

Monday, February 6, 2023
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. The pledge immediately followed.
- B. Pledge of Allegiance

2. ROLL CALL

- A. Roll Call – all members were present.
 - Alderman Plufka – Present
 - Alderman Gould – Present
 - Alderman Wegge – Present
 - Alderman Lochmoeller – Present
 - Alderman Shelton – Present
 - Alderwoman Tice – Present
 - Alderwoman Sims – Present
 - Alderwoman O’Neill - Present

Additional people present at the meeting included: Eric Gruenenfelder (Director of Parks and Recreation), Dan Gummersheimer (Director of Public Works), Joe Spiess (Police Chief), Jim Mc Intyre (Police Major), Angie Hawkins (Police Major), 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 - Agenda was approved by Acclamation.

4. ANNOUNCEMENTS, APPOINTMENTS, PROCLAMATIONS & RECOGNITIONS

- A. Promotion Recognition of Detective Sergeant Jason Simpson to Lieutenant - Police Department
Chief Spiess recognized members of the Department and then introduced Lieutenant Simpson, his wife, Amy, and his two children, Claire and Cole. He then read Lieutenant Simpson’s biographical information (available in BoardDocs) and congratulated him on his accomplishments.
- C. Recognition of 2022 Police Officer Awards
Majors’ Hawkins and Mc Intyre alternated reading the synopses for each officer, recognizing the officer’s individual accomplishments for a particular month in 2022. (Synopses are available in BoardDocs)
Chief Spiess then read the synopsis for Officer Mundorf, who was recognized as the Officer of the year for 2022.
The Board members congratulated each officer and photos were taken.

5. PUBLIC HEARING

- A. Public Hearing - None

6. CITIZEN COMMENTS

- A. Citizen Comments
Brian Hansen, Ward 2, publicly thanked the Ward 3 Aldermen (Jeff Gould and Steve Lochmoeller) for conducting Ward 3 meetings every other month and informing residents of Police matters, Brentwood Bound updates, etc., and appreciates the candid comments and what they do.

7. MAYOR AND ALDERMEN REPORTS

- A. Mayor David Dimmitt – No Report
- B. Alderman David Plufka - Ward 1- No Report
- C. Alderwoman Nancy Parker Tice - Ward 1- No Report
- D. Alderman Brandon Wegge - Ward 2- No Report
- E. Alderwoman Sunny Sims - Ward 2- No Report
- F. Alderman Steve Lochmoeller - Ward 3- No Report
- G. Alderman Jeff Gould - 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 – None- City Administrator noted that Craig Schluter (Navigate Building Solutions) was unavailable and will provide an update at the next meeting.

B. Brentwood Bound - Kerb, Eck & Braeckel, LLP 4th Quarter Audit Presentation

City Administrator presented information (Available in BoardDocs) on behalf of KEB, quoting, "There are no findings again during this quarter".

Alderman Plufka thanked the City Administrator for responding so quickly to his question at the last meeting.

9. CONSENT AGENDA

A. Standing Committees Reports

B. Warrant Lists - 2022 and 2023 - Operating Funds and Expenditures from the 2019 Series Certificates of Participation Proceeds (COP)

C. Approval of Meeting Minutes

D. Special Use Permit Application for St. Mary Magdalen School

E. Resolution No. 1421 - Hanley Industrial Court- Hoffmann Brothers Crosswalk Cost Agreement with the City of Brentwood

F. Resolution No. 1422- A Resolution Approving Change Order #5 with Ideal Landscape Construction for GRG Connector Project Part A

G. Quarterly Ambulance Fee Write-offs - Fourth Quarter of 2022

Motion was made by Alderman Gould and seconded by Alderwoman Sims to approve the Consent agenda as presented. 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 a vote of 8 (Yes) to 0 (No).

10. OLD BUSINESS- None

11. NEW BUSINESS

A. Bill No. 6446 - An Ordinance Amending Chapter 100 of the Brentwood City Code Relating to Suspension and Debarment of Vendors - First Reading Only

The City Attorney did the first reading of the Bill and presented the information.

The process of debarment is commonplace at the Federal and State level. Staff is recommending the Board consider adopting a similar process, which enables the city to address inadequate or inappropriate performance or conduct on the part of vendors and contractors the city deals with. It establishes a process to put the vendor on notice if a problem should occur. This would keep them from doing business in the city for an appropriate amount of time. This helps ensure that vendors are sensitive to the need to perform well and consistently, and handle conduct appropriately. This gives the city a tool to use. Hopefully it is rarely used, but this makes it available if needed.

Alderman Plufka asked if this ordinance is becoming more common among municipalities in St. Louis County or in Missouri, and if disbarment or suspension is this something that is published somewhere on a list?

It was shared that many larger cities have this, and the City Attorney is bringing this to his clients. Many cities do not have the size or apparatus to enforce this, but it is felt that Brentwood does. A list may not be published but having this available discourages resolutions of disputes with vendors because many bidding processes require disclosure of that information. This is impactful for all agencies.

B. Bill No. 6447 - An Ordinance Relating to Procedures for Issuance and Enforcement of Subpoenas in furtherance of Board of Alderman Proceedings - First Reading Only

The City Attorney did the first reading of the Bill and presented the information.

This item is a recommendation that may be prudent for the city to have available. State law gives the Board of Aldermen the power to subpoena and compel the attendants and witness for production of papers/documents/information required. It may be used in oversight capacity and/or may also be useful for legislative proceedings to compel witnesses

to assist in determining if ordinances should be revised in some way or if we should look at new legislation to achieve goals. (Process is similar to how Congress subpoenas folks to appear before committees to share/explain). Giving someone the opportunity to be seen by community and recorded may have a good effect for those who may choose not to obey an ordinance and provides an opportunity for them to explain reason before legislative committee.

Alderman Lochmoeller asked how the process works; how does procedure start and follows through to Board level.

City Attorney explained that if Board feels it would be helpful to have someone testify, they could be invited to do so, but if they choose not, Board could vote to issue/authorize a subpoena. If they fail to appear, it would be filed in St. Louis County Circuit Court to enforce compliance.

This process is reserved at Board level unless the Board delegates that to a committee. Board could issue a subpoena for someone to appear before a committee.

Alderman Plufka asked if this subpoena power extends around the state of Missouri or just in the community. It was thought to be around the state if necessary.

Alderswoman Tice asked if this is happening in other communities and what has prompted this for consideration. The City Attorney stated this came before him with another client and he realized we did not have this. He noted that State law has always given Boards of Aldermen the authority to subpoena, but what we did not have was an advanced process for how to do this before finding ourselves in crisis mode.

C. Bill No. 6448 An Ordinance Reaffirming the Gross Receipts Tax To Be Imposed Upon Utility Corporations Conducting Business Within The City Of Brentwood, Missouri And Matters Relating Thereto; And Providing For The Effective Date Of This Ordinance - First Reading Only

The City Attorney did the first reading of the Bill, and the City Administrator presented the information.

It was stated that the rate increase notice from Spire was sent to all taxing districts last month and districts have 60 days to either:

1. Reaffirm the current tax rate by state statute - which is 7.5% for Brentwood. Residents are charged zero, and businesses are charged 7.5%, or
2. Adopt an ordinance approving the increase.

This was taken to Ways and Means Committee who recommended presenting this to the Board for approval affirming the city's current tax rate of 7.5%.

Alderman Wegge noted that while the city percentage is the same, we will be receiving more tax revenue because of the increase from Spire. The City Administrator stated we would still receive only 7.5% and would only receive more if people's usage of service is more.

Alderman Plufka asked why Ways and Means did not just pass this through. The Chairwoman of Ways and Means, Alderswoman Sims, explained that committee wanted to keep the tax rate where it was and not put any additional burden on business owners.

12. CITIZEN COMMENTS

A. Citizen Comments - None

13. 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;

Mayor noted that upon review, there was no need for closed session.

14. ADJOURN

A. Adjournment

Motion was made by Alderman Plufka and seconded by Alderman Gould to adjourn the meeting.

Motion carried by unanimous voice vote.

Meeting ended at 7:39 PM

This meeting was livestreamed on YouTube and recorded. The recording will be made available on the City's YouTube channel.