

Monday, May 1, 2023
BOARD OF ALDERMEN REGULAR MEETING
MINUTES

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

- A. Call to Order – Meeting was called to order at 7:02 PM with the pledge immediately following.
- B. 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

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. Fire Department - Badge Pinning Ceremony

Chief Cottrell read the Bio for Andrew (AJ) Smith and introduced AJ’s wife, Sarah, and daughter Emerson. (Bio available in BoardDocs) AJ recited the Oath of office as presented by the City Administrator, and AJ’s wife pinned his badge. He was welcomed by all the Board Members and individuals present.

- B. Missouri Local Government Week May 7-13, 2023

Mayor Dimmitt read the Proclamation (available in BoardDocs) and declared May 7 – 13, 2023 Missouri Local Government Week.

- C. Committee Appointments and Reappointments

Mayor Dimmitt noted there were no changes to current committee appointments, and will renew, reaffirm and reappoint all those that are currently serving on the committees. He encouraged anyone who is interested in serving on a committee to reach out and share intentions, as there are a few positions available.

- D. Election of the Mayor Pro Temp

**Motion was made by Alderman Gould and seconded by Alderwoman Sims to nominate/appoint Alderman Plufka for position of Mayor Pro Temp.
Motion carried by acclamation.**

5. PUBLIC HEARING

- A. Public Hearing for Text Amendment to Section 400.1320(C) and Section 400.1330(C) to allow for adult day care centers for the elderly and persons with disabilities that offer daytime programming for adults with development disabilities and respite for families who have a person with disabilities living at home, in conjunction with or without a group home, as a conditional use on lots of not less than one-half (½) acre, for the A and B Single-Family Residential Districts.

Mayor Dimmitt read the public hearing notice and gavel opened the hearing.

The Planning Director shared that this Ordinance would allow L’Arche to operate an adult daycare and group home if determined. This project is allowed in residential district if it meets requirement of the ½ acre lot. She noted that Planning and Zoning approved this by a vote of 8 Yes to 0 No.

Paula Kilcoyne, Executive Director of L'Arche St Louis (non-profit by State of MO) made a short power point presentation (available in BoardDocs) stating that they will use the two properties (9445 & 9441 Litzsinger Rd) to support citizens with developmental and intellectual disabilities. The 9445 Litzsinger property will be used for the leadership team of 10 people to provide individualized programming. She noted that the plan for 9441 Litzsinger would be to tear down and build a group home for four people. This would be the first permanent life-long home in Brentwood.

Citizen Kara Kareger, 9418 Tilles Dr., was given an opportunity to speak on this project. She stated she lives behind the building and has concerns for the additional amount of activity and traffic this may generate at this intersection of McKnight and Litzsinger.

The Mayor gavel closed the public hearing.

6. CITIZEN COMMENTS

A. Citizen Comments – None

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 – Announced that Tuesday, May 23rd will be the Ward 1 Meeting date.

D. Alderwoman Sunny Sims - Ward 2 – Announced the Ward 2 Meeting on Wednesday, May 3rd at 6:00 PM

E. Alderman Brandon Wegge - Ward 2 - No Report

F. Alderman Jeff Gould - Ward 3 - No Report

G. Alderman Steve Lochmoeller - Ward 3 - No Report

H. Alderwoman Kathy O'Neill - Ward 4 – Thanked the Fire Department on behalf of the residents of Brentwood Forest. They appreciate the door-to-door check for fire alarms/smoke detectors and for the service during the fire.

I. Alderman Jack Shelton - Ward 4 - No Report

8. CITY ADMINISTRATOR REPORT

A. Brentwood Bound Update

Craig Schluter (Navigate Building Solutions) gave the report (available in BoardDocs) and noted only soft costs, since the last Board meeting.

He also shared they have been doing some Risk tracking – and noted that the general operator's equipment and heavy machinery union may strike. The contract ended on Sunday, April 30th and there is no agreement yet.

If they strike, others will not cross the picket line – this includes Castle, KCI, Plocher, Keeley, Landscapers, etc. As of now, there is just a work stoppage, but a strike will have some impact to the Brentwood Bound project. Craig will continue to update the Board on the situation.

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. 1440 - A Resolution Approving a Lease Agreement with Kerry Trostel D/B/A KKT Partners LLC for a Portion of Land in Memorial Park

Motion was made by Alderman Lochmoeller and seconded by Alderman Gould 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 a vote of 8 (Yes) to 0 (No).

10. OLD 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. Second Reading

City Attorney did a second Reading of the Bill.

Chief Cottrell shared that there was a meeting earlier today with Attorney Robert "Bob" Jones (Curtis, Heinz, Garrett, & O'Keefe Law) and the attorney for the lease, and that the documents/agreement are not yet complete. Questions have been addressed, but the agreement is not formal yet.

The City Attorney noted that while Bob Jones is handling the formation of documents and preparing the lease, the issue is to form the commission and the terms of membership for the intergovernmental agreement, not the lease package.

Alderswoman Tice questioned whether voting to join the collaboration is a commitment of capital monies for this project. Chief Cottrell shared that capital costs will be phased in and will go to the Ways and Means Committee during budgeting process. He noted that Property Taxes and Management Fees addressed at the first reading can be accounted for out of this year's current budget.

Alderswoman Sims asked for confirmation that voting 'yes' tonight is not for the lease but is just for the commission and intergovernmental agreement. Mayor added that in addition, what control or say would the Board have regarding the terms of the lease if any.

Bob Jones stated that the Bill tonight is an authorization to enter into an intergovernmental agreement with Clayton and Richmond Heights and does not address the lease which is still being negotiated. The Commission would be governed by a Board of Directors, preferably (3) - one member from each city, who will be empowered by agreement and bylaws to review and enter into the lease. Presumably the representative selected for our city would report back to this Board before entering into the lease agreement.

Open issues in the lease to address: 1) The ability to terminate the lease if the cost of construction is more than anticipated or if one city decides to withdraw from Commission.

Mr. Jones proposed making the first 18 months a period of due diligence whereas buyers can terminate the contract while sorting through any issues. They seemed receptive to the idea but would get back to us on that.

2) The Right of First Refusal. Bob Jones added this to the lease draft, but the landlord is not willing to do this. They would consider the Right of First Offer before they would go public with the sale.

3) If Right of First Offer is considered, there would need to be a provision for what happens to the improvements that are paid for and erected at the property by the commission; this is regarding whether items would have to be removed or remain in place.

Alderswoman Sims asked to clarify what happens if we move forward with the bylaws and intergovernmental agreement and then do not build the facility or move forward after that.

Mr. Jones stated that once the commission is formed it could be dissolved, but it could be that the commission may continue to provide training opportunities even if land is not leased. The agency (Commission) formed is separate and apart from the lease.

Alderswoman Sims asked for confirmation that moving forward with intergovernmental agreement in no way approves the lease, as there is still work to be done on that. City Attorney confirmed this statement. In addition to this, in the lease under Section 14 re: subordination provisions, she finds this written statement problematic.

Mr. Jones agreed this is a valid concern without the Right of First Refusal clause, but stated it is typical to subordinate a lease to existing financing. But Alderswoman Sims stated that future financing was more her concern, and that this needs to be vetted. Mr. Jones stated he would bring this to the negotiating team.

Mayor Dimmitt asked if the Board of Aldermen would be able to approve the lease or not. Mr. Jones responded, "No, not directly, as the commission makes the decision as it is set up." The Mayor then asked if it was a unanimous decision of the commission or if it was two out of three members needed to make final decision. Mr. Jones stated it could be two out of three and does not require unanimity.

Alderman Plufka restated that the bylaws bind the member communities to the lease agreement, and if one member representative for a community is out voted, they are still bound by the lease.

Alderman Wegge uncomfortable with wording, as it is not precise, and while he supports the idea, there are too many ways this could go sideways. One example is if we don't move forward to build, we are still required to pay property taxes on a property not in Brentwood.

Alderswoman Sims stated she was inclined to wait on the vote to bring negotiations on the lease to a conclusion (the way we need it), and to retain the influence at this point. Since the lease is not fully vetted, we should be smart about this.

Mayor Dimmitt asked if there was a way to change the formation - so the vote could be unanimous or so the Board of Aldermen must have approval before the commission votes. He noted that the discomfort is that it is uncommon to authorize others to bind the city to an agreement.

Alderman Gould agreed stating that the Commission's board is not elected to represent the citizens of each community like the Aldermen are, and asked if the bylaws could be re-written, or if this was too much bureaucracy.

Chief Cottrell noted that in some of their intergovernmental agreements, a unanimous decision is required. So that does exist.

Alderman Plufka would agree to enter into commission if bylaws could reflect that members would have to vote unanimously on lease contracts or equipment, or if new items must be taken back to Boards for approval.

City Attorney O'Keefe shared that in Section 4.17 of the bylaws, members can resign at any time no notice.

Mayor stated this conflicts with what the commission (intergovernmental agreement) states, which requires a one year notice and is obligated for costs. This is inconsistent with the bylaws.

Mr. Jones agreed that the one-year notice is in the intergovernmental agreement, but stated that the bylaws are adopted by the Board of the Commission, and have not yet been adopted and would have to be reconciled.

Motion was made by Alderman Lochmoeller and seconded by Alderwoman O'Neill to Table this Bill and bring back to the May 15th Board meeting to address all concerns.

Motion carried by unanimous voice vote.

B. Bill No. 6457.1: An Ordinance Amending Section 400.1880 Of The Brentwood City Code Regarding Outdoor Lighting To Limit The Correlated Color Temperature (CCT) To 3000K CCT LED. **Second Reading**

The City Attorney gave a second Reading of the Bill. He then noted that the Bill incorporates the amendments orally made at the last meeting and is not needed to amend again.

Motion was made by Alderman Plufka and seconded by Alderman Wegge to Perfect Bill # 6457.1 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) Bill #6457.1 will become Ordinance#5088

11. NEW BUSINESS

A. Bill No. 6459 - An Ordinance Amending Section 400.1320(C) and Section 400.1330(C) Regarding Conditional Use of Property in the A and B Single-Family Zoning Districts for Adult Day Care Services. First and Second Reading

The City Attorney gave a first Reading of the Bill.

Director Kelly was available to answer questions. She indicated this should be First Reading only.

Alderman Plufka asked if the density for the proposed business is less dense than what has been there in the past. Paula Kilcoyne (Executive Director) said yes, because it was a children's home prior with more kids than this adult home. She estimated 23-25 spaces in the lot, but that only low teens in number of spaces to be used as members are picked up and there is not a drop off like there is at a school. Little traffic.

Alderwoman Tice stated this is a great addition to the City of Brentwood and she strongly supports this, as it makes the community richer and more diverse. She noted this is just a text amendment for zoning change and that the conditional use permit will come after review from Planning and Zoning,

Alderman Gould echoed Alderwoman Tice's comments regarding acceptance and inclusion. He asked how many residential lots in the city are over the half acre lot size. Director Kelly state there were not many.

Alderman Plufka asked if separating the readings and deciding at next meeting hindered their progress in any way. The Executive Director stated it would not be a problem.

B. Bill No. 6460 - An Ordinance Amending Section 235.170 To Clarify Those Items That Should And Should Not Be Composted In Residential Facilities. First and Second Reading

The City Attorney gave a first Reading of the Bill.

Director Kelly noted this was brought forward by the Sustainability Commission to help clarify what can and can't be composted and clarify the language in the ordinance for the residential setting.

Alderman Wegge noted that we have been composting here for two years and that residents have to agree to participate in a training program and this is to help make ordinance consistent with training.

Motion was made by Alderman Wegge and seconded by Alderman Gould for a second reading of the Bill.

Motion carried by unanimous voice vote.

The City Attorney did a second Reading of the Bill.

Motion was made by Alderman Wegge and seconded by Alderman Plufka to Perfect Bill #6460 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) Bill #6460 will become Ordinance #5089.

12. CITIZEN COMMENTS

A. Citizen Comments

Area resident was doing yard work and saw a stream of bees in the tree. She called a guy who took care of it in about 30 minutes. She offered the name of the person to anyone who may need it, as she was impressed and wanted to share with others.

13. CLOSED MEETING – There were not items for discussion due to the Closed Meeting prior to this session.

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;

14. ADJOURN

A. Adjournment

The Mayor stated there was no further business and the meeting adjourned at 8:07PM

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