

Monday, December 6, 2021

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
- B. Mayor Dimmitt lead the Board of Aldermen and all present in the pledge of allegiance.

2. ROLL CALL

- A. Roll Call – All members were present

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

Other members present: City Administrator Akande, City Attorney O’Keefe, Deputy City Clerk Silvey, Parks and Recreation Director Gruenenfelder, Public Works Director Gummersheimer, Fire Chief Cottrell, Police Chief Spiess, Finance Director Jones, Court Administrator Schwartz, Legal Counsel Murray, Armstrong Teasdale and Owner’s Representative Schuller, Navigate Buildings Solution.

3. PUBLIC HEARING

- A. Adoption of The FY 2022 Adopted Budget - Mayor Dimmitt opened the public hearing on the adoption of the FY 2022 Budget beginning on January 1, 2022 and ending on December 31, 2022. No one from the public spoke. Hearing was closed.

4. AGENDA APPROVAL

- A. Approval or Amendment of Agenda

Mayor Dimmitt asked to remove Item 8A -Resolution No. 1324 from the Consent Agenda. The City Staff heard from the Missouri Attorney General’s Office. A representative from the office said “unfortunately, only political subdivisions with a population greater than 10,000 are included in this settlement proposal from the distributors and manufacturer.” Sorry about that. You should know that all Missourian’s will benefit from the settlement proceeds as the State utilizes the funds consistent with 196.1050, RSMo.”

Motion was made by Alderman Plufka and seconded by Alderman Gould to approve amended agenda. There were no objections.

Motion carried by unanimous voice vote.

The agenda was then approved by acclamation.

Monday, December 6, 2021

BOARD OF ALDERMEN REGULAR MEETING

MINUTES

5. CITIZEN COMMENTS

A. Citizen Comments – Brian Hansen spoke on amended Bill No. 6356.1. He commented that the number of electric vehicles was miniscule and feels the policy is premature. He asked that clarification of the definition for new dwellings be provided and that the Board of Aldermen reconsider the adoption of this bill.

Email comments were provided by Don Keeling, Mevotech, National Sales Director, Traditional Accounts regarding Bill No. 6365.1. Comments were read into the minutes and uploaded into Board Docs.

Email comments were also provided by Paul Presson regarding Bill No. 6365.1 and were read into the minutes and uploaded into BoardDocs.

Susan Mullen spoke via the virtual format (Zoom) regarding Bill No. 6365.1 stating this should be the resident's choice, and not the City's directive, as this does not represent the majority of citizens but only a select few.

6. MAYOR AND ALDERMEN REPORTS

A. Mayor David A. Dimmitt

- Announced the Holiday Party to be held on Monday, December 13th from 5:00-7:00 pm at Community Center
- Fire Department will do Fire Truck Parade on Brentwood Blvd. Friday and Saturday at 5:00 each night
- Collection for Toys for Tots ends on Saturday, December 11th - drop off toys until noon at Fire Department
- Fill the Ambulance with gifts at the Drury Inn Parking lot – Saturday, December 11th starting at noon - encouraged everyone to buy and give a toy.
- Police/Fire Departments Pillow fight started Dec 1st and will end December 31st - all were encouraged to drop off new pillows

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 – Public Works Meeting on Thursday, December 9th at 6:00 PM – the fate of the trees on White Ave. and an update on the stormwater master plan will be shared.

F. Alderman Jeff Gould - Ward 3 - No Report

G. Alderman Steve Lochmoeller - Ward 3 – Public Safety Committee meeting at City Hall on December 22nd

H. Alderman Jack Shelton - Ward 4 - No Report

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

Monday, December 6, 2021

BOARD OF ALDERMEN REGULAR MEETING

MINUTES

7. CITY ADMINISTRATOR REPORT

A. Brentwood Bound Update – Owner Representative Craig Schluter, Principal, Navigate Buildings Solution gave a Brentwood Bound update on Construction costs, Soft Costs and Property Acquisitions. There were no other costs to report.

B. Warrant List Notation: Resolution No. 1328 - Wei Investment Condemnation Matter – City Administrator Akande noted that on the agenda is Resolution No. 1328 - A resolution authorizing the pay of a condemnation award related to Wei Investments for an easement for the Brentwood Bound project. Given where the Warrant List is on the agenda, the check request to pay all parties will be taken up by the Board of Aldermen before Resolution No. 1328 is considered under the Consent Agenda.

C. Request for Indemnification - Section 115.010 Update - Former Mayor Christopher Thornton is requesting indemnification of legal expenses and attorney's fees incurred in connection with an investigation conducted by the Assistant U.S. Attorney for Eastern District of Missouri (AUSA) and the Federal Bureau of Investigation (FBI) from January 2018 through May 2021. City Administration shared updates from the city's insurance carrier AXA XL and information obtained by acting City Attorney Jones from Hal Goldstein, Office of the United States Attorney. Mr. Jones at the November 18, 2021 meeting had offered to contact Mr. Goldstein as City Attorney O'Keefe had sent him two letters previously without any response. Assistant US Attorney Hal Goldsmith confirmed that the documents compiled during a grand jury investigation are confidential. There is an exception which allows for a motion to be filed to produce documents for collateral litigation, but here there is none pending. An example would be a criminal investigation into fraud charges and a civil case for damages for misrepresentation. Hal did confirm that the investigation was actually conducted at the city's request. Presumably, we have the Chief's memos. He sent the attached articles from 40 South News. He also confirmed that Harness, Dickey performed an audit or review for the city and apparently determined that Mayor Thornton did not utilize proprietary IP data. In the end, the US Attorney's office determined they could not readily prove any criminal charge and investigation was terminated.

Motion was made by Alderwoman Sims and seconded by Alderwoman O'Neill to deny the request for indemnification.

Motion carried by voice vote of 6(yes) to 2(no).

8. CONSENT AGENDA

A. Standing Committees Reports – No Reports

B. Warrant List - 2021 Operating Funds Expenditures

C. Warrant List - 2021 Expenditures from the Series 2019 Certificates of Participation Proceeds (COPS)

D. Gear Donation 2021

Monday, December 6, 2021

BOARD OF ALDERMEN REGULAR MEETING

MINUTES

E. Annual Report – Economic Development Sales Tax Annual Reports 2019 and 2020
F. Resolution No. 1327- A Resolution Approving A Change Order With Ideal Landscape For Brentwood Bound- Great Rivers Greenway (GRG) Connector Part A Project
G. Resolution No. 1328 - A Resolution authorizing the pay for a condemnation award and certain other actions in connection therewith. - Wei Investments Condemnation
H. Resolution No. 1329 - A Resolution Approving a Contract with Davey Resource Group to Provide On-Call Supportive Urban Forest Tree Care Services

Motion was made by Alderwoman Tice and seconded by Alderman Plufka to approve amended Consent agenda. There was no further discussion.

Roll was called:

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).

9. OLD BUSINESS

A. Bill No. 6356.1 - An Ordinance amending Section 500.820 of the Brentwood City Code and the City's Energy Conservation Code to include the Electric Vehicle Supply Equipment (EVSE) in the New Dwellings - 2nd Reading

Alderman Wegge suggested modifications to the ordinance, and it was shared that the suggested revisions had already been made and incorporated in the amended Bill now being presented. A memo indicating the changes is available in Board Docs.

A motion was then made by Alderman Wegge and seconded by Alderwoman Sims to Amend Bill No. 6356 to 6356.1 with said changes.

Motion carried by voice vote of 7 (yes) to 1 (No). Alderman Lochmoeller was opposed.

City Attorney, Kevin O’Keefe did the second reading of the revised Bill No. 6356.1

Motion was made by Alderman Wegge and seconded by Alderwoman Sims to Perfect the amended Bill No. 6356.1 into Ordinance form.

Discussion took place.

Alderman Lochmoeller stated that the amended Bill was not presented or reviewed at Public Works for discussion and that it should have followed the proper channels and asked that his name be removed from the Bill.

Alderman Plufka felt there was no overriding interest for safety of residents and that per public comment, the Bill is too far out in front of the EV Readiness issue.

Alderwoman O’Neill respectfully disagreed and feels we should be out in front. She also noted that since the City of St. Louis is doing it, we should as well.

Monday, December 6, 2021

BOARD OF ALDERMEN REGULAR MEETING

MINUTES

Alderman Gould suggested the market should drive public policy, not the other way around and that this should be fully vetted in Public Works and Public Safety Committees.

Alderwoman Tice noted that it was being reviewed and addressed by the full Board, and as such, was supportive of the new amendments.

Alderman Shelton stated that he is a champion for sustainability, however the masses are not there yet, and this may be a few years premature.

Alderwoman Sims noted we received feedback from developers and cost is not an issue for new construction. She wants the City to be in the forefront of change.

Alderman Wegge stated that he supports EV readiness.

Mayor Dimmitt noted that it is not required to go to committee and can be fully vetted at the Board, so procedure was followed.

Roll was called:

Alderman Plufka – No

Alderwoman Tice – Yes

Alderwoman Sims – Yes

Alderman Wegge – Yes

Alderman Gould – No

Alderman Lochmoeller – No

Alderwoman O’Neill -Yes

Alderman Shelton – No

Mayor Dimmitt – Yes (to break the tie)

Motion carried by vote of 5 (Yes) to 4 (No).

Upon the signature of Mayor Dimmitt, Bill No. 6356.1 will become Ordinance No. 4994.

10. NEW BUSINESS

A. Bill No. 6361 An Ordinance Adopting The Annual Budget For The City Of Brentwood For The Calendar Year 2022; And Providing For The Effective Date Of This Ordinance. First Reading

City Attorney, Kevin O’Keefe, read the Bill.

City Administrator Akande presented the FY 2022 Proposed Budget thanking all who worked diligently to bring this document forward. Ms. Akande noted some highlights:

- The City’s sales tax is doing really well
- The City was conservative in predicting the Use Tax, so projections are positive
- The City will scale back capital improvement the next few years until some of the debts are completed in 2024.
- We have received and will continue to receive Cares Act and American Rescue Plan Act funds
- We present a balanced budget and plan for FY 2022.
- The Ways and Means Committee recommends the Fiscal Year 2021 Proposed Budget be presented to the Board of Aldermen for consideration.

Alderman Plufka noted the Brentwood Bound money had been invested well and asked if the income from those investments could be spent on any capital

Monday, December 6, 2021

BOARD OF ALDERMEN REGULAR MEETING

MINUTES

improvement? With advisement, Ms. Akande noted that the 2019 money can be spent this way.

Mayor noted that the budget was balanced without using any reserves and thanked all who had helped make this happen.

B. Bill No. 6362 An Ordinance of the City of Brentwood, Missouri, authorizing the Mayor and/or City Administrator to execute the attached 2021 Community Development Block Grant (CDBG) Municipal Housing and Community Development Supplemental Cooperation Agreement - First and Second Reading

Kevin O’Keefe did the first reading.

City Administrator Akande presented the information that is available in Board Docs with the supplemental agreement, noting we have been doing this for many years. The City of Brentwood, through St. Louis County, participates in the Community Development Block Grant (CDBG) program. As part of this program, the City has elected to utilize the funds as part of the home improvement program. This program offers forgivable loans of up to \$5,000 annual to income eligible participants. This bill is for an ordinance authorizing the mayor and/or city administrator to execute the 2021 Community Development Block Grant Municipal Housing and Community Development Supplemental Cooperation Agreement between the City of Brentwood and St. Louis County. This program allows for income eligible homeowners to receive forgivable loans up to a maximum of \$5,000. Total amount available is \$20,000. Funds are generally used for roofs, heating and cooling, plumbing and electric work.

Motion was made by Alderman Plufka and seconded by Alderwoman O’Neill for the second reading of the Bill. Motion carried by unanimous voice vote.

City Attorney O’Keefe did the second reading.

Motion was made by Alderman Plufka and seconded by Alderman Gould to perfect Bill No. 6362 into Ordinance form. There was no discussion.

Roll was called:

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).

Upon the signature of Mayor Dimmitt, Bill No. 6362 will become Ordinance No. 4995.

C. Bill No. 6363- An Ordinance Approving Maintenance Agreements With Metropolitan St. Louis Sewer District (MSD) For The Brentwood Bound Improvements Project

Monday, December 6, 2021

BOARD OF ALDERMEN REGULAR MEETING

MINUTES

City Attorney O'Keefe did the first reading.

Director of Public Works, Dan Gummingsheimer presented the information available in Board Docs, stating that as part of the Brentwood Bound Improvements Project, stormwater management facilities will be installed within the limits of the Great Rivers Greenway (GRG) Phase A project and Deer Creek Flood Mitigation Phase 1 project. Additionally, there are maintenance agreements required for sewer facilities within the project limits. In order to complete the Brentwood Bound Project, execution of several maintenance agreements is needed through coordinative efforts of staffs with Jacobs Engineering and Metropolitan St. Louis Sewer District (MSD). MSD requires an ordinance from the City of Brentwood to execute the maintenance agreements at the following locations:

- 2735 Bompert Avenue
- 2780 Mary Avenue
- 2761 Mary Avenue

Motion was made by Alderman Plufka and seconded by Alderwoman O'Neill for 2nd reading of the Bill. Motion carried by unanimous voice vote.

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

Motion was made by Alderman Plufka and seconded by Alderman Wegge to Perfect Bill # 6363 into Ordinance form. There were no questions or discussion. Roll was called:

Roll was called:

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).

Upon the signature of Mayor Dimmitt, Bill No. 6363 will become Ordinance No. 4996.

D. Bill No. 6364- An Ordinance Approving A Water Facility Relocation With Missouri American Water Company For Breckenridge Industrial Court Water Facility Relocations For The Brentwood Bound Improvements Project

City Attorney O'Keefe did the first reading of the Bill.

Director of Public Works, Dan Gummingsheimer presented the information available in BoardDocs, stating that as part of the Brentwood Bound Improvements Project, proposed improvements require relocation of water main facilities at various locations including the proposed bridge at Breckenridge Industrial Court. In order to complete the water facility relocation work, engineering design staffs with Horner & Shifrin and Jacobs have coordinated with Missouri American Water Company (MAWC) to provide

Monday, December 6, 2021

BOARD OF ALDERMEN REGULAR MEETING

MINUTES

information for utility relocation work for proposed water facilities. MAWC requires an ordinance from the City of Brentwood to authorize the water facility relocations and schedule its contractor for this work. About 55% of the existing water main facility is in public rights-of-way and will be relocated at MAWC's cost. The other 45% of the existing water main facility is in a MAWC owned easement and thus requires the City of Brentwood to compensate MAWC for this relocation expense portion. The water main relocation cost that is the City of Brentwood's cost responsibility is listed at \$232,782.75. The initial Brentwood Bound budget included \$38,027 in funds for this relocation work. The cost difference of \$194,755.75 will be covered via the contingency funds for Brentwood Bound.

Motion was made by Alderman Plufka and seconded by Alderman Wegge for 2nd reading of the Bill. Motion carried by unanimous voice vote. City Attorney O'Keefe did the second reading of the Bill.

Motion was made by Alderman Wegge and seconded by Alderman Plufka to Perfect Bill No. 6364 into Ordinance form. There were no questions or discussion. Roll was called:

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).

Upon the signature of Mayor Dimmitt, Bill No. 6364 will become Ordinance No. 4997.

E. Liquor License Approval - Naked Spirits

City Administrator Akande presented the information available in Board Docs. The Brentwood Municipal Code Chapter 600 Business and Occupation/Alcoholic Beverages - Section 600.090 - Information Required for Liquor License Application. Each application for a license either to sell intoxicating liquor by the drink or to sell beer and light wine by the drink and in the original package shall contain the following information and any additional information which may be required by which Section 600.050: Section 600.165 Wine and Malt Beverages Tasting Permit. The fee (\$150) has been collected and departments of Zoning, Police. Building Official and City License has reviewed and approved the applications for special use permits.

Motion was made and seconded by Alderman Wegge, Assistant Excise Commissioner and Alderwoman Sim, Excise Commissioner to grant the liquor license approval requested by Naked Spirits.

Roll was called:

Alderman Plufka – Yes	Alderwoman Tice – Yes
Alderwoman Sims – Yes	Alderman Wegge – Yes

Monday, December 6, 2021

BOARD OF ALDERMEN REGULAR MEETING

MINUTES

Alderman Gould – Yes Alderman Lochmoeller – Yes
Alderman O’Neill -Yes Alderman Shelton – Yes
Motion carried by vote of 8 (Yes) to 0 (No).

Excise Commissioner Sims will sign the liquor license upon approval of the Board of Aldermen.

11. CITIZEN COMMENTS

A. Citizen Comments - None

12. CLOSED MEETING

A. Alderman Plufka made a motion and seconded by Alderman Gould to go into executive session for Legal RSMo 610.021 (1), Real Estate RSMo 610.021 (2), Personnel RSMo 610.021 (3) and adjourn from the executive session and regular session from within that meeting.

Roll was called:

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).

Meeting moved to Closed session at 8:18 PM.

13. ADJOURN

A. Adjournment