

Monday, October 17, 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 7:00 PM, with Pledge immediately following.
- B. Pledge of Allegiance

2. ROLL CALL

- A. Roll Call – Seven of the eight members were present.

Alderman Plufka – Absent	Alderwoman Tice – Present
Alderwoman Sims – Present	Alderman Wegge – Present
Alderman Gould – Present	Alderman Lochmoeller – Present
Alderwoman O’Neill - Present	Alderman Shelton – Present

Additional people present at the meeting included: Dan Gummersheimer (Director of Public Works), Eric Gruenenfelder (Director of Parks and Recreation), Whitney Kelly (Director of Planning and Development), Gina Jarvis (Assistant Director of Finance- via Zoom), Jason Kotz (Human Resources Manager), Ronnie Cottrell (Fire Chief), Joe Spiess (Police Chief), Bola Akande (City Administrator), Kelle Silvey (Deputy City Clerk), and Kevin O’Keefe (City Attorney).

3. AGENDA APPROVAL

- A. Approval or Amendment of Agenda – Agenda was approved by Acclamation.

4. PUBLIC HEARING

- A. Public Hearing for RRT Restaurants, LLC, dba Sal y Limon Mexican Grille for a new conditional use permit for the property addressed as 1221 Strassner Drive, within the Hanley Station development.

Mayor Dimmitt gavel opened the Hearing. Whitney Kelly presented the information stating the applicant is taking up the old Houlihan’s space. She noted that the Planning and Zoning commission unanimously recommended by vote (8 to 0) to approve the conditional use permit. The applicant was present for any questions and requested a 1st and 2nd reading, if possible, since she is taking up an existing restaurant space. Mayor gavel closed the hearing.

5. CITIZEN COMMENTS

- A. Citizen Comments – City Administrator noted a comment received via email from Dan Glass, which is posted in BoardDocs.

6. MAYOR AND ALDERMEN REPORTS

- A. Mayor David Dimmitt – Encouraged the community to volunteer for the Trash Bah on October 22nd hosted by the Open Space Council. If interested in helping, there is a sign-up page on our website. He also noted that Coffee with the Mayor will be on October 27th and there is a Paper Shredding event on November 5th.

B. Alderman David Plufka - Ward 1 - Absent

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

D. Alderwoman Sunny Sims - Ward 2 –Announced the Special WMC budget meeting tomorrow (Oct 18th) at 5:30 PM

E. Alderman Brandon Wegge - Ward 2 – No Report

F. Alderman Steve Lochmoeller - Ward 3 – No Report

G. Alderman Jeff Gould - Ward 3 – Announced the first Communications Committee meeting on Oct. 25th at 6:30 PM.

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

I. Alderman Jack Shelton - Ward 4 – No Report

7. CITY ADMINISTRATOR REPORT

- A. 2021 Audit Presentation- Andrew Zebell requested to move the audit presentation to November 7th agenda due to a scheduling conflict. Item was deferred.

B. Large Anomalies in Distribution of the 205 Tax (Countywide 1%)

City Administrator addressed the large discrepancies in the amount of the Countywide one percent (1%) sales tax distributions that the City was receiving in June of 2022. There is a memo in BoardDocs from Dan Cook (Cook and Riley) and Mr. Cook was available to present the information. The mayor noted The City of Brentwood anticipated realizing about \$5.4 M to that line, and by September we had received \$10M. Mr. Cook stated that we had notified the county and the Dept. of Revenue right away, but it has taken several months to get to the bottom of the substantial overpayment each month. Mr. Cook said that St. Louis County confirmed there was an error in the software coding and that monies that should not have been sent to the City of Brentwood have been sent to us since May. It is almost certain the city will have to return this money to St. Louis County. City Administrator stated we still need to verify the amount, noting that we have not spent any of the money, so it can be returned.

Alderman Wegge asked where the money is being stored right now. City Administrator said it is in the Money Market account and earning interest. He also asked that since we are paying money to “diagnose” this issue, if we will be responsible for interest and also payment of services to Cook and Riley for the County’s error. He also asked if we think the true amount is going to be in-line with historical trends. Mr. Cook felt like since this has been identified we should see a return to more normal historical type trend.

Alderman Lochmoeller asked why this one tax is so far out of line, and could it be other taxes as well. Mr. Cook responded that this one is the most complex one to administer.

Alderwoman Tice asked if we are confident in the county’s calculation of this tax and also in the amount that will need to be returned – what is the formula/how do we verify? Mr. Cook stated that unless the county shares the data and computation, we may not know for sure, but the amount has been consistent over the past. Not sure why the calculation is not shared.

Alderman Shelton asked if this could be retro, if there were errors in previous years, would we be responsible. Mr. Cook stated he did not think so, as this should be governed by a statute of limitations and feels it has been consistent in past. We do not know how widespread this is throughout the county.

Mayor asked Mr. Cook to explain the difference between an A city and B city. Brentwood is an A city, or a “point of Sale” (highly retail) city. B cities are Pool cities.

No action required at this time.

8. CONSENT AGENDA

A. Standing Committees Reports

B. Approval of Meeting Minutes

C. Warrant Lists - Operating Funds and 2022 Expenditures from the 2019 Series Certificates of Participation Proceeds (COP)

D. Ambulance Bill Settlement Request - Fire Department

E. Resolution No. 1406- An Agreement With Castle Construction For The Repair Of Lee Wynn Trail

Alderwoman Tice asked about \$13,000 item on warrant list for 8908 Bridgeport Ave. Director of Public Works explained the situation and how this has been a continual problem we have paid for due to back-up of sewer lateral, and this fix will be more cost efficient for future. Property owner signed an agreement/waiver to make the city whole on this issue.

Motion was made by Alderwoman O’Neill and seconded by Alderman Lochmoeller to approve Consent Agenda.

Alderman Plufka – Absent

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 a vote of 7 (yes) to 0 (no).

9. OLD BUSINESS

A. Bill No. 6423 - Compensation Plan Report and Implementation Cost - An Ordinance Establishing A Pay Classification System For All Full-Time City Of Brentwood Employee Positions And Establishing An Accompanying Pay Classification System For Fiscal Year 2023 And Related Matters, which Are Contingent Upon The Annual Budget Appropriation; And Providing For The Effective Date Of This Ordinance. 95% Uniform, 75% Non-Uniform, with Standard Deviation, Next Appropriate Step, with a 1/1/23 Implementation Date. **Second Reading.**

2nd Reading by City Attorney.

Motion made by Alderwoman Tice and seconded by Alderwoman Sims to Perfect Bill #6423 into Ordinance Form Roll Call:

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

By a vote of 7 (yes) to 0 (no), Bill #6423 will become Ordinance #5055.

10. NEW BUSINESS

A. Bill No. 6425- An Ordinance Approving Operations Of Low Speed Vehicles On Public Streets- First Reading

First Reading by City Attorney, Kevin O’Keefe.

Information was presented by Director of Public Works who noted that Public Safety has reviewed this, it went to staff to adjust wording and was brought to full Board for consideration.

Alderman Gould suggested we keep this clean and simple and not over legislate. If core safety of vehicle meets standards and State statutes allows this vehicle on streets, we should do the same, with no need for annual sticker from us. It can evolve later if needed.

Alderman Lochmoeller asked that if neighboring municipality has no legislation on these vehicles, does the State regulation take over if citizen then drives in that municipality. City attorney noted that the State allows these vehicles.

Motion was made by Alderman Lochmoeller and seconded by Alderwoman Tice to amend Section 340.265 C to remove prohibited roads - McKnight Rd. and Litzsinger Rd. between McKnight and Brentwood Blvd.

Alderman Gould asked if this even needs to be in our wording at all if these vehicles are already prohibited from State statutes. City Attorney noted if we want to disallow use, we need to state it, even if redundant.

Motion carried by a voice vote of 6 (Yes) to 1 (No). Alderwoman O’Neill was opposed.

Alderman Wegge asked for an error correction to paragraph 340.265 D-3. Wording should say East (not West). “From the norther end of Salem Rd. East to Rosalie/Litzsinger Ave.” This was addressed in Public Safety and should be corrected.

Aldermen Wegge noted from the Public Safety Meetings that Brentwood would not be verifying requirements (we do not assume the liability for safety) so no licensing from us is needed, and so asked to remove the requirement to register with the City - Section 340.280 B (Pg 5).

Motion was made by Alderman Wegge and seconded by Alderman Gould to remove Section 340.280 B -the requirement to register vehicle with the City.

Motion carried by a voice vote of 7 (yes) to 0 (no).

Alderman Wegge also noted a change to Section 345.260 D adding language that pedestrians have the right of way over the vehicle, which would be beneficial.

Motion was made by Alderman Wegge and seconded by Alderman Gould to add language that pedestrians and cyclists have the right of way on the path. City Attorney noted the current language enables pedestrian recourse if operator is not handing in a safe manner. Alderman Wegge stated that if this is the case, then no change is requested.

Alderman Lochmoeller mentioned there was a discussion that there should be better signage for cart and pedestrian use. Mayor noted that he felt alerting pedestrians and users with signage and/or striping that a low-speed vehicle could also be on this path would be beneficial to both pedestrians and vehicle users.

Alderman Gould asked Chief Spiess to please alert Rock Hill police department that these vehicles may be on their side of road, since they do not have this legislation. Chief Spies agreed to do this, but did not offer guarantee, and was not sure it would be an issue.

Alderman Lochmoeller stated that the legislation can evolve over time, particularly since there are really only about 5 vehicles right now.

It was decided to have staff make the changes as discussed and bring the item back to the next meeting.

B. Bill No. 6426- An Ordinance Approving Easement for Fire Hydrant Relocation With Missouri American Water Company For Breckenridge Industrial Court Bridge- Water Facility Relocations For the Brentwood Bound Improvements Project. First and Second Reading

First Reading by City Attorney, Kevin O’Keefe.

Information was presented by Director of Public Works who explained that this ordinance is to relocate a fire hydrant to accommodate the new bridge and gain the necessary easement for the approach to be built; similar to ones we have done in the past.

Motion for Second Reading was made by Alderwoman Shelton and seconded by Alderman Gould.

Motion carried by unanimous voice vote.

2nd Reading by City Attorney.

Motion was made by Alderman Gould and seconded by Alderwoman Tice to Perfect Bill # 6426 into Ordinance Form. Roll call:

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

By a vote of 7 (yes) to 0 (no), Bill #6426 will become Ordinance #5056

C. Bill No. 6427- A Request To Install ADA Signage at 8935 Moritz Avenue- First and Second Reading

First Reading by City Attorney, Kevin O’Keefe.

Information was presented by Director of Public Works.

Motion for Second Reading was made by Alderwoman Tice and seconded by Alderman Lochmoeller.

Motion carried by unanimous voice vote.

2nd Reading by City Attorney.

Motion was made by Alderman Gould and seconded by Alderman Shelton to Perfect Bill # 6427 into Ordinance form. Roll call:

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

By a vote of 7 (yes) to 0 (no), Bill #6427 will become Ordinance #5057

D. Bill No. 6428 - Missouri Fire Fighter Critical Illness Trust and Pool - First Reading

First Reading by City Attorney, Kevin O’Keefe.

Information was presented by Fire Chief Cottrell who stated that in order for the city firefighters to participate in this Pool, the city must pass the appropriate legislation. The information had been presented to Public Safety committee who deferred this to the Ways and Means committee for cost consideration. Ways and Means Committee voted unanimously to approve and move forward to the Board of Aldermen for consideration and approval.

Alderwoman Tice asked if we could get actuarial reports annually to see how many members are tapping into this fund. The Chief noted that as members, we would be privy to the reports and can make note to present them annually at the Ways and Means Committee. Alderwoman Tice was in agreement.

E. Bill No. 6429 - An Ordinance Amending 4026 And Approving A Site Development Plan And Conditional Use Permit For RRT Restaurants, LLC, dba Sal Y Limon Mexican Grille Restaurant Located Within The Hanley Station Development, At 1221 Strassner Drive. First and Second Reading.

First Reading by City Attorney, Kevin O’Keefe.

Information was presented by Director of Planning and Development who noted this was presented earlier as part of the public hearing, with a request for a second reading.

Motion for Second Reading was made by Alderman Wegge and seconded by Alderwoman Sims.

Motion carried by unanimous voice vote.

2nd Reading by City Attorney.

Motion was made by Alderman Wegge and seconded by Alderwoman Tice to Perfect Bill # 6429 Into Ordinance form. Roll call:

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

By a vote of 7 (yes) to 0 (no), Bill #6429 will become Ordinance #5058

F. Resolution 1407 - A Resolution approving an agreement with Clayton Holdings, LLC and authorizing Certain other actions for the replacement of a Fire Engine.

Information was presented by Fire Chief Cottrell, noting this item was presented to Public Safety and then to Ways and Means Committee. It was stated that the market has changed drastically in both the Fire and financial industry, but the specifications and purchasing agreement from McQueen Equipment (Pierce dealer) has been put together. If we order now, we can anticipate delivery in 2025. (That makes replacement truck 23 years old) We do not pay until the truck is delivered. If we consider the option to pay cash and not finance the purchase, we save approximately \$300,000 in financing fees. There will be a 6.5% increase price increase on November 1, 2022, which adds to the urgency. The money would come from the Capital Improvement Fund. The demand for fire apparatus is extreme due to flooding events in country and community and ordering now gives us a better change to receive one. We would eventually look to sell the old one and believe it would command a nice price.

Motion was made by Alderman Lochmoeller and seconded by Alderman Shelton to adopt the Resolution NO. 1407, approving an agreement with McQueen Equipment LLC, a Delaware corporation doing business as McQueen Emergency and authorizing certain other actions. Roll call:

Alderman Plufka –Absent	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 a vote of 7 (yes) to 0 (no).

G. Budget Amendment - Request to Purchase Additional Police Vehicle

Information was presented by Police Chief Spiess. They too have had a hard time ordering vehicles this year, Vehicles they ordered from Dodge were cancelled, and ones ordered from Chevy are still not built and we are not certain if they will come in. City of Maplewood ordered one that that they will not use, which is \$7500 less than if we ordered it next year, if it becomes available. Goal is to keep the fleet safe but have been asked to limit the purchasing to two vehicles per year. This year however, they have money left over that was designated for ECDC and they can use this to purchase the extra vehicle if the budget amendment is approved.

The information was presented to the Ways and Means Committee on October 6th and was approved to bring to the Board of Aldermen for approval.

Motion was made by Alderwoman Sims and seconded by Alderwoman Tice to approve the budget amendment in the amount of \$50,000. Roll call:

Alderman Plufka –Absent	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 a vote of 7 (yes) to 0 (no).

11. CITIZEN COMMENTS

A. Citizen Comments

Lois Truman – 8710 Rosalie – asked if the City was doing anything to honor veterans on Veteran’s Day. The mayor responded saying, “yes”, but was not sure what date. He noted we would get the word out on website and social media.

Motion was made by Alderwoman Tice and seconded by Alderman Gould to move to Closed Session pursuant to RSMo Section 610.021 subsections 1,2,3, &12.

Alderman Plufka –Absent	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 a vote of 7 (yes) to 0 (no).

Regular meeting concluded at 8:12 PM

12. CLOSED MEETING

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.

13. ADJOURN

A. Adjournment

This meeting was livestreamed on YouTube and recorded. The recording will be made available on the City's YouTube channel. Please be aware that your presence may be recorded.