

Monday, April 17, 2023
BOARD OF ALDERMEN REGULAR MEETING

MINUTES

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

- A. Call to Order – Meeting was called to order at 7:03 PM with the pledge immediately following. (Due to technical difficulties, the meeting was not recorded by STL-TV or Livestreamed on You Tube.)
- B. Pledge of Allegiance

2. ROLL CALL

- A. Roll Call – All members were present.

Alderman Plufka – Present

Alderswoman Tice – Present

Alderswoman Sims – Present

Alderman Wegge – Present

Alderman Gould – Present

Alderman Lochmoeller – Present

Alderswoman O’Neill - Present

Alderman Shelton – Present

Additional people present at the meeting included: Eric Gruenfelder (Director of Parks and Recreation), Dan Gummersheimer (Director of Public Works), Whitney Kelly (Director of Planning and Development), Joe Spiess (Police Chief), Ronnie Cottrell (Fire Chief), Bola Akande (City Administrator), Kevin O’Keefe (City Attorney), and Kelle Silvey (Deputy City Clerk).

3. AGENDA APPROVAL

- A. Approval or Amendment of Agenda
The agenda was approved by acclamation.

4. ANNOUNCEMENTS, APPOINTMENTS, PROCLAMATIONS & RECOGNITIONS

- A. Police Department - Badge Pinning Ceremony and Officer Recognition – Chief Spiess and Major Mc Intyre shared the Biographical information (available in BoardDocs) for the following officers.

Promotions:

Corporal Todd Lambert to Sergeant – Todd’s wife Tammy pinned his badge, and he was congratulated by Board Members.

PO Tim Mueller to Corporal – Tim’s wife Ardita pinned his badge, and he was congratulated by the Board Members.

PO Amon Figgs to Corporal – Amon’s wife Rachel pinned his badge, and he was congratulated by the Board Members.

New Officers:

Phil Meyer – Phil was congratulated and welcomed by the Board of Aldermen.

Jesus Dominguez - Jesus recited the oath of office and was congratulated and welcomed by the Board of Aldermen.

- B. Proclamation - Arbor Day

Mayor Dimmitt Read the Proclamation (available in BoardDocs)

- C. Certification of Election Results

Deputy City Clerk Read the election results for the April 4th Municipal Election – (Official Documents available in BoardDocs) City Administrator did the Swearing-in for Judge Patrick Dignam who repeated the Oath of Office, and then the Judge did the swearing-in for Mayor David Dimmitt, and the Aldermen David Plufka, Brandon Wegge, Steve Lochmoeller and Jack Shelton, who each repeated the Oath of Office.

5. PUBLIC HEARING

- A. Public Hearing Regarding Text Amendment amending Section 400.1880 Lighting of the Zoning Code relating that new LED Lights have a maximum lighting to Corrected Color Temperature (CCT) to 2700K in furtherance of the public health and safety due to artificial lighting levels - Continue to the April 17th Board of Aldermen Meeting

Mayor Dimmitt gavel opened the public hearing. Whitney Kelly shared that the Planning and Zoning Commission recommended the ordinance with a change to 3000 Kelvin color lighting as suggested by Ameren. It was noted that this does not apply to residential property.

Citizen Barry Williams – Pine Ave. in Ward 1 – spoke noting this very progressive step, stating he was in favor of this amendment. He noted that MoDOT and Ameren both have made move to 3000K and gave kudos to the good friends in industry.

Mayor Dimmitt gavel closed the public hearing.

6. CITIZEN COMMENTS

A. Citizen Comments - None

7. MAYOR AND ALDERMEN REPORTS

A. Mayor David Dimmitt – shared that the Charlie Brennan Trash Clean-up on Eager Rd. will be rescheduled for May 5th. He noted that each participant gets cardinal tickets and must register on-line to ensure enough safety vests and equipment. The Mayor also noted that Thursday, April 27th will be the next Coffee with the Mayor at 9:00 am.

B. Alderman David Plufka - Ward 1 – No Report

C. Alderwoman Nancy Parker Tice - Ward 1 – No Report

D. Alderwoman Sunny Sims - Ward 2 – No Report

E. Alderman Brandon Wegge - Ward 2 – Announced the Ward 2 meeting on Wednesday, May 3rd at the Recreation Center. He also noted that prior to the June 3rd Brentwood Park opening, we should name the new road to the entrance, as this is not in electronic Maps and does not show how to enter. He asked if it was ok to ask staff to gather information for the naming of the road before June 3rd, and to then take this up at the May Public works Committee meeting. The Board agreed.

F. Alderman Jeff Gould - Ward 3 - No Report

G. Alderman Steve Lochmoeller - Ward 3 - No Report

H. Alderwoman Kathy O'Neill - Ward 4 - No Report

I. Alderman Jack Shelton - Ward 4 - No Report

8. CITY ADMINISTRATOR REPORT

A. Brentwood Bound Update

Craig Schluter, Navigate Building Solutions shared report (Available in BoardDocs) stating good news that KCI contractors indicated the Manchester Road Brentwood Bound stretch should be ending by Memorial Weekend (except southeast corner of tunnel and part of the parking lot) We should see landscaping to come. Weather permitting we should be good for Park Opening on June 3rd.

Alderman Lochmoeller asked who maintains the space between the street and sidewalk? City Administrator responded that this is being discussed and we would like to enter into an agreement with MoDOT to maintain, and then that may be able to transition to Green Street if they become the developer.

Craig continued his report noting soft costs, construction costs and there were no additional funding sources.

B. Related Expense on the Warrant List - Item: 9.G Resolution No. 1438- A Resolution Approving an Agreement For Relocation Of Ameren Facilities Within The GRG Connector Part B Limits Of Brentwood Bound URL

Craig then addressed that Ameren requires the City to sign off and pay before work is done, and that this cost is noted on the warrant list for approval at the same time as the Resolution. The cost is more expensive than what was estimated and will be coming out of contingency.

9. CONSENT AGENDA

A. Standing Committees Reports

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

C. Resolution No. 1434 - A Resolution Approving a Change Order to the Contract with SWT Design for Additional Design Services Needed for the Brentwood Park Destination Playground

D. Resolution No. 1436- A Resolution Approving An Agreement With Gordian/ JE Novack For Maintenance Services For City Hall

E. Resolution No. 1437- A Resolution Approving A Change Order With Ideal Landscape For GRG Connector Part A

F. Resolution No. 1438- A Resolution Approving An Agreement For Relocation Of Ameren Facilities Within The GRG Connector Part B Limits Of Brentwood Bound

G. Resolution No. 1439- A Resolution Approving Vector Control Services With St. Louis County Department of Public Health

Alderwoman Tice asked about Item "C" and the SWT cost. Craig and Eric addressed the new costs explaining that while design costs were less, the Overlook has run into unforeseen conditions resulting in extended time and cost. If approved, the costs will also come from contingency funds.

Motion was made by Alderwoman Sims and seconded by Alderwoman O'Neill to approve the consent agenda,

Roll call:

Alderman Plufka – Yes

Alderwoman Tice – Yes

Alderwoman Sims – Yes

Alderman Wegge – Yes

Alderman Gould – Yes

Alderman Lochmoeller – Yes

Alderwoman O'Neill - Yes

Alderman Shelton – Yes

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

10. OLD BUSINESS

A. Bill No. 6455 - An Ordinance approving a Text Amendment Regarding Fence and Wall Regulations of the City of Brentwood. Second Reading

City Attorney did the Second Reading.

Motion was made by Alderman Wegge and seconded by Alderwoman Sims to Perfect Bill #6455 into Ordinance form. Discussion took place.

Alderman Lochmoeller asked for clarification regarding front yard fences stating they can be up to 4 feet high and 50% open. Whitney Kelly responded that what prompted this was really the fencing as it applies to corner lots.

Alderman Lochmoeller noted that no notification is required and can be done with just a permit. Because of this, he offered an amendment to go back to the 2-foot high front yard fence height as stated in Section (400.2410) so that if someone wants a 4-foot fence in front it would need a variance.

Motion was made by Alderman Lochmoeller and seconded by Alderwoman Tice to change Section 400.2410 D1 replacing 48 inches to 24 inches.

Alderwoman O'Neill, Alderman Gould and Alderman Shelton clarified there were no other changes, and were in agreement with the amendment.

Motion carried by unanimous voice vote.

Mayor then proceeded to ask for Roll call to Perfect the Bill into Ordinance form.

Roll call:

Alderman Plufka – Yes

Alderwoman Tice – Yes

Alderwoman Sims – Yes

Alderman Wegge – Yes

Alderman Gould – Yes

Alderman Lochmoeller – Yes

Alderwoman O'Neill - Yes

Alderman Shelton – Yes

By vote of 8 (yes) to 0 (No) amended Bill #6455 will become Ordinance #5086

11. NEW BUSINESS

A. Bill NO. 6456 - An Ordinance authorizing an Intergovernmental agreement with the cities of Clayton and Richmond Heights to create a commission for fire department training services. First and Second Reading

City Attorney did the First Reading.

Chief Cottrell addressed information and questions (available in BoardDocs) and shared that the goal has been to expand training and services, and this facility can make that sustainable for years to come. The competition for training time and facilities is extensive and the opportunity presented itself to address this issue.

Alderman Plufka shared that the Public Safety Committee agreed to bring this agreement for the commission to the Board of Aldermen as there were questions concerning the lease agreement. A special meeting was called, and the questions were answered, but felt the full Board should consider this as well. One question was regarding the tenant lease of 50 years, and why it was structured to review on a 20/20/10-year basis.

City Attorney stated it was to allow member cities to review capital expenses and that the landowner has no ability to cancel the lease at these intervals.

Mayor Dimmitt noted that \$6000 is the 1st year portion of for taxes and management fee – 1/3 of the annual cost and asked how other cities have responded.

City Attorney noted that Clayton presented last week, and the item is on their next agenda to approve. Richmond heights presents tonight.

Alderman Plufka asked what will happens with this in Shrewsbury. It was stated that the city of Shrewsbury is in favor of approving this. Property is zoned for industrial use.

Alderman Lochmoeller asked if the current commission of three members has room for four or more. Chief Cottrell shared that we have not approached another city yet, but that others are interested.

Alderwoman Tice confirmed costs stating the estimated cost is \$1.5 million for the capital investment (facility), and that we pay a third of that cost or \$500,000. The Chief noted that the training budget we have now (approximately \$56,000) supports the Battalion Chief of Training in Clayton and the cost to train at the facility – and we will continue to have that money operationally. We also pay (approximately \$36,000) for just four training times a year – and the new facility would allow us to train monthly.

Alderwoman Tice asked about the insurance costs, and the City Administrator said she was not certain right now .

The chief also noted that additional users of the facility (Maplewood, Shrewsbury, Webster Groves, etc.) will help off-set the costs as well.

Alderman Plufka also inquired about the facility cost once it is built (our portion projected at \$45,000 range), and what we might charge other users? Would it be similar to charges we currently pay (\$9,000 a session) to use another facility? Answer was- Maybe – as this has not yet been determined. Chief Cottrell noted that while this I not in the capital budget now, it will be in the 5-year plan.

Alderwoman Tice asked where the money would be coming from? Chief Cottrell shared that the funding options are being discussed in upcoming meetings. The City Administrator noted that it would be fund balance, but could be over 2 years, could defer capital improvements, etc.

Alderman Wegge and Alderwoman Sims shared concern of unusual paragraph wording if we would have to rebuild.

City Administrator stated we are insured in case there is a fire (disaster) and we have to rebuild, and the City Attorney noted there is an indication that within 30 days of disaster, we would reaffirm our intention to continue the lease, but that he will review the language to make sure.

Alderman Plufka asked the Chief to share information on the facility – what it is like, how it is built or used, to better understand the structure and maybe help alleviate questions. The Chief shared information about the containers used to build the structure and then described the types of fires they do for training -- Class A (wooden pallets) & Class B (Piped in propane for clean burns).

Alderwoman Sims asked if there is an out in the lease if we can't get permitting from Shrewsbury. Or if we get the license and don't have the money, are we stuck? That should be in the language as a term of the lease.

City Attorney stated that if the project cannot be built, the landlord expectation would be to let go of lease. And the City Administrator stated that if we need to insert this language in the lease, we will do that.

Alderman Gould stated that the building is really just "shipping container" and then inquired about the ongoing operational costs, confirming that they are divided by three and that other users of the facility pay rent to use it.

Alderman Shelton confirmed that other cities would not move forward without Brentwood as a partner.

Alderman Lochmoeller asked if the \$1.5M for the facility included an area for restrooms, etc. – which it does.

Alderman Gould asked if there had been a study for any hazardous materials in the land or on ground that would be a deterrent. Chief Cottrell said that has not been assessed yet but will be done. The City Administrator noted that before MSD did work on the site, they may have already done this, and we should ask.

Alderman Wegge asked what happens at the end of the lease, is the soil and ground still ok after all this burning. The Chief noted the only thing to really address would be the water run-off.

As there were still other thoughts and questions, it was suggested to bring this item back to the next meeting.

Motion was made by Alderman Plufka and seconded by Alderman Gould to separate the 1st and 2nd reading for this Bill.

Motion carried by unanimous voice vote.

B. Bill No. 6457: An Ordinance Amending Section 400.1880 Of The Brentwood City Code Regarding Outdoor Lighting To Limit The Corrected Color Temperature (CCT) To 2700K CCT LED. First Reading

City Attorney did the First Reading.

Whitney Kelly shared information and costs associated with moving to 2700K, which requires changing out fixtures and such to accommodate the bulbs. Because of this, Planning and Zoning Commission chose to move to 3000K, which is compliant with Ameren's policy, would minimize future costs, and is also compliant with recommendation from Dark Sky Association.

If the opportunity exists for replacement and fixtures allow for bulbs at less than 3000K (i.e. 2700K) it will be done, and does not require any changes to the wording of the ordinance.

Alderswoman Tice confirmed this regulation did not apply to residential properties.

Alderman Wegge asked to correct the wording in both the title of the Bill and on Page 2 - Section A-400.1180 to change the word "corrected" to "correlated" color temperature.

Motion was made by Alderman Wegge and seconded by Alderman Gould to amend the wording of the Bill as stated.

Motion carried by unanimous voice vote.

Alderman Shelton asked if Brentwood Forest falls into the single-family residential property since they are multi-family units. The City Attorney stated that as the Bill is written, Brentwood Forest would be exempt from the lighting standard. Kevin stated that clarification of the wording could be included in the second reading. Alderman Shelton asked that this be included.

Alderman Gould added that Planning and Zoning did not want to include residential as it is too cumbersome to enforce and manage.

Updated wording will be presented at the second reading.

C. Bill No. 6458 - An Ordinance Approving an Agreement and License to Encroach on Sewer Easement with the Metropolitan St. Louis Sewer District for the Brentwood Park Destination Playground Project. First and Second Reading.

City Attorney did the First Reading

Director Gruenenfelder presented information stating that SWT worked extensively with MSD on the footing structure of the overlook to avoid any footings in the easement or stresses on the pipes underneath. Because of the extensive cost to the project to avoid all easement area, MSD agreed to allow certain footings to encroach on easement as long as there were no stresses on pipes. The Recommendation was to approve the MSD agreement and encroachment on sewer easement.

Motion was made by Alderman Gould and seconded by Alderman Wegge for a Second Reading of the Bill.

Motion carried by unanimous voice vote.

City Attorney did the Second Reading of the Bill,

Motion was made by Alderswoman Tice and seconded by Alderman Plufka to Perfect Bill #6458 into Ordinance form. Roll call:

Alderman Plufka - Yes

Alderswoman Tice - Yes

Alderswoman Sims - Yes

Alderman Wegge - Yes

Alderman Gould - Yes

Alderman Lochmoeller - Yes

Alderswoman O'Neill - Yes

Alderman Shelton - Yes

By vote of 8 (yes) to 0 (No) Bill #6458 will become Ordinance #5087

D. Resolution No. 1435 - A Resolution Approving a Change Order to the Contract with Plocher Construction for Additional Work Needed for the Brentwood Park Destination Playground Project.

Director Gruenenfelder presented that because it was not easy to work with MSD on the easement agreement and the new agreement required multiple changes to the proposed design plan (memo and detailed changes are available in BoardDocs), the size and length of overlook had to be increased, adding extended cost to the project. The change order reflects the revisions.

Motion was made by Alderman Plufka and seconded by Alderman Lochmoeller to approve the change order with Plocher Construction for additional work needed for Brentwood Park Destination Playground project.

Roll call:

Alderman Plufka - Yes

Alderswoman Tice - Yes

Alderswoman Sims - Yes

Alderman Wegge - Yes

Alderman Gould - Yes

Alderman Lochmoeller - Yes

Alderswoman O'Neill - Yes

Alderman Shelton - Yes

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

12. CITIZEN COMMENTS

A. Citizen Comments - None.

13. CLOSED MEETING

Motion was made by Alderman Gould and seconded by Alderwoman O'Neill to return to closed session pursuant to Section 610.021 subsections 1, 2, 3, & 12. Roll Call:

Alderman Plufka – Yes	Alderwoman Tice – Yes
Alderwoman Sims – Yes	Alderman Wegge – Yes
Alderman Gould – Yes	Alderman Lochmoeller – Yes
Alderwoman O'Neill - Yes	Alderman Shelton – Yes

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

A. Legal - RSMo 610.021 (1)

B. Real Estate - RSMo 610.021 (2)

C. Personnel - RSMo 610.021 (3)

D. RSMo 610.021 (12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

Regular session ended at 8:37 PM and moved to Closed session.

14. ADJOURN

A. Adjournment