

**CITY OF BRENTWOOD
BOARD OF ALDERMEN MEETING
DECEMBER 19, 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, Finance Director Karen Shaw, Director of Public Works Dan Gummersheimer, Director of Parks and Recreation Eric Gruenenfelder, Fire Chief Terry Kurten, Police Chief Dan Fitzgerald and City Clerk Dusty Hosna.

APPROVAL OF AGENDA

Mayor Thornton motioned to make item **11B** Bill 6106 and item **11C** Bill 6105. Alderman Leahy seconded the motion.

Alderman Leahy motioned to approve the agenda as amended. Alderman Plufka seconded the motion.

The amended agenda was approved by acclamation.

CONSIDERATION AND APPROVAL OF MINUTES

Board of Aldermen Regular Meeting Minutes December 5, 2016

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

PRESENTATION/RECOGNITION

Proclamation – Detective Eisenbeis

A proclamation was presented to Detective Eisenbeis for being named Citizen of the Year by the Brentwood Chamber of Commerce for his dedication to the community during his 25 years of service with the Brentwood Police Department.

Proclamation – West Community Credit Union

A proclamation was presented to West Community Credit Union in celebration of their 80th Anniversary in the City of Brentwood.

Recognition – Finance Director Karen Shaw

Finance Director Karen Shaw was recognized for being awarded the Certificate of Achievement for Excellence in Financial Report.

PUBLIC HEARING

None

BIDS

Bid Selection – Auditing Services and Accounting Services

Finance Director Karen Shaw explained that the city conducted a request for proposal for Auditing Services and Accounting Services. She explained Botz, Deal and Co. has a group that specializes in governmental accounting and that they had very good references. Botz, Deal and Co. was selected for accounting services at \$12,000 per fiscal year.

Director Shaw explained that it was important to have two separate companies performing accounting and auditing services and that Daniel Jones & Associates CPA was selected for audit services at \$19,000 per fiscal year.

Alderman Leahy asked how the companies were scored and what the point differential was between Botz, Deal and Co and Smith Patrick. Director Shaw explained that Smith Patrick scored lower because of a negative peer review. Administrator Akande explained that Smith Patrick did not have significant experience in government finance.

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.)

Danielle Thompson, Fraternal Order of Police Lodge 15, Stated that she was there to discuss Bill 6101. She stated that designating full time non-supervisory employees as the most appropriate unit and that supervisory personnel cannot be included in that unit as employees that they supervise basically says that the city already determined what the most appropriate unit is and did not contact the Fraternal Order of Police or attempt to come to an agreement. Since there is no process for appeals, that leaves the union the only place to go for problems.

She expressed that having the City Administrator validate the signatures on the cards creates a problem of security and validation and asked that a neutral third party validate the signatures.

She expressed that having the election require fifty percent of all eligible voters is not how elections work and that it should require fifty percent of the people who voted.

Louise Charboneau, 8833 Madge, Stated that she believes this is the first year that police officers have a right to collective bargaining in the State of Missouri. She expressed that there are needs and wants to be considered when passing a budget. She stated that MoDot may be coming towards Brentwood with road repairs but sidewalks and curbs will be the responsibility of the city. She expressed satisfaction with the 50% fund balance policy.

Aldermanic Response

None

UNFINISHED BUSINESS

None

BILLS TO BE GIVEN A FIRST READING ONLY

Bill No. 6110 – Professional Services Agreement for Reviewing City-wide Sales Tax Revenue

Attorney O’Keefe performed the 1st reading of Bill No. 6110 by title only. Mayor Thornton provided the synopsis, “This Bill is for an ordinance to authorize the mayor to enter into and execute a professional services agreement with Cook and Riley, LLC for reviewing of City-wide Sales Tax Revenues. In 2015, the Board of Aldermen approved a confidential agreement between Cook & Riley, LLC and the City of Brentwood, Missouri for monitoring services of sales tax collections received in the Brentwood Meridian Project. This project area is also known as T-8 RPA. 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.”

Alderman Plufka asked about the expertise and services provided for other communities. Dan Cook of Cook and Riley, LLC explained that they have worked for the City of Brentwood in the past including being hired by the legal counsel. Alderman Plufka asked how sales tax that may have been issued wrongly might be retrieved by the city. Cook explained that Missouri Department of Revenue would work with the jurisdiction in which the funds were falsely sent and that jurisdiction would have to return the funds to be correctly allocated.

Alderman Dimmitt asked about the advantage of retaining a law firm over a general accounting firm to provide this type of service. Cook explained that they specialize in sales and use taxes and that other accounting companies do not do this type of work.

BILLS TO BE GIVEN A SECOND READING ONLY

Bill No. 6101 – Provisions for Collective Bargaining with Law Enforcement Personnel -

Attorney O’Keefe performed the 2nd reading of Bill No. 6101 by title only. Mayor Thornton 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.”

Perfection of Bills

Motion was made by Alderman Leahy and seconded by Alderman Plufka to perfect Bill No. 6101 into ordinance form.

Alderman Wegge expressed that we were defining a large portion of police employees as supervisory and that it was not clear to him how it was defined.

Alderman Kramer clarified that Bill 6101 was amended at the last meeting.

Alderman Plufka expressed his understanding that Corporals were designated as non-supervisory and was concerned that they are listed as supervisory positions.

Mayor Thornton explained that the labor attorneys were asked to review the job descriptions for each position and make a judgement call on whether or not they were supervisory positions.

ROLL CALL:

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

BILL No. 6101 IS HEREBY PASSED BY THE BOARD OF ALDERMAN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4757

Bill No. 6106 - Brentwood Centennial Services

Attorney O'Keefe performed the 2nd reading of Bill No. 6106 by title only. Mayor Thornton provide 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."

Perfection of Bills

Motion was made by Alderman Leahy and seconded by Alderman Wegge to perfect Bill No. 6106 into ordinance form.

Alderman Lochmoeller stated that the funds should be listed on a line item for 2017.

Alderman Leahy stated that by locking the funds into 2017, it would not allow for funds to be spent in the additional years as listed in the contract. He explained that the contract states that up to \$20,000 can be spent for future financing and gives a gross total of \$20,000. City Attorney Kevin O'Keefe explained that the contract allows for up to \$20,000 for each fiscal year and that the funds must be appropriated yearly in order to be funded. Alderman Leahy stated that he was not sure that it was made clear that the gross total was \$60,000 and that he raised the question if the Century Foundation was under the same regulations as the city in regards to purchasing and spending and that he would like to see some oversight on that spending. Attorney O'Keefe explained that by appropriating the funds is to assess the merits of the program. Alderman Lochmoeller explained that receipts would have to be presented by the committee.

Alderman Kramer asked for clarification on the amended bill. Mayor Thornton explained that it was amended due to a date change.

ROLL CALL:

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

BILL No. 6106 IS HEREBY PASSED BY THE BOARD OF ALDERMAN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4758

Bill No. 6105 - Adoption of the Fiscal Year 2017 Budget

Attorney O'Keefe performed the 2nd reading of Bill No. 6105 by title only. Mayor Thornton 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 \$19,608,798. 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."

Motion was made by Alderman Dimmitt and seconded by Alderman Wegge to perfect Bill No. 6105 into ordinance form.

The discussion on Bill No. 6105 was tabled.

Alderman Lochmoeller motioned to instruct city staff to make necessary adjustments to accommodate the funding for Ordinance 4758. The motion was seconded by Alderman Plufka. Alderman Wegge asked for clarification on the motion. Alderwoman Sims asked for the instruction that are to be given to staff and Mayor Thornton explained that the motion is to instruct staff to place the funds needed for Ordinance 4758 into the budget. A voice vote was taken and the motion passed unanimously.

Alderwoman O'Neill motioned to un-table the discussion on Bill No. 6105. Alderman Plufka seconded the motion.

Alderman Plufka made a motion to direct staff to amend the budget to set aside up to \$50,000 to pay out employees that are capped under the compensation plan a bonus at a level up to 1% of their salary or an equitable division of the \$50,000 set aside. Alderman Dimmitt seconded the motion.

Alderman Plufka explained that we are a city in transition and that we are in a market based system but he is concerned that some employees are capped and are very dedicated to the city and deserve compensation. This would be non-based building and used to show appreciation to them.

Attorney O'Keefe explained that he believes the intent of Alderman Plufka's motion was to offer a retention incentive instead of a bonus. Alderman Plufka amended his motion stating that this would be non-based building retention incentive.

Alderman Wegge asked when the compensation study would be available. Mayor Thornton explained that it might be the first or second week of January.

Alderwoman O'Neill asked which line item the \$50,000 would come from. Alderman Plufka stated it would be left to the discretion of the staff.

Alderman Lochmoeller stated that the compensation study might call for a 1% to 1.5% increase. Mayor Thornton explained that the data suggest that there is no need to adjust the 7 step matrix in the compensation plan but the 12 step matrix should be moved by 1% to 1.5% to maintain the 75th percentile. He explained that the compensation plan might call for the 12 step program to be moved by this percentage. Alderman Leahy asked if all 12 of the steps would be adjusted. Mayor Thornton explained that the recommendation from the compensation study would be to adjust the entire matrix of the 12 step plan would be adjusted.

Alderman Wegge asked if this could possibly be approved after the compensation study was presented.

Alderman Kramer asked if this non-base building incentive would be in-line or against the market based compensation plan. Mayor Thornton explained that non-based building incentives to capped out employees that are well above the 75th percentile would be abandoning the market based philosophy but non-based building incentives to those employees that are not above the 75th percentile would not be going against the market based philosophy.

Alderwoman Sims asked for clarification on how the \$50,000 was derived and how offering a pay increase to employees that are already getting paid the most is a retention incentive. Alderman Plufka explained that the bonus is not necessarily a market incentive but instead about recognizing the fact the city is in the people business. He stated that the \$50,000 figure came from the amount of employees this would benefit.

After hearing no further discussion, Alderman Plufka's motion was called for question.

ROLL CALL:

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

Motion Fails

Discussion continued on Bill 6105. Alderman Leahy motioned to call for the question and was seconded by Alderman Plufka.

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

A vote on Bill 6105 immediately proceeded the call for the question.

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. 6106 IS HEREBY PASSED BY THE BOARD OF ALDERMAN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4759

Bill No. 6107 - Intergovernmental Cooperation Agreement for Information Technology Services

Attorney O'Keefe performed the 2nd reading of Bill No. 6107 by title only. Mayor Thornton 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."

Perfection of Bills

Motion was made by Alderman Dimmitt and seconded by Alderman Leahy to perfect Bill No. 6107 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. 6107 IS HEREBY PASSED BY THE BOARD OF ALDERMAN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4760

BILLS TO BE GIVEN A FIRST AND SECOND READING

Bill No. 6108 - Professional Services Agreement for Accounting Services

Attorney O’Keefe performed the 1st reading of Bill No. 6108 by title only. Mayor Thornton provided the synopsis, “This Bill is for an ordinance to authorize the mayor to enter into and execute a professional services agreement with Botz, Deal & Company, P.C. for accounting services. The Ways and Means Committee has reviewed the bids and a motion was made for it to be forwarded to the Board of Aldermen for consideration with a 1st and 2nd reading on December 19, 2016.”

Bill No. 6109 – Professional Services Agreement for Audit

Attorney O’Keefe performed the 1st reading of Bill No. 6109 by title only. Mayor Thornton provided the synopsis, “This Bill is for an ordinance to authorize the mayor to enter into and execute a professional services agreement with Daniel Jones & Associates for auditing services. The Ways and Means Committee has reviewed the bids and a motion was made for it to be forwarded to the Board of Aldermen for consideration with a 1st and 2nd reading on December 19, 2016.”

City Attorney Kevin O’Keefe performed a 2nd reading of Bill No. 6108 by title only.

City Attorney Kevin O’Keefe performed a 2nd reading of Bill No. 6109 by title only.

Perfection of Bills

Motion was made by Alderman Leahy and seconded by Alderman Dimmitt to perfect Bill No. 6108 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. 6108 IS HEREBY PASSED BY THE BOARD OF ALDERMAN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4761

Alderman Kramer stated that he was satisfied with the decision to have two separate companies perform audit and accounting services.

Motion was made by Alderman Leahy and seconded by Alderman Dimmitt to perfect Bill No. 6109 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. 6109 IS HEREBY PASSED BY THE BOARD OF ALDERMAN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4762

RESOLUTIONS

Resolution No. 1063 – FY 2016 Budget Amendment

Mayor Thornton read the synopsis “This resolution adopts the Fiscal Year 2016 Budget Amendment. Staff has reviewed the FY 2016 budget and identified exceptions (decrease/increase) in the revenue and expenditure line-items that require amending. The resolution is to amend the FY 16 Budget for the City’s fiscal year which runs from January 1st through December 31st. The total General Fund Revenues and Expenditures are \$102,548 and \$374,815 less than what were adopted and budgeted. The Capital Improvement Revenue Fund Revenue and Expenditures are \$481,125 and \$136,900 more than what were adopted and budgeted. The Stormwater & Park Improvement Fund Revenue is \$263,421 less than what was originally adopted and budgeted. Also the expenditures are \$59,326 more than what was originally budgeted. Lastly, the Sewer Improvement Expenditure is \$10,770 more than were adopted and budgeted. The Ways and Means Committee has reviewed the policy and recommends approval.”

Motion was made by Alderman Dimmitt and seconded by Alderman Lochmoeller to adopt Resolution 1063.

ROLL CALL:

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

RESOLUTION 1063 IS HEREBY ADOPTED BY THE BOARD OF ALDERMAN

ACCOUNTS AGAINST THE CITY

Alderman Dimmitt announced review of the warrant list in the amount of \$117,833.81 and made a **motion** for approval. Alderman Leahy seconded the motion.

ROLL CALL:

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

Motion Passes

REPORT OF COMMITTEES AND DEPARTMENT HEADS

Mayor Thornton, Reported that he has been working on Manchester Road flooding issues and met with C2MH Hill. He stated that previous solutions to the flooding may no longer be relevant but there are new studies that may show a workable solution. He plans to share the information with the board and has asked C2MH Hill to do further calculations. Alderman Leahy motioned that the board authorize the City Administrator to enter into a work order with C2MH Hill to provide an analysis, including previous analysis, of flooding on Brentwood Boulevard spending up to \$35,000. Alderman Lochmoeller seconded the motion. Alderman Plufka asked about a timeline for the project. Mayor Thornton stated that it may be late January.

ROLL CALL:

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

Alderman Kramer – Yes

Alderman Dimmitt - Yes

Motion Passes

Public Safety Committee, Alderman Plufka announced the Public Safety Committee is working to develop a Traffic Calming Plan to present to the Board of Alderman.

Public Works Committee, Alderman Leahy announced that the next meeting of the committee is January 11th at 4:30 pm. He also requested to do a community blood drive on February 2nd in the name of Lilly LaMartina and Christopher Leahy at the Brentwood Recreation Complex. Alderman Leahy made a motion to waive the fee for the rental of the room at the Recreation Complex for a blood drive on February 2nd. Alderman Lochmoeller seconded the motion. A voice vote was taken and the motion passed unanimously.

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

Ways and Means Committee, Alderman Dimmitt had no report.

City Attorney Kevin O’Keefe had no report.

City Administrator had no report.

Excise Commissioner Alderman Dimmitt had no report.

Library Board, Alderwoman O’Neill had no report.

Municipal League, Mayor Thornton had no report.

Historical Society Chief Fitzgerald announced that today is the City of Brentwood’s 97th Birthday.

ANNOUNCEMENTS

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

NEW BUSINESS

None

HEARING OF ANY MATTER OF PUBLIC INTEREST UPON REQUEST OF ANY PERSON PRESENT (Each person addressing the board shall give his/her name, address and organization or firm represented, if any. He/she shall speak for a period not to exceed three (3) minutes; though additional time may be granted by the presiding officer of the board. Total time allotted for this section shall not exceed 15 minutes)

None

CLOSED SESSION

None

ADJOURNMENT

Motion was made by Alderman Leahy and seconded by Alderwoman Sims to adjourn the regular meeting at 8:38 p.m. Unanimous vote in favor taken; **MOTION PASSED**

Attest:

Christopher A. Thornton, Mayor

Bola Akande, City Clerk/Administrator