

**CITY OF BRENTWOOD  
BOARD OF ALDERMEN MEETING  
DECEMBER 5, 2016**

**MEETING CALLED TO ORDER**

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

**ROLL CALL**

The following members were present

Alderman Plufka	Present	Alderman O'Neill	Present
Alderman Wegge	Present	Alderman Leahy	Present
Alderman Lochmoeller	Present	Alderman Sims	Present
Alderman Kramer	Present	Alderman Dimmitt	Present
Mayor Thornton	Present		

Members present constituted a quorum. Also present were City Administrator Bola Akande, Planning Director/Assistant City Administrator Lisa Koerkenmeier, Attorney Kevin O'Keefe, Director of Public Works Dan Gummersheimer, Director of Parks and Recreation Eric Gruenenfelder, Fire Chief Terry Kurten, Assistant Police Chief Jim McIntyre, Treasurer Greg Reynders and City Clerk Dusty Hosna

**APPROVAL OF AGENDA**

Mayor Thornton recommended removing item **19. Closed Meeting** from the agenda

The amended agenda was approved by acclamation

**CONSIDERATION AND APPROVAL OF MINUTES**

**Board of Aldermen Regular Meeting Minutes November 21, 2016**

Hearing no changes, meeting minutes were approved, as submitted, by acclamation

**PRESENTATION/RECOGNITION**

None

**PUBLIC HEARING**

**Adoption Of The Budget Of The Fiscal Year Commencing January 1, 2017 And Concluding December 31, 2017**

**Louise Charboneau, 8833 Madge**, expressed that the budget process is the most important process for city officials. She does not agree with money budgeted toward the creation of new positions at City Hall.

**BIDS**

None

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

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

**Sally Westenbarger, 2626 Bremerton**, Stated that she is the Assistant Adjutant and Chaplain for Goff Moll American Legion Post and informed the board that the group that was using the post no longer meets there per board action.

**Barry Williams, 9001 Pine Avenue**, Expressed that he worked for Brentwood 40 years ago in the City of Brentwood. He mentioned that he went to Oak Tree Park and discovered that two of the cypress trees were two trees that himself and Charlie Broughton planted and that those trees were set to be removed. He expressed his dissatisfaction that a Tree City USA City was going to remove trees for a parking lot at Oak Tree Park. He feels that the city is getting rid of too many trees.

**Louise Charboneau, 8833 Madge** Expressed her dissatisfaction with the possible removal of trees at Oak Tree Park and her dissatisfaction with cities removal of trees in the past. She feels that the removal of trees will harden the nature of the park. She mentioned the she had some alternatives for removing the trees and wondered if there was listed a number of trees to removed. She mentioned that the replanting of trees is not as good as old growth and it could affect air quality, heat and environmental issues.

### **Aldermanic Response**

Alderman Leahy asked to visit with city staff to consider options at Oak Tree Park.

### **UNFINISHED BUSINESS**

**None**

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

#### **Bill No. 6101 - Business Associate Agreement**

Attorney O'Keefe performed the 1<sup>st</sup> reading of Bill No. 6101 by title only. Alderman Kramer provided the synopsis, "This Bill is for an Ordinance Authorizing the Adopting of Provisions for Collective Bargaining with Law Enforcement Personnel. A recent Missouri Supreme Court decision requires municipalities to **collectively bargain with law enforcement personnel upon request. The Eastern Missouri Coalition of Police, Fraternal Order of Police, Lodge 15** currently seeks voluntary recognition as the exclusive bargaining representative in collective bargaining, including bargaining regarding wages, hours, and working conditions, for the City of Brentwood's **police officers, corporals, sergeants, and lieutenants**. Currently, Missouri law does not provide a framework for collective bargaining with law enforcement personnel. **This ordinance is to establish a framework for collective bargaining in the absence of state legislative action. The proposed ordinance is modeled after the one successfully enacted by the City of Grandview and upheld by the Missouri Court of Appeals, Western District.**"

Alderman Leahy asked about the participation of elections while on duty. Jim Foster of McMahon Berger explained that this type of election would involve their terms and conditions and they were free to talk about them.

Alderman Leahy also asked about the designated representative of the negotiated group. Attorney Foster explained the process of designating a representative.

Alderman Leahy made a **motion**, which was seconded by Alderman Kramer, to amend Bill No 6101 such that Section 4.1 has the language "Designated by the City Administrator stricken and replaced with "Recommended by the City Administrator and approved by the Board of Alderman."

Mayor Thornton explained that this was the process that was used for previous collective bargaining negotiations by the city.

**A voice vote was taken**

Alderman Plufka - No	Alderwoman O'Neill - Yes
Alderman Wegge - Yes	Alderman Leahy - Yes
Alderman Lochmoeller - Yes	Alderwoman Sims - Yes
Alderman Kramer - Yes	Alderman Dimmitt - Yes

7 ayes and 1 naye; **Motion Passed**

**Bill No. 6105 - Adoption of the Fiscal Year 2017 Budget** - Attorney O'Keefe performed the 1<sup>st</sup> reading of Bill No. 6105 by title only. Alderman Kramer provided the synopsis, "This Bill adopts the annual budget for the City of Brentwood for the calendar year commencing January 1, 2017 through December 31, 2017. Total revenue budget for all funds is \$19,853,093 and total expenditure budget is \$19,608,780. Notable additions to the budget include increased funding for street work to mill and overlay 25 streets, tree care and maintenance of 300 At-Risk trees, and the addition of three new positions to increase provision of services. The Ways and Means Committee has reviewed the budget and a motion was made for it to be forwarded to the Board of Aldermen for consideration."

Alderwoman O'Neill stated that she was unaware that the upgrades to the tennis court and sand volley ball court involved removing the old court and completely replacing. She stated that the cost to do this is expensive for something that only two-thirds of the city will use. She asked to see if there was a list of other park priorities and asked to hold these items until that list is made available. She then asked about the Brentwood Recreation Complex parking lot design for \$96,000 and asked for clarification. Administrator Akande explained that the Parks Master Plan was authorized by the Board of Aldermen in 2013 and that prioritization of projects in the Parks Master Plan was done by the public during the process of its creation.

Alderman Leahy also asked about the \$96,000 parking lot design and asked about the purpose of this design. Parks and Recreation Director Eric Gruenenfelder explained that discussion was held at workshop session in regards to events like Dancing in the Streets and Music on the Menu and how a large parking lot could be used to host these events and be more centralized.

Mayor Thornton asked if the parking lot was recently renovated during previous upgrades at the Brentwood Recreational Complex. Director Gruenenfelder explained that only a small portion of the parking lot had renovations done.

Alderman Dimmitt asked if the \$96,000 amount was approved in the budget at the Ways and Means Committee and Director Gruenenfelder explained that it was.

Alderman Lochmoeller asked for clarification on expenditures for park maintenance part time positions. He also asked about possible decreases in utility expenses at the Brentwood Recreation Complex. Director Gruenenfelder explained that the costs have decreased and he hopes for this trend to continue.

Alderman Wegge stated that although funds are budgeted for the tennis courts, sand volley ball courts and fencing, that there is still an option to re-prioritize the park master plan and include a dog park. Administrator Akande explained that a provision was added for an alternate dog park site in the Parks Master Plan and explained that there is a rating system used to evaluate the priority of projects. Director Gruenenfelder further explained the rating system. He then explained the need to replace the tennis courts due to safety issues.

Alderman Kramer asked about the usage rate of the tennis courts and sand volley ball courts. Director Gruenenfelder explained that there is not a completely accurate way to monitor activity. Administrator Akande explained that there is a work order process to repair problems. Director Gruenenfelder explained that the sand volley ball courts get heavy usage due to leagues and rentals from a mix of residents and non-residents.

Alderman Leahy expressed that there is not a good method to track usage of Brentwood Park Facilities and asked if a program to do so could be implemented. Director Gruenenfelder explained that it could be

possible to do so. Alderman Leahy stated that he would like additional funds added to the Storm Water fund.

Alderwoman O'Neill asked about the process of bidding out design projects. Administrator Akande explained that all projects are placed for bids per Brentwood Municipal Code.

Mayor Thornton explained that a number of residents were in favor of having events in the center of town and that renovations to the Brentwood Recreation Complex parking would allow for use as an event center.

Alderwoman O'Neill asked for a ranking of park projects. Administrator Akande explained that those projects are in the Parks Master Plan. Alderwoman O'Neill explained that she would like a list of how those projects are prioritized.

Alderman Leahy asked if Sounds of Summer events were budgeted to take place on Fridays or Sundays. Director Gruenenfelder explained that the program will still take place on Sunday and the costs are covered by sponsors.

Alderman Lochmoeller asked about the organizational structure in the Public Works Department and the cost of hiring a Human Resource Manager. Administrator Akande explained that the position will be filled and a recommendation will be made to Ways and Means. Alderman Lochmoeller asked about the increase in the number of employees. Administrator Akande explained that new staff has been brought in to deliver what the board wants and provide better service.

Alderman Plufka stated that there is still an increase of two employees as compared to 2012 when staff was operating at full capacity. He asked if these positions would give costs savings or better services. Administrator Akande explained that positions are added for efficiency and that employment positions would not be added if the city did not need them. Alderman Plufka asked if the Communications Manager addition could promote the city to businesses. Finance Director Shaw explained that if a Communications Manager can properly brand and market the city, they could attract businesses. Administrator Akande explained the Communications Manager would work with every department in the city.

Mayor Thornton explained the functioning of a high performance organization as it relates to hiring employees and the skillsets of those employees. Lisa Koerkenmeier explained that a Communications Manager would be able research, draft publications and market and brand the city. Alderman Lochmoeller asked if a company or contractor could be brought in short term to do what the Communications Manager and Human Resource Manager would be asked to do. Administrator Akande explained that this is an ongoing effort and that there is an on-call public relations firm that is currently used for things like crisis management. She stated that all options are evaluated when considering Human Resource and Communications Manager needs.

Alderman Kramer referred to the reduction in streets that would be repaired in 2017 and asked if the condition inventory of the streets could be included in the rationale of the budget. Administrator Akande confirmed that this could be referenced. Alderman Kramer then asked about the Communications Manager position and asked if a comparative city reference was offered. Administrator Akande stated that there are comparative cities that have this position.

Alderman Leahy **motioned** to amend the budget to move \$400,000 to the reserve fund to address storm water on Manchester road. Alderman Lochmoeller seconded the motion. Discussion was held. Alderman Plufka did not agree with the motion and stated that time and energy should be spent on finding remediation techniques to use some or all of the capital fund budget. He stated that he did not recommend ear marking money. Alderman Dimmitt clarified that the funds would be transferred from capital reserve to storm water reserve. Alderman Leahy expressed that the city has not done anything to improve the problem of flooding and that this is a good move to have funds available to make projects possible when needed. Alderman Lochmoeller stated that one of the top concerns in the Brentwood 20/20 Comprehensive Plan was Storm Water management and that he would like to stay on course of adding funds to storm water reserve. Alderman Plufka expressed that putting money in separate piles

does not do anything towards developing a plan to address flooding issues. Alderman Dimmitt asked about restrictions on committed funds. Administrator Akande explained the process of committing funds. Alderman Dimmitt expressed that he did not agree with setting funds aside because it was essentially moving funds from one pile to another. Mayor Thornton explained that the park and storm water tax that was approved allows for a collection of tax and that those funds can be used for any project that is allowed by state statute. Alderman Kramer expressed that flooding issues are not only on Manchester Road and that funds had not been properly designated for storm water issues in the past. Mayor Thornton clarified that storm water funds will not be spent on private property. Discussion was held on funds needed for future storm water projects. Alderman Dimmitt **motioned** to call the question and proceed immediately to a vote. The motion was seconded by Alderwoman Sims. Voice vote was taken. The motion passed unanimously. Roll Call was then taken on Alderman Leahy's motion, which was seconded by Alderman Lochmoeller, to amend the budget to move \$400,000 to the storm water fund.

**ROLL CALL:**

Alderman Plufka - No	Alderwoman O'Neill - Yes
Alderman Wegge - No	Alderman Leahy - Yes
Alderman Lochmoeller - Yes	Alderwoman Sims - No
Alderman Kramer - Yes	Alderman Dimmitt - Yes

**MOTION PASSES**

**Bill No. 6106 - Brentwood Century Foundation** - Attorney O'Keefe performed the 1st reading of Bill No. 6106 by title only. Alderman Kramer provided the synopsis, "This Bill is for an ordinance authorizing the Mayor and/or City Administrator to enter into an agreement with Brentwood Century Foundation up to \$20,000 in FY 16 and FY 17 for services related to the coordination of the celebration of the city's centennial in 2019."

Administrator Akande explained that Brentwood Century Foundation's planning efforts for this event would benefit the city. She explained that the Communication Committee would update the board on the progress of the Century Foundation. Alderman Lochmoeller stated that the foundation does not have a lot of funds and are looking for donations. These funds would set up infrastructure to get the word out. They are also wanting to do a video documentary. Alderman Leahy asked if there is a requirement for bidding processes for the Century Foundation. Attorney O'Keefe stated that the foundation is not bound by the city's purchasing code. Alderman Leahy stated that a documentary was done as an Eagle Scout project and is available in the Brentwood Library if the Century Foundation was interested.

**Bill No. 6107 - Intergovernmental Cooperation Agreement for Information Technology Services** Attorney O'Keefe performed the 1st reading of Bill No. 6107 by title only. Alderman Kramer provided the synopsis, "This Bill is for an ordinance authorizing the Mayor and/or City Administrator to enter into an agreement with the City of Clayton, Missouri for intergovernmental cooperation agreement for Information Technology Services. Technological advances have changed many operations and aspects of businesses both private and public; and because of increased demands for technology use and legal requirements, cities must engage highly-skilled employees or consultants to perform technology services; it is challenging for individual municipal governments to obtain the most skilled IT personnel at reasonable cost; and the municipalities participating in this Agreement have determined that a cooperative arrangement is an efficient means for establishing and maintaining systems for information sharing, public access and transparency, data storage, efficient governmental operations and other functions; and Chapter 70 of the Revised Statutes of Missouri authorizes joint exercise by two or more local governments of any power common to them. With the approval of this agreement, the City will now have available staff with a variety of technical knowledge, skills and **experience**. Beginning with this contract, current Clayton staffing will consist of an IT Manager, Network Engineer, Associate Network Engineer, Application Specialist and two IT Support Specialists, although the exact staffing is subject to change based on need."

Administrator Akande stated that there is a need for additional IT support services and that this agreement gives six employees to provide services. She stated that the City of Clayton will be hiring two additional employees so that they will be properly prepared to enter into this agreement. Alderman Lochmoeller

asked if this would resolve MyGov issues. Administrator Akande stated that training is needed for staff to make MyGov functional.

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

**Bill No. 6102 - Business Associate Agreement** - Attorney O’Keefe performed the 1st reading of Bill No. 6107 by title only. Alderman Kramer provided the synopsis, “This bill is for an ordinance authorizing the mayor and/or city administrator to exercise an option on behalf of the City of Brentwood, Missouri to extend its Business Associate Contract Agreement between EMS Management & Consultants and the City of Brentwood, Missouri for two years commencing on January 1, 2017 through December 31, 2019. This service agreement is to protect the medical information that is obtained by the Brentwood Fire Department during the performance of their duties and responsibilities. This agreement is required per the Health and Information Portability Act (HIPPA). The EMS Management and Consultants (EMS/MC) for Ambulance and Billing Service and ESO Solutions Electronic Patient Care Reporting (ePCR) software which will be used for patient care reporting on Brentwood’s ambulance agreements.”

**Perfection of Bills**

Motion was made by Alderman Leahy and seconded by Alderman Dimmitt to perfect Bill No. 6102 into ordinance form.

**ROLL CALL:**

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

**BILL No. 6102 IS HEREBY PASSED BY THE BOARD OF ALDERMAN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4755**

**Bill No. 6104 Renewal of a Three Year Service and Maintenance Agreement with Physio Control, Inc** Attorney O’Keefe performed the 2nd reading of Bill No. 6104 by title only. Aldermen Kramer provide the synopsis, “This bill is for an ordinance authorizing the Mayor and/or City Administrator to enter into and execute a renewal of a three year service and maintenance contract with Physio Control, LLC. This agreement provides all of the preventative maintenance, repairs, and annual certifications for all of the fire department and city wide heart monitors and defibrillators for three years commencing on December 6, 2016.

**Perfection of Bills**

Motion was made by Alderman Leahy and seconded by Alderman Dimmitt to perfect Bill No. 6104 into ordinance form.

**ROLL CALL:**

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

**BILL No. 6104 IS HEREBY PASSED BY THE BOARD OF ALDERMAN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #47 56**

**BILLS TO BE GIVEN A FIRST AND SECOND READING**

None

**RESOLUTIONS**

None

**ACCOUNTS AGAINST THE CITY**

Alderman Dimmitt announced review of the warrant list in the amount of \$136,314.48 and made a **motion** for approval. Alderman Kramer seconded the motion.

**ROLL CALL:**

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

**Motion Passes**

**REPORT OF COMMITTEES AND DEPARTMENT HEADS**

**Mayor Thornton** , reported that through the budget process that people may have been surprised to learn that the sales tax revenue is declining and that it is important to notice the trends and congratulated the Ways and Means Committee for taking that into account. He mentioned that while some sales tax continue to climb, others are not and that an audit may be necessary to investigate the matter.

He mentioned that negotiations with Fire Figthers Union have asked to meet and confer and that two representatives need to me met with them. He recommended Bola and Chief Kurten be the representatives. Mayor Thornton **motioned** to nominate Chief Kurten and City Administrator Akande to represent the city in negotiations with the Fire Fighter union. Voice vote was taken. **The motion passed unanimously** .

**Public Safety Committee** , Alderman Plufka announced that the next Public Safety Meeting was December 15<sup>th</sup> at 5:30 PM.

**Public Works Committee** , Alderman Leahy announced that the next meeting of the committee is December 14<sup>th</sup> at 4:30 pm.

**Director of Planning & Development** , Director Koerkenmeier had no report.

**Ways and Means Committee** , Alderman Dimmitt announced that the next meeting will be on December 14<sup>th</sup> at 6:00 pm.

**City Attorney Kevin O'Keefe** had no report.

**City Administrator** had no report.

**Excise Commissioner** Alderman Dimmitt stated that he did conduct an investigation based on the Fox 2 News report on the American Legion and that the American Legion will not be allowing the group in question to meet. He has concluded his investigation.

**Library Board** , Alderwoman O'Neill had no report.

**Municipal League** , Mayor Thornton had no report.

**Historical Society** had no report.

**ANNOUNCEMENTS**

Alderman Leahy announced the Ward 3 meeting would be held on Tuesday, December 27 at 7:00 pm in the Council Chambers.

Alderman O'Neill announced that Ward 4 will meet on Tuesday, December 13 at 6:00 pm in the Brentwood Forest Condo Association Clubhouse.

Mayor Thornton announced that the CPSM Focus Group will meet December 12 at 6:00 pm at the Brentwood Recreation Complex.

Mayor Thornton announced that the City Holiday Party will be held on December 12 from 5:00 pm to 7:00 pm at the Brentwood Recreation Complex.

**NEW BUSINESS**

**Discussion in Regards To Step Increases Under The 2015 City of Brentwood Pay Classification System**

Alderman Leahy discussed the employee compensation plan and explained that step increases are not guaranteed and they can be frozen at any time. Alderman Leahy stated that if the City of Brentwood allowed no step increases, we would allow other cities to enter into parody in the market based system. Alderman Leahy **motioned** that an amendment be made to the 2017 budget to remove step increases. Alderman Lochmoeller seconded the motion.

Mayor Thornton described that this would affect 54 employees. If all eligible employees received a step increase it would be a total of about \$90,000. Alderman Plufka stated that this motion would not help bring us in line with competitor cities. He believes it is bad policy because there is still a merit issue that would warrant the increase. Alderman Dimmitt stated that he felt similar to Alderman Plufka and stated that capping employees under the 75<sup>th</sup> percentile has no effect on getting us to the 75<sup>th</sup> percentile. Alderman Wegge stated that he did not support this motion and that it would do nothing in getting employees to the 75<sup>th</sup> policy. He also stated that it was bad policy. Alderman Kramer confirmed that most of the employees eligible for step increases were non-commissioned positions. Mayor Thornton explained the matrix set up to allow for employees under the 75<sup>th</sup> percentile in the market based compensation plan. Alderman Kramer asked if there was another rationale regarding this motion that would further explain the views of Alderman Leahy. Alderman Leahy stated that if you keep increasing personnel pay, when you catch up with parody, the matrix will then be based on what you are paying employees. If you freeze the pay right now, that allows comparative cities to rise a little higher. Mayor Thornton expressed that according to preliminary results of a compensaton study, we need to move up to keep up with comparative cities in the 12 step plan but this is not the case in the seven step plan. He also mentioned that removing step increases removes the City Administrators ability to reward employees. Alderman Kramer stated that there are caps in place to limit increases across the board that were not in place in the past.

**ROLL CALL:**

Alderman Plufka - No	Alderwoman O'Neill - No
Alderman Wegge - No	Alderman Leahy - Yes
Alderman Lochmoeller - No	Alderwoman Sims - No
Alderman Kramer - No	Alderman Dimmitt - No

**Motion Fails**

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

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

if any. He/she shall speak for a period not to exceed three (3) minutes; though additional time may be granted by the presiding officer of the board. Total time allotted for this section shall not exceed 15 minutes)

**Louise Charboneau , 8833 Madge**, Reminded the Board that no prior commitment has been made to flooding on Manchester Road and that there has been lost opportunity to do so. She mentioned that sales tax income for storm water was not properly allocated and that money needs to be available if needed.

**Aldermanic Response**

None

**CLOSED SESSION**

None

**ADJOURNMENT**

Motion was made by Alderman Leahy and seconded by Alderman Plufka to adjourn the regular meeting at 9:55 p.m. Unanimous vote in favor taken; **MOTION PASSED**

Attest:

\_\_\_\_\_  
Christopher A. Thornton, Mayor

\_\_\_\_\_  
Bola Akande, City Clerk/Administrator