion to perfect Bill 6200 into Ordinance form.

Motion by Steve Lochmoeller, second by David Plufka.

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

Final Resolution: Motion Passed

Bill No. 6200 passes and upon signature of Acting President of the Board of Aldermen becomes Ordinance No 4845.

J. Bill No. 6201 Municipal Code Statutory Updates

City Administrator Akande stated Bill 6201 is an ordinance adopting the 2017 statutory updates. Annually the City's codifier, General Code reviews the state laws that have been adopted to determine if updates are required to the municipal code. They have found several, that is attached as Exhibit A. The 2017 statutory material is something that we do every year and they have also indicated that if the City is able to have the Board of Alderman adopt this rather quickly, they would at no cost to the City include this in our code online.

Alderman Kramer stated the advantage to passing the Bill quickly is a cost savings. Otherwise, is there an emergent matter connected with this bill.

City Administrator Akande stated not particularly.

Motion to perfect Bill No. 6201 into ordinance form.

Motion by Andy Leahy, second by David Dimmitt.

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

Final Resolution: Motion Passed

Bill No. 6201 passes and upon signature of Acting President of the Board of Aldermen becomes Ordinance No 4846.

14. RESOLUTIONS

A. Resolution No. 1098 Memorandum Of Understanding With The Brentwood School District

Chief Spiess stated we approached the school board to approve funding for seventy-five percent of the salary of a school resource officer for full-time deployment to the schools of Brentwood. Additionally we asked they pay for a vehicle for that officer.

Alderman Lochmoeller asked if the officer will work with the schools on hardening their facilities.

Chief Spiess stated yes the officer is in multiple training this week. One of them is site assessment and hardening of the schools but its a multi-faceted training.

Alderman Plufka asked if the officer start at the police station.

Chief Spiess stated the officer will start at the police station and will be primarily at the high school and middle school. He will have responsibilities at the other schools such as site assessments and also continue the Dare training. When school is out, this is the time the officer will take his vacation. He is a current officer in Brentwood.

Motion to adopt Resolution 1098.

Motion by Andy Leahy, second by Sunny Sims.

Yea: David Dimmitt, Andy Leahy, Steve Lochmoeller, David Plufka, Sunny Sims, Brandon Wegge, Kathy O'Neill, Tom Kramer

Final Resolution: Motion Passed

B. Resolution No. 1099 Memorandum Of Understanding With The Great Rivers Greenway On The Rogers Parkway Trail To Deer Creek - Bikable Walkable Communities Plan

City Administrator Akande stated this is an agreement with the Metropolitan Park and Recreation District otherwise known as the Great Rivers Greenway District. The City has partnered with GRG to work together and develop trails within the boundaries of the City of Brentwood and what this Memorandum of Understanding does is crystallizes the several different alignment options for construction of a point six zero mile extension of the existing Rogers Parkway. If you all also recall there hasn't been a formal agreement but when mayor Thornton and I and Craig shrewder attended the GRG board meeting this past December we made a formal request for a three million dollar contribution and there were questions asked. There was no vote taken but we are of the belief that this pledge of three million will ultimately go towards the construction of the Deer Creek connector. It runs from Dorothy through the pedestrian tunnel right through Norm West Park. It's the extension that would connect ups to GRG.

Alderman Leahy asked if this \$29,500 is a new figure or already included in the redevelopment of the Manchester Road program.

City Administrated Akande stated it's not a new figure.

Motion to adopt Resolution 1099.

Motion by Brandon Wegge, second by Andy Leahy.

Yea: David Dimmitt, Andy Leahy, Steve Lochmoeller, David Plufka, Sunny Sims, Brandon Wegge, Kathy O'Neill, Tom Kramer

Final Resolution: Motion Passed

15. ACCOUNTS AGAINST THE CITY

A. Warrant List

Alderman Dimmitt stated has reviewed the lists and numbers with the City Administrator. Recommends approval of the first warrant list in the amount of \$197,643.24. Recommends approval of the second warrant list in the amount of \$71,756.20 with pulling one invoice off the list for review.

Motion to approve the warrant list in the amount of \$197,643.24.

Motion by David Dimmitt, second by Sunny Sims.

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

Final Resolution: Motion Passed

Motion to approve warrant list in the amount of \$71,756.20 with pulling one invoice off the list for review.

Motion by David Dimmitt, second by Steve Lochmoeller.

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

Final Resolution: Motion Passed

16. REPORT OF COMMITTEES AND DEPARTMENT HEADS

A. Mayor

Motion to approve the Board of Aldermen committee appointments as submitted.

Motion by Andy Leahy, second by David Dimmitt.

Final Resolution: Motion Passed

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

Motion to approve the Planning and Zoning Commission appointments as presented.

Motion by Steve Lochmoeller, second by David Plufka.

Final Resolution: Motion Passed

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, David Plufka, Sunny Sims, Brandon Wegge

Nay: Kathy O'Neill

Motion to approve the Board of Adjustment appointments as presented.

Motion by Andy Leahy, second by Sunny Sims.

Final Resolution: Motion Passed

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

Motion to approve the Architecture Review Board Appointments as presented.

Motion by Andy Leahy, second by Steve Lochmoeller.

Final Resolution: Motion Passed

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

Motion to nominate Alderman Tom Kramer as Acting President of the Board of Aldermen effective July 16, 2018.

Motion by Andy Leahy, second by David Dimmitt.

Final Resolution: Motion Passed

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

B. Public Safety Committee

Next meeting Wednesday, June 27 at 5:30 PM.

C. Public Works Committee

Next meeting Wednesday, July 11th at 4:30 PM.

D. 1. Director of Planning & Development - 8750 Manchester Road Community Improvement District Resolution No. 17-001 Approving Board of Directors Community Improvement District

Planning and Development Koerkenmeier stated the annual action that the Board of Aldermen takes to approve the Board of Directors for the 8750 Manchester Road CID that was created in December 2007 by Ordinance 4081. Every year in preparation of the CID annual meeting in August, it's spelled out in the CID creation that the Board of Aldermen has to approve their Board of Directors. First, officially the Board of Aldermen need to approve the Board of Directors and that will be part of their annual meeting process in August. The members have not changed. They do have qualifying factors to be part of that CID which have been met. Manchester Road 8750 Road is about a four-and-a-half acre parcel. It was the former Syms Department Store but currently is two parcels. It's the Arby's Restaurant, the Tile Shop and Ace Hardware Store.

Planning and Development Koerkenmeier stated no action is need for the annual report. It's for informational purposes and it would cover the reporting period from January 1st to December 31st, 2017.

Motion to approve the Board of Directors for the CID.

Motion by Kathy O'Neill, second by Andy Leahy.

Final Resolution: Motion Passed

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

E. Director of Planning & Development - Request for 180 Day CUP Extension - Marriot Townplace Suites - Equis Hospitality Management, LLC

Planning and Development Director Koerkenmeier stated we received a request from the developer who had proposed the 7-story Hotel located at 1693 and 1695 South Hanley Road. It was about a year ago today this development proposal was brought before the Board of Aldermen for both the rezoning request and also a conditional use permit given the height of the hotel was to be seven stories. The way our current ordinance is written, a conditional use permit actually becomes null and void if the developer has not obtained a building permit and has started construction. It was coming close to that year deadline that approval was given June 19th of last year. We talked to the developer and the project is alive and well. We're still very excited to have this project in our mist here. There has been assurances from the developer that the hotel will be built. If you remember one of the conditions that was placed on the CUP was figuring out an access issue and took cooperation among the adjoining property owners to work through all that. It definitely should have been a requirement of the conditional use permit. It was made a requirement and they have been able to make that arrangement but, that did delay the project to some degree. They're asking for by code, is a 180 day extension to obtain the permit and start construction. They they could ask for more than one extension the way the code is written but at this time they think they can meet getting the project started within the 180 day extension time period.

Alderman Leahy asked is the access going to be through the Home Depot area.

Planning and Development Director Koerkenmeier stated no, it will not access through the Home Depot property. The property

owner that has the frontage along Hanley Road is the Weiland Security building. There was always an easement that was provided back to the property where the hotel was being built but, if you remember given the change with the hotel use, there was going to be more requirements in terms of that access becoming more of a through street and it had to be widened. That it couldn't be accomplished with just the existing easement as it was written. They've worked out the language of that and it's agreed upon now.

Alderman Leahy asked will it be those two properties going out to Hanley, what was agreed to.

Planning and Development Director Koerkenmeier stated correct.

Alderman Kramer asked if the demand for hotel usage in this area changed.

Mr. Chapman, Equis Hospitality Management stated no it's still very strong.

Alderman Kramer asked with this extension, is there an idea of your timeline beginning during this extension.

Mr. Chapman stated with this extension we expect to apply for building permits before the end of the year.

Alderman Kramer asked if perceive there will be any further extension requests.

Mr. Chapman stated no.

Alderman Kramer thanked Mr. Chapman for attending the meeting and coming to Brentwood.

Motion to grant a 180 day extension for the Equis Hospitality development.

Motion by Andy Leahy, second by David Dimmitt.

Final Resolution: Motion Passed

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

F. Director of Public Works Authorization to Enter into a Memorandum of Understanding with Missouri American Water

Planning and Development Director Koerkenmeier stated the Memorandum of Understanding with Missouri American Water would be for street restoration following water main replacement projects. This came to light last fall and this spring when Missouri American Water did a project on Madge Avenue and the project was delayed. There were several issues that came up along the way but the one issue that we still had was in terms of coming up with a proper street restoration standard. As you all know that street was recently paved by the City, repaved and spent money on it. We are working with Missouri American Water based on what our current standards state in our code and to come up with an agreement that if they have these major water replacement projects, they don't have to completely restore it back to light conditions but if there was something that we could do to enhance the appearance of the street and make sure it is properly restored by meaning that they filled in properly the soft cut joints and things like that. What this memorandum has and what Missouri American Water has agreed to is that after these streets get disturbed by a water replacement project that they will do this application that will actually help preserve the street and also help to a large degree just the appearance of the street as well.

Public Works Director Gummersheimer stated last year we had coordination on Mary and Magdalen. Missouri American Water went ahead before us and West came in after the water lines were installed. That's why you don't see any seams because it's brand-new from curve the curve. The one Lisa alluded to, Melvin is on their list for 2018 and they were going to do it in the fall but it's on our 2018 street paving. We're trying to coordinate to get them in early or we postpone that street so that we don't have that same issue.

Motion to enter into a Memorandum of Understanding with Missouri American Water.

Motion by Steve Lochmoeller, second by Sunny Sims.

Final Resolution: Motion Passed

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

G. Director of Public Works Change Order for the FY 18 Asphalt Projects

Public Works Director Gruenenfelder stated the three additional streets, Kempton Avenue, Hatton Lane and Sonora Avenue were discussed at the Public Works Committee meeting. Staff were unable to determine exactly when those streets were milled and overlaid, but estimated in the year 2006 or 2007. Donelson Construction visited the three (3) additional streets and recommended the MAQS sealant application on Kempton Avenue and Sonora Avenue however, Hatton Lane is not a candidate. We are removing swim club and pushing out to 2019 per their request. Staff is asking for consideration of a change order with N.B. West Contracting for additional mill and overlay on Hatton Lane and Lawn Avenue.

Motion for a change order with N.B. West Contracting for the additional mill and overlay of Hatton Lane and Lawn Avenue to the FY 2018 Asphalt Projects.

Motion by Steve Lochmoeller, second by Andy Leahy.

Final Resolution: Motion Passed

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

H. Ways and Means Committee

No Report

I. City Attorney

No Report

J. 1. City Clerk/Administrator - Navigate Building Solutions, LLC - Owner Representations Services

City Administrator Akande stated in September 2017 the Board of Aldermen with ordinance number 4798 approved an agreement with Navigate Building Solutions as owner representative for the Manchester Renewal Project. The reason why I'm bringing this before you this evening is because we've completed phase one of this agreement which is for general development services for all three projects and we're entering into phase two, which is the design phase services for all three projects. There's really no need for a motion but I just wanted the Board to know that we're entering phase two of the agreement that we signed with them in September of last year.

K. 2. City Clerk/Administrator - Manchester Renewal Update

City Administrator Akande reviewed the progress update report from May 2018 and June 2018 for the Manchester Renewal Project.

L. 3. City Clerk/Administrator - Request for Additional Police Personnel

Chief Spiess provided an overview of additional police personnel requests.

Motion approve additional police personnel as presented.

Motion by Andy Leahy, second by Kathy O'Neill.

Final Resolution: Motion Passed

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

M. 4. City Clerk/Administrator - Intellectual Property Attorney Legal Opinion

Mr. Joe Walsh stated I'm a partner with the law firm of Harness, Dickey and Pierce. We have four offices in the United States and he runs the St. Louis office. Was contacted by your City Administrator last week and asked if I would be able to represent you. I met with the City Administrator we talked about the issue. From what I understand the issue is that there was a software product developed. The Mayor was involved in developing that and apparently there's a company that he owned Geo Compile that participated in the development of this software. The software overlays onto an existing software protocol that works with GPS called U.S. Fleet Software. Together they create a better software product. The original product mapped GPS coordinates as to where city vehicles went. When you overlay the additional software a report is developed that shows you visually where things go. I've just been retained and I haven't had a chance to do any fact-finding but I thought what I would do was share with you tonight general principles that will govern our investigation. I don't expect the investigation to take very long. It is a little bit fact and data intensive. I will be working with the City Administrator to get the necessary documents but, there are two basic substantive areas of intellectual property law that could be implicated here because it involves software. The first is copyright because software is considered an original work of art under the copyright statute and the copyright law provides that in the absence of a written agreement that provides for ownership of the ultimate copyrightable work namely the software that the developer, the author of the software is the owner of that software product. What we have to find out is whether there was some agreement or obligation. Utility patents also protects software as a method doing business or accomplishing some purpose and the same is true with respect to the inventorship principles. If you are an employee in a corporation and you are not hired to specifically invent and you invent something, in the context of your work normally speaking, you own the invention. It does not belong to the employer so there are principles of like shop right. If you happen to use some of the employers resources or manpower to produce the or develop the invention then sometimes the the employer would have the right to practice the invention free from any claim of infringement. It still would not own it but again, we have to take a look to see whether any any obligations or agreements that would counter these general principles of copyright law and patent law. That's what we'll be undertaking to do and I estimate we should have the information we need within the next two weeks.

N. 1. Excise Commissioner - Liquor License Renewals

Alderwoman Sims stated she has reviewed the license applications. There were twenty-six applicants and nine different types of licenses applied for. Recommended to approve the applications.

Motion to approve the liquor license applications as presented.

Motion by Sunny Sims, second by Andy Leahy.

Final Resolution: Motion Passed

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

O. Library

Alderwoman O'Neill stated the Library Board is looking and actively recruiting new members. They are looking for a diverse board especially with parents is on their agenda.

P. Municipal League

No Report

17. ANNOUNCEMENTS

Alderman Leahy stated the Ward 3 meeting for the month of June will be Tuesday, 26th at 7:00 PM in the council room. All are invited.

Alderwoman O'Neill stated Ward 4 meeting for this month will be Tuesday, 26th at 6:00 PM at the Brentwood Forest Clubhouse.

Alderman Kramer stated there's an annual evening tomorrow at the Brentwood Forest Clubhouse for the Brentwood Forest residents.

18. NEW BUSINESS

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

Noga Sachs, resident at 12271 Country Manor Lane, St. Louis, Missouri stated she is applying for the job of being a representative in U.S. Congress. Provided her objectives and platform of practical solutions. Invited the Board to the town hall meeting on June 25th, 7:00PM at the Middendorf Library and to participate in the Webster Groves parade.

20. CLOSED MEETING

Recess to Closed Meeting

Motion to proceed into closed session pursuant to Missouri Statute RSMo 610.021(1) and 610.021 (2) and adjourn from that executive session.

Motion by David Plufka, second by Andy Leahy.

Final Resolution: Motion Passed

Yea: David Dimmitt, Andy Leahy, Steve Lochmoeller, David Plufka, Sunny Sims, Brandon Wegge, Kathy O'Neill, Tom Kramer

Discussion: B. Legal - RSMo 610.021 (1)

Discussion: C. Real Estate – RSMo 610.021 (2)

Reconvene Open Public Meeting

Motion to reconvene in open session.

Motion by Andy Leahy, second by David Dimmitt.

Final Resolution: Motion Passed

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge

21. ADJOURNMENT

Motion to adjourn the meeting at 10:25 PM.

Motion by Andy Leahy, second by David Dimmitt.

Final Resolution: Motion Passed

Yea: David Dimmitt, Tom Kramer, Andy Leahy, Steve Lochmoeller, Kathy O'Neill, David Plufka, Sunny Sims, Brandon Wegge