

Monday, February 7, 2022
BOARD OF ALDERMEN REGULAR MEETING

MINUTES

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

- A. Call to Order- Mayor Dimmitt called the meeting to order at 7:01 PM
- B. Pledge of Allegiance – Immediately followed Call to Order

2. ROLL CALL

- A. Roll Call – All Members were present
- Alderman David Plufka -Present Alderwoman Nancy Parker Tice - Present
- Alderwoman Sunny Sims – Present Alderman Brandon Wegge - Present
- Alderman Steve Lochmoeller Present Alderman Jeff Gould - Present
- Alderwoman Kathy O'Neill – Present (Virtually) Alderman Jack Shelton - Present

3. AGENDA APPROVAL

- A. Approval or Amendment of Agenda – Approved by Acclamation.

4. PUBLIC HEARING

- A. Public Hearing - Text Amendment amending Sections 400.1370 and 400.1380 of the Zoning Code relating to Conditional Uses in the “GC” General Commercial district and the “PD” Planned Development Overlay District to remove certain auto-oriented and other uses as conditional uses.

Mayor Dimmitt opened the Public Hearing stating that this would be continued at the February 22nd Board of Aldermen Meeting. There were no comments.

5. CITIZEN COMMENTS

- A. Citizen Comments - None

6. MAYOR AND ALDERMEN REPORTS

- A. Mayor David Dimmitt- The City shared donuts with the Public Works Department (Sanitation, Streets Division) and Parks Maintenance as a token of appreciation for their hard work during the snowstorm and thanked them for the street cleaning and trash removal service during difficult weather. They plowed 1718 Lane miles, dispensed 125 tons of salt, collected trash, yard waste and trees, and worked 12-hour shifts, 24 hours a day doing clean-up.
- B. Alderman David Plufka - Ward 1-Encouraged people to watch Women’s hockey match - U.S. vs Canada. One of the goalies is Alex Cavallini, a resident of Brentwood.
- C. Alderwoman Nancy Parker Tice - Ward 1- Echoed the Thanks to the Public works Department Staff.
- D. Alderwoman Sunny Sims - Ward 2 – Also thanked the Public Works staff.
- E. Alderman Brandon Wegge - Ward 2 – Thanks again to Public Works staff.
- F. Alderman Steve Lochmoeller - Ward 3 – Kudos as well to Public Works.
- G. Alderman Jeff Gould - Ward 3 – Thanks as well for implementing pick-up with just a phone call.
- H. Alderwoman Kathy O'Neill - Ward 4 – Thanks to Public works also.
- I. Alderman Jack Shelton - Ward 4 - Public Works did great. Thanks.

7. CITY ADMINISTRATOR REPORT

- A. Kerb, Eck & Braeckel, LLP 3rd Quarter Audit Presentation
- Gina Cochran with KEB presented the 3rd Quarter Audit information via Zoom for Brentwood Bound Project noting no written requests for 2018 COPS, and 66 invoices for 2019 COPS for a little over \$4 Million in expenditures. One exception was noted – Armstrong Teasdale was overpaid. Correction was made and funds were refunded. There were no questions.

B. Brentwood Bound Update

Craig Schluter with Navigate Building Solutions presented his regular report citing construction costs, soft costs, no acquisitions, and extra funding reimbursements from MSD and Great Rivers Greenway (GRG). He shared an example of what the report would look like if playground project is approved, so that the Board could see the categories and where the monies would come from if they choose to do this project.

Alderman Gould asked if Economic Development Sales Tax money could be used to pay down the debt? City Administrator, Bola Akande, stated that debt service is not mentioned as a restriction, but still wants to confirm with financial counsel for clarification.

C. Presentation - Destination Playground

Craig Schluter with Navigate Building Solutions and Ted Spaid with SWT design gave a Power Point Presentation available in Board Docs, noting that at the end of the presentation there would be four approvals needed to move forward with plan. They did a recap of the information which was also presented at Public Works meeting on January 31st. They shared the bid process for the playground equipment and selection of items. Bid process was done early to lock in pricing and use of multiple vendors for equipment to get best value. It was noted that continuing with 60% design plan was helpful with MSD and for the private market buzz for developers and interest. The plan does not include the use of contingency funds. There are additional funding sources and grants available along with excess EDST if needed. Also there will be naming rights and fundraising opportunities.

Area is 3.2 acres in size, which is large, and incorporates 5 design areas: Family Fun, Hub, Water Play, Adventure Spine, and Crazy Climb area. Grand opening planned for Spring 2023. It was shared how this becomes an economic catalyst for the city and how developers are excited to be a part of this area.

Alderman Lochmoeller asked about the alternative water capture system. It was shared that this will be an alternate bid, but they will work within the budget that we have.

Alderman Tice asked about the cost and any money left over. It was shared that the project came in right at anticipated cost, and should there be anything unexpected come up, they have done what they can to prepare. There is over \$4 million in Contingency, which is a very comfortable amount. Monies have been budgeted for acquisitions and other potential project needs, not including contingency funds.

Alderman Gould asked about risks, and Craig stated that they have shared all they know and prepared as best they can to cover potential property, jurisdictional and construction type risks. Ongoing maintenance was discussed, and SWT stated they feel the warranties for safety and construction are solid and meet industry standards. They are also reviewing potential site-barriers in adventure play structure to ensure maximum safety and sight coverage.

Alderman Wegge inquired about bid alternates for the water capture system and the entryways. SWT stated the bids will include these as alternates and will have the performance specs and documents for review. Also, explain the potential risk for property acquisition with MoDOT and the property easements, and if this was considered in the project. Craig noted that there is a potential \$800,000 risk with their construction, but it would come out of contingency. He noted that there are funds already allocated for some of these construction risks, which the city may or may not need or use. If not used in the construction contracts, the money comes back to the city.

Mayor noted there are many trees in the plan, and Mr. Spaid said they are included in the cost estimate.

Members were supportive of the presentation. The following items (D,E,F,G) are the four items seeking approval for the project.

D. Brentwood Bound - Destination Playground - Approval for SWT To Proceed With The Preparation Of Construction Documents For A \$5,000,000 Destination Playground And Water Play, Engaging The Playground Equipment Companies To Incorporate The Selected Pieces Into The Design.

Motion was made by Alderman Wegge and seconded by Alderman Sims to move forward with the project as noted. Discussion: Alderman Tice asked if there are any other risks (like MoDOT) that can be recalled. Craig stated that he has mentioned all he is aware of and can speak of openly. Alderman Wegge asked about GRG segment along Brentwood Blvd. and if this is allocated in budget, even without grant money. Craig noted that it is covered with over \$5 Million and can be covered under additional funding sources. Roll was called:

Alderman David Plufka -Yes	Alderman Nancy Parker Tice - Yes
Alderman Sunny Sims – Yes	Alderman Brandon Wegge - Yes
Alderman Steve Lochmoeller Yes	Alderman Jeff Gould - Yes
Alderman Kathy O'Neill – Yes (Virtually)	Alderman Jack Shelton – Yes

Motion carried by a vote of 8 (yes) to 0 (no).

E. Resolution No. 1335 - A Resolution Approving Acquisition of Playground Equipment for the Destination Playground in Brentwood Park

Motion was made by Alderwoman Tice and seconded by Alderwoman Sims to approve Resolution 1335 for the acquisition of playground equipment for the Destination playground. Alderman Gould confirmed that there are age-appropriate climbing features in multiple areas. Roll was called:

Alderman David Plufka -Yes	Alderwoman Nancy Parker Tice - Yes
Alderwoman Sunny Sims – Yes	Alderman Brandon Wegge - Yes
Alderman Steve Lochmoeller Yes	Alderman Jeff Gould - Yes
Alderwoman Kathy O'Neill – Yes (Virtually)	Alderman Jack Shelton – Yes

Motion carried by a vote of 8 (yes) to 0 (no).

F. Resolution No. 1336 - A Resolution Approving a Change Order with SWT for Additional Design Services for the Family Pavilion for the Brentwood Park Destination Playground.

Motion was made by Alderman Wegge and seconded by Alderman Plufka to approve Resolution No. 1336, the change order with SWT for the additional design for the family pavilion. No discussion on this. Roll was called:

Alderman David Plufka -Yes	Alderwoman Nancy Parker Tice - Yes
Alderwoman Sunny Sims – Yes	Alderman Brandon Wegge - Yes
Alderman Steve Lochmoeller Yes	Alderman Jeff Gould - Yes
Alderwoman Kathy O'Neill – Yes (Virtually)	Alderman Jack Shelton – Yes

Motion carried by a vote of 8 (yes) to 0 (no).

G. Resolution No. 1337 - A Resolution Approving a Change Order with SWT for Additional Design Services for the Overlook for the Brentwood Park Destination Playground.

Motion was made by Alderman Plufka and seconded by Alderman Wegge to approve Resolution 1337, the change order with SWT for additional design services for the Overlook. Alderman Gould did not feel this feature provided great value and that the added cost was not necessary. Alderman Wegge felt it was good to at least have the design to consider.

Alderman Plufka felt it offered a great view of the entire area and provided a spot for any visitor to experience he park.

Roll was called:

Alderman David Plufka -Yes	Alderwoman Nancy Parker Tice - Yes
Alderwoman Sunny Sims – Yes	Alderman Brandon Wegge - Yes
Alderman Steve Lochmoeller Yes	Alderman Jeff Gould - No
Alderwoman Kathy O'Neill – Yes (Virtually)	Alderman Jack Shelton – Yes

Motion carried by a vote of 7 (yes) to 1 (no).

H. Discussion on Union Pacific Railroad and Pavement Maintenance

Dan Gummersheimer spoke and presented that this project supports the crosswalk to connect two parks safely, stating that MoDOT funds most of the improvements - but the total cost to Brentwood is approximately \$22,000 a year, for the signal maintenance and surfacing. This is money we would transfer to Union Pacific to do the work. City attorney will provide language for agreement that ensures the maintenance is done each year by Union Pacific.

Motion was made by Alderman Lochmoeller and seconded by Alderman Plufka to authorize staff to proceed and negotiate a contract under which this obligation is sorted out and to bring back to Board for approval.

Motion carries by unanimous voice vote.

8. CONSENT AGENDA

A. Standing Committees Reports- None.

B. Warrant Lists - Operating Funds and 2021 and 2022 Expenditures from the 2019 Series Certificates of Participation Proceeds (COPs)

C. Resolution No. 1321.1 Police Officer Wellness Program - A Resolution authorizing an amended annual agreement with SSM Executive Health Medical Group; and Personal Assistance Services (PAS); for professional services related to annual police officer medical wellness evaluations

Motion was made by Alderman Gould and seconded by Alderwoman Tice to approve the Consent Agenda. No discussion.

Roll was called:

Alderman David Plufka -Yes	Alderwoman Nancy Parker Tice - Yes
Alderwoman Sunny Sims – Yes	Alderman Brandon Wegge - Yes
Alderman Steve Lochmoeller Yes	Alderman Jeff Gould - Yes
Alderwoman Kathy O'Neill – Yes (Virtually)	Alderman Jack Shelton – Yes

Motion carried by a vote of 8 (yes) to 0 (no).

9. OLD BUSINESS

A. Bill No. 6360.1 Amendment to the Redistricting Map - An Ordinance Amending Sec. 105.030 Of The Brentwood City Code And Establishing New Wards In Response To The 2020 Decennial Census. Second Reading

The Director of Planning and Development, Whitey Kelly, presented that the map included with Bill 6360 needed to be corrected to match the Ordinance that was passed. The Map has now been corrected to include the missing parcel and it now matches the Ordinance that was approved.

Motion was made by Alderwoman Tice and seconded by Alderman Wegge to amend Bill No. 6360 to become 6360.1
Motion carried by unanimous voice vote.

Motion was made by Alderman Plufka and seconded by Alderwoman Sims to have a second reading of Bill No. 6360.1.
Motion carried by unanimous voice vote.

City Attorney, Kevin O'Keefe did a second reading of the Bill.

Motion was made by Alderwoman Sims and seconded by Alderman Plufka to Perfect Bill No. 6360.1 into Ordinance form.
There was no discussion. Roll was called:

Alderman David Plufka -Yes	Alderwoman Nancy Parker Tice - Yes
Alderwoman Sunny Sims - Yes	Alderman Brandon Wegge - Yes
Alderman Steve Lochmoeller Yes	Alderman Jeff Gould - Yes
Alderwoman Kathy O'Neill - Yes (Virtually)	Alderman Jack Shelton - Yes

By a vote of 8 (yes) to 0 (no), Bill No. 6360.1 will become Ordinance 4993.1, upon signature of the Mayor,

B. Bill No. 6370.1 An Ordinance Granting Approval of Site Development Plan for the Exterior Renovation of the Building at 2428 S. Brentwood Boulevard for St. Louis Cremation. Second Reading.

Whitney Kelly presented the information. Robert Srote, Justin King and Oliver King (architect and property owner) were in attendance via Zoom to answer any questions in support of this Bill. Based on prior discussion, Whitney noted that additional use of parking space has been agreed upon by the church and written into the amended agreement. The church and previous owner allowed use of additional space if needed, and the church has agreed to extend this to the new owner, although the need is not anticipated.

Motion was made by Alderwoman Sims and seconded by Alderman Wegge to amend Bill No. 6370 to 6370.1.
Motion carries by unanimous voice vote.

Motion was made by Alderwoman Sims and seconded by Alderwoman Tice to have a second reading of Bill No. 6370.1.
Motion carried by unanimous voice vote,

City Attorney, Kevin O'Keefe did a second reading of the Bill.

Motion was made by Alderman Lochmoeller and seconded by Alderwoman Sims to Perfect Bill No. 6370.1 into Ordinance form. In discussion, the following questions were asked: Alderman Plufka inquired about the pole signage not being in compliance and that plan appears unchanged. Whitney Kelly explained that was part of the original submission and verified that on sheet C-2 it has been changed to a monument sign. Alderman Gould suggested removing the old rendering to avoid confusion. He also asked about the metal roofing and if it meets compliance. Whitney said metal is only on the new front part and was discussed in existing staff report at P&Z and it meets architectural and compliance standards. Alderman Lochmoeller wanted to ensure that the parking agreement was in place. He also inquired about the existing fence and possible replacement. Whitney noted that was not a part of this agreement but can be discussed with the applicant regarding if needed for code enforcement.

Roll was called:

Alderman David Plufka -Yes	Alderwoman Nancy Parker Tice - Yes
Alderwoman Sunny Sims - Yes	Alderman Brandon Wegge - Yes
Alderman Steve Lochmoeller Yes	Alderman Jeff Gould - Yes
Alderwoman Kathy O'Neill - Yes (Virtually)	Alderman Jack Shelton - Yes

By a vote of 8 (yes) to 0 (no), Bill No. 6370.1 will become Ordinance No. 5004, upon signature of the Mayor,

10. NEW BUSINESS

A. Bill No. 6371 - An Ordinance Pertaining to the Safe Conduct of Pedestrians. First and Second Reading

The City Attorney did the first reading of the Bill.

Chief Spiess presented the information, noting that the Public Safety Committee suggested an Ordinance be drafted. Original discussion was for targeting panhandlers and roadway solicitation. City Attorney noted that this is for Safety in the Roadway, and applies to all pedestrians (including Newsboy Day, etc.) so as not to target individuals or infringe on

First-Amendment rights. This ordinance seeks to amend the Brentwood Municipal Code regarding Panhandling, and address citizen comments and calls regarding "solicitation" of money.

Motion was made by Alderman Lochmoeller and seconded by Alderman Gould to have a second reading of the Bill.

Motion carried by unanimous voice vote.

The City Attorney did the second reading of the Bill

Motion was made by Alderman Gould and seconded by Alderman Shelton to Perfect Bill No. 6371 into Ordinance form.

There was no discussion. Roll was called:

Alderman David Plufka -Yes	Alderwoman Nancy Parker Tice - Yes
Alderwoman Sunny Sims – Yes	Alderman Brandon Wegge - Yes
Alderman Steve Lochmoeller Yes	Alderman Jeff Gould - Yes
Alderwoman Kathy O'Neill – Yes (Virtually)	Alderman Jack Shelton – Yes

By a vote of 8 (yes) to 0 (no), Bill No. 6371 will become Ordinance No. 5005, upon signature of the Mayor,

B. Bill No. 6372 An ordinance of the City of Brentwood, Missouri, approving a certain easement with Spire Missouri Inc.; authorizing certain other actions in connection therewith; providing for the effective date of this ordinance; and containing a severability clause. First and Second Reading.

The City Attorney did the first reading of the Bill.

Director of Public works, Dan Gummersheimer presented the information noting this is in the area of Mary Ave. This work is at the pedestrian underpass and connects the two easements. It runs perpendicular to pedestrian area.

Motion was made by Alderman Wegge and seconded by Alderman Plufka to have a second reading of the Bill

Motion carried by unanimous voice vote.

The City Attorney did the second reading of the Bill.

Motion was made by Alderman Lochmoeller and seconded by Alderwoman Tice to Perfect Bill No. 6372 into Ordinance form. Alderman Gould asked to gain clarification on some of the line markings in the drawing. Dan noted those had no bearing on this work. Roll was called:

Alderman David Plufka -Yes	Alderwoman Nancy Parker Tice - Yes
Alderwoman Sunny Sims – Yes	Alderman Brandon Wegge - Yes
Alderman Steve Lochmoeller Yes	Alderman Jeff Gould - Yes
Alderwoman Kathy O'Neill – Yes (Virtually)	Alderman Jack Shelton – Yes

By a vote of 8 (yes) to 0 (no), Bill No. 6372 will become Ordinance No. 5006, upon signature of the Mayor,

C. Bill No. 6373 An Ordinance of the City of Brentwood Approving a Certain Settlement Agreement with Drewco Property, LLC and Brentwood Material Company; Authorizing Certain Other Actions in Connection Therewith; Providing for the Effective Date of this Ordinance; and Containing Severability Clause. First and Second Reading

The City Attorney did the first reading of the Bill.

Attorney Mark Murray presented the information, stating that after some back and forth, the result is a revised settlement agreement. Materials terms are all the same, some minor changes and typos were corrected, and most significant change is that check will be made payable to the law firm representing Drewco Properties.

Motion was made by Alderman Plufka and seconded by Alderman Lochmoeller for a second reading of the Bill,

Motion carried by unanimous voice vote.

The City Attorney did the second reading of the Bill.

A motion was made by Alderman Plufka and seconded by Alderwoman Sims to Perfect Bill No. 6373 into Ordinance form.

There was no further discussion. Roll was called:

Alderman David Plufka -Yes	Alderwoman Nancy Parker Tice - Yes
Alderwoman Sunny Sims – Yes	Alderman Brandon Wegge - Yes
Alderman Steve Lochmoeller Yes	Alderman Jeff Gould - Yes
Alderwoman Kathy O'Neill – Yes (Virtually)	Alderman Jack Shelton – Yes

By a vote of 8 (yes) to 0 (no), Bill No. 6373 will become Ordinance No. 5007, upon signature of the Mayor,

D. Resolution No. 1338 - Engagement Letter for Financial Audit Services for the year ended December 31, 2021. - A Resolution Authorizing A Professional Services Agreement For The Year Ended December 31, 2021, With Clifton Larson Allen (CLA) LLC For Financial Auditing Services

The Director of Finance, Robin Jones, presented the information noting that this agreement is for a 3-year commitment, with the option for two, one-year extensions, effective for the 2021 financial audit.

Motion was made by Alderwoman Tice and seconded by Alderman Jack Shelton to approve the agreement as written.

There was no further discussion. Roll was called:

Alderman David Plufka -Yes
Alderwoman Sunny Sims – Yes
Alderman Steve Lochmoeller Yes
Alderwoman Kathy O'Neill – Yes (Virtually)
Motion carried by a vote of 8 (yes) to 0 (no),

Alderwoman Nancy Parker Tice - Yes
Alderman Brandon Wegge - Yes
Alderman Jeff Gould - Yes
Alderman Jack Shelton – Yes

11. CITIZEN COMMENTS

A. Citizen Comments

Stewart “Stew” Clark offered congratulation to everyone on the hard work that has gone into Brentwood Bound and the new Destination Playground design.

12. CLOSED MEETING

Motion was made by Alderman Plufka and seconded by Alderwoman Sims to move to executive session pursuant to RSMo. 610.021 for Legal, Real Estate and Personnel and to adjourn meeting from within. No discussion.

Roll call:

Alderman David Plufka -Yes
Alderwoman Sunny Sims – Yes
Alderman Steve Lochmoeller Yes
Alderwoman Kathy O'Neill – Yes (Virtually)
Motion carried by a vote of 8 (yes) to 0 (no).
Meeting closed at 8:55 PM

Alderwoman Nancy Parker Tice - Yes
Alderman Brandon Wegge - Yes
Alderman Jeff Gould - Yes
Alderman Jack Shelton – Yes

A. Legal - RSMo 610.021 (1)

B. Real Estate - RSMo 610.021 (2)

C. Personnel RSMo 610.021 (3)

13. ADJOURN

A. Adjournment