



**CITY OF BRENTWOOD
BOARD OF ALDERMEN MEETING
BRENTWOOD CITY HALL
2348 SOUTH BRENTWOOD BOULEVARD
BRENTWOOD, MO 63144
AUGUST 17, 2020
7:00 PM**

VIRTUAL MEETING

This meeting was conducted primarily by means of virtual format and public access was also available via the internet in this manner. These departures from normal meeting procedures and requirements were necessitated by the COVID 19 public health emergency and related government orders.

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

A. Call to Order

Mayor Dimmitt called the meeting to order at 7:00 P.M.

B. Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Dimmitt.

2. ROLL CALL

A. Roll Call

Present: Mayor David Dimmitt, Alderman Jeff Gould, Alderman Steve Lochmoeller, Alderwoman Kathy O'Neill, Alderwoman Nancy Parker Tice, Alderman David Plufka, Alderwoman Sunny Sims, Alderman Brandon Wegge

Absent: Alderwoman Pat Ebeling

A quorum was present, and Mayor Dimmitt presided

3. APPROVAL OR AMENDMENT OF THE AGENDA

A. Approval or Amendment of the Agenda

Agenda approved as presented by acclamation.

Yea: Alderwoman Pat Ebeling, Alderman Jeff Gould, Alderman Steve Lochmoeller, Alderwoman Kathy O'Neill, Alderwoman Nancy Parker Tice, Alderman David Plufka, Alderwoman Sunny Sims, Alderman Brandon Wegge

4. PUBLIC HEARING

A. A Public Hearing

None

5. CITIZEN COMMENTS

A. Citizen Comments

Matt Bowman who lives at 2642 Dorothy Dr. wanted to thank Alderman Lochmoeller, he emailed him a video of Dorothy Dr. after a recent storm that shows Dorothy Dr. under at least 3 inches of water. Mr. Bowman said Alderman Lochmoeller responded to his email quickly and said he would share the video. Mr. Bowman then wanted to thank Alderman Gould and Alderman Wegge for coming down to look at the proposed location for the new intersection of Dorothy Dr. and Van Mark Way. Laid out a rope to show that the apartment exit is aimed directly at their house. He appreciates them coming down because he said they have asked the entire board to come and look and all emails and phone calls have gone unanswered. His son wrote an email and it was not responded to either. He said they have a change.org petition that has 842 supporters, 100 of them being Brentwood residents and 250 from the Greater St. Louis area. They have contacted Great Rivers Greenway. He said he hopes a solution can be found and that going forward hopes the Board will communicate better with them.

Sharon Christopher who lives at 2642 Dorothy Dr. would like to address the Board regarding the new intersection of Dorothy Dr. and Van Mark Way. She would like to know how many signatures it would take to change the minds of the Board or if there is one. She hopes the Board members make their decision because they believe 100% that it is the fair and safe thing to do.

Carter Bowman who lives at 2642 Dorothy Ave. He is going to be a Freshman in high school, and he doesn't think the proposed plan for the new intersection at Dorothy Dr. and Van Mark Way is safe. A vehicle could easily slide into their house.

Mayor Dimmitt asked if any Aldermen care to respond which none did.

6. ANNOUNCEMENTS, APPOINTMENTS, PROCLAMATIONS & RECOGNITIONS APPOINTMENTS-

A. Brentwood Redevelopment Corporation-

Aldermen Kramer and Alderman Leahy were sitting on that corporation and they are no longer Aldermen. With the Boards approval Alderwoman Sims was appointed to fill one of those vacancies in February. Mayor Dimmitt is asking for Board approval to appoint Alderman Gould to fill the second vacancy.

There are also two resident vacancies and Mayor Dimmitt would like to appoint Tony Ponder and Jack Shelton to fill those vacancies. All their background information has been received.

Mayor Dimmitt asked if there was any objection to doing all three of these appointments at one time.

Motion to approve all appointments to the Brentwood Redevelopment Corporation
Motion by Alderwoman Sims, second by Alderwoman Tice.

Motion passed

Yea: Alderwoman Pat Ebeling, Alderman Jeff Gould, Alderman Steve Lochmoeller, Alderwoman Kathy O'Neill, Alderwoman Nancy Parker Tice, Alderman David Plufka, Alderwoman Sunny Sims, Alderman Brandon Wegge

B. Brentwood Library Board-

Mayor Dimmitt would like to appoint Kelsey Burkemper to the Library Board. She comes highly recommended by the Library Board itself and her background information has been received.

Motion to appoint Kelsey Burkemper to the Library Board

Motion by Alderwoman Pat Ebeling, second by Alderwoman Kathy O'Neill

Motion passed

Yea: Alderwoman Pat Ebeling, Alderman Jeff Gould, Alderman Steve Lochmoeller, Alderwoman Kathy O'Neill, Alderwoman Nancy Parker Tice, Alderman David Plufka, Alderwoman Sunny Sims, Alderman Brandon Wegge

7. MAYOR AND ALDERMAN REPORTS

A. Mayor David A. Dimmitt –

Mayor Dimmitt read a letter that he wrote and sent to the St. Louis County Covid Oversight Committee regarding the distribution of funds issued to St. Louis County under the Cares Act. Mayor Dimmitt also stated he has a meeting with Lisa Clancy on August 18th to discuss the need for some of those funds to be issued to Brentwood. He encouraged the members of the Council to reach out to Lisa Clancy and Sam Page in support of this.

B. Alderwoman Patricia Ebeling – Ward 4

No Report

C. Alderman Jeff Gould – Ward 3

No Report

D. Alderman Steve Lochmoeller – Ward 3

Public Safety Meeting will meet virtually August 26th at 5:30

E. Alderwoman Kathy O'Neill – Ward 4

No Report

F. Alderman David Plufka – Ward 1

No report but he is curious if any of the other constituent cities within District 5 sent similar letters to Ms. Clancy. Mayor Dimmitt said he has a meeting with several Mayors in District 5 to try and figure out how to get the Council to release the money.

G. Alderwoman Sunny Sims – Ward 2

Ways and Means meeting will meet August 20th at 5:30

H. Alderwoman Nancy Parker Tice – Ward 1

No Report

I. Alderman Brandon Wegge – Ward 2

No Report

8. CITY ADMINISTRATOR'S REPORT

A. Report from Kerber, Eck & Braeckel LP – Independent review of expenditures of proceeds of the 2018 Series Certificates of Participation

Courtney Cannon a Senior Accountant is here to speak on that, in place of Gina Cochran. Regarding the 2018 Certificates of Participation request number 46 through 53 which include 106 invoices totaling \$2,354,092.05.

- Signed contracts were reviewed, no exceptions noted.
- Examined invoices to determine if City of Brentwood policy and internal controls were followed, three exceptions were noted in which the capital forms for a \$4,857.40 invoice from Creative Entourage. A \$4,882.04 invoice from Stone Strength Systems, LLC and a \$9,140 from Davey Tree Co. were signed by Karen Shaw as the Finance Director but did not indicate approval by the Department Director or the City Administrator, however check request authorization forms were properly completed and approved for all three invoices and all invoices paid by the bank trustee are placed on a warrant list prepared by the finance director, reviewed by the City Administrator and placed on the Board of Aldermen meeting agenda for approval prior to payment.

One additional exception was noted in which the amount of a \$24,693.70 invoice from Armstrong Teasdale was incorrectly stated on the check request authorization form on the warrant list and on the written request for disbursement form as \$27,318.85 which resulted in a \$2,625.15 overpayment to Armstrong Teasdale. The subsequent invoice #2528070 a credit was applied to the balance due for the \$2,625.15 overpayment bringing charges in line with actual billings.

- Invoices are examined for proper payments allowed by the official statement of the Certificate of Participation. Comparing all 106 invoices to the official statement of the Certificate of Participation for allowability no exceptions noted.

That concluded the information prepared and she stated she is available for any questions. Mayor Dimmitt asked if anyone had any questions and they did not.

B. Covid-19 revenue and expenditure projections

- Karen Shaw will provide information regarding this, starting with August memo which is a sales tax update through what was received last week in the bank. While we may be comparing to last year's budget this time it may not be anywhere near that but we are on budget and that can be attributed to when Bola and I worked on the budget last year we made a determination after speaking with the management team to keep revenues particularly sales tax either flat or a very little growth. In doing so it helped us this year since Covid-19 hit us, had it not we would probably be ahead of the game.
- Regarding the Economic Development Sales Tax, we've received 1.3 million dollars and the \$514,000 interest payment was capitalized out of the bond proceeds. So, there is about a 1.2-million-dollar payment left to make this year and we've already got the money to pay that out of the 1.3 million dollars.
- The Department Heads were asked to consider what they would like to see being released in cost containment savings that they gave up or mentioned earlier in the year. They were asked to prioritize what they felt was most needed. Karen's recommendation is to not release all the cost containments tonight.

Bola stated that in talking to the department heads most of them would agree there are items in the capital improvement budget they would like to proceed with. She would start with the Fire Dept. Chief Kurten would like to purchase a new ambulance and interest rates are low so this would be a great time to do it. We have budgeted approximately \$135,000 and that is now closer to \$117,000. He would also present that to the Public Safety Committee and Ways and Means before moving forward. We have started the renovation on the Fire House to bring it into compliance for the ADA. We would like to complete that this year but it's not imperative to release those funds tonight. We could come back in October and have the Board release those funds. In IT there are badge access cameras at public works, disaster recovery planning and speaking with Larry Cawvey he requests that the Board release all those funds. Planning and Development has \$21,000 that is for the ongoing subscription for the modules for building permit department, so those funds should be released so that the subscription payment can be made. Lastly with Public Works when considering what can be released, Bola feels the mill and overlay of the asphalt streets and the concrete slab replacements are important to move forward with so that we can get those out of the way because Dan has other mill and overlay projects he would like to bring before the board for the 21 fiscal year. There are two vehicles that need to be replaced one for Public Works Dept and one for the Storm Water and Parks Improvement. That is the only item Eric is asking to be replaced. Across the board there has been savings on personnel because we have deferred the filling of these vacant positions, except for Police and Fire. The Police Dept under the general fund they offered up the purchase of ammunition, which they need, that falls under supplies. Bola would ask the Board to consider those as well. She would start there and see what the Board desires to do. Mayor Dimmitt says in his opinion it is a little cumbersome because there are so many items in front of us, would it be best to kick this over to Alderwoman Sims for the Ways and Means Committee to look at. The next Ways and Means meeting would be Thursday August 20th. Alderwoman Sims stated that was her initial thought as well and if there is no immediacy between now and the next Alderman meeting then she would agree. Alderwoman Sims agrees with Karen that we should proceed cautiously and would like the opportunity to work through each of them and weigh the necessity. Alderwoman Sims asked Bola if these were things that could be taken up at the next Ways and Means meeting which Bola stated yes it was good timing. Karen wanted to make sure Chief Kurten spoke because he was trying to prepare for the September board meeting for the lease proposal on the ambulance. Chief Kurten said he would have updated numbers this Friday and he would be happy to present to Ways and Means Thursday and he planned to present to Public Safety next week. Karen stated that Chief Kurten and Asst. Chief Cottrell got more than one quote and Commerce gave a half or more than half better rate than the other bid.

Alderman Wegge said a simpler approach instead of the Board determining what the priorities are we should rely on the Department heads and Bola to let us know what the priorities are, and the Board can give general guidance. Since the Board has already agreed to everything that is in the budget maybe take 50% of the budget restrictions off, would that simplify it. Bola stated that is what she was thinking, and he articulated it perfectly. She said she thinks we can do that and that it's simpler but at the same time she feels that it's important that the Board knows what item they will be going forward with so we can present that at the Ways and Means Meeting rather than going through every item like a summary.

Alderman Lochmoeller asked Karen regarding the schedule for the economic development sales tax. Looking at the last column the amounts, that even during the height of the pandemic we took in quite a bit and asked was that representative of retail sales during that period or is there a lag on getting some of these dollars

caught up from retailers. Karen said she will refer this question to Dan Cook. Dan stated that there is a little bit of a delay and that's what this chart shows. If you look at the first month January it's showing that the return was filed in February and then processed by the Department of Revenue during the month of February and the actual distribution to the City would take place in the first 10 days of March. So, there is a delay depending on when the dollars are spent anywhere from 30-60 days between the time the money is spent at the retailer and the time the City sees the dollars from the Department of Revenue. Normally sales tax returns are due on the 20th of the month except for quarters, then it's not due until the 30th. So, it's possible to get a delay on those quarters end that would increase some spillover to the next month. He said there has been some healthy spending despite the pandemic and Karen agreed 100%.

Alderman Plufka said because of that delay in the reporting process its really going to take until the first quarter of 2021 when we have an entire year of collection to know whether we're truly 30% down as it suggests in some of these year to date forms. And there won't be a holiday season at all this year because the tax wasn't in effect.

Mayor Dimmitt said with that in mind we'll kick this over to Thursday for the Ways and Means Committee to take up however they want to whether it's releasing 50% or 25% or if it's by project it will be up to them.

C. Brentwood Bound Update

Craig with Navigate Building Solutions has a few project updates, the demo bid package two construction is still underway. They are currently working on the buildings on Breckenridge Industrial Ct. Hopes the board members are watching the site camera that is on the Brentwood Bound website to see the demolition in action. The camera will be move around, the contractor will be moving over to the buildings in Norm West Park in the next two weeks. And that will be the final set of buildings for this bid package.

Next is flood mitigation phase one, the City received bids on July 30th and the recommended low bidder is over 2 million dollars less than budget. With the Boards approval tonight construction can be started immediately after that contract is approved. Next is the material testing services, Brentwood is currently seeking qualifications from a material testing firm, the RFQ was issued on August 5th proposals are due on August 26th and we anticipate bringing a recommendation to the Board at the September 21st meeting. Material testing is when an independent firm does checks to make sure the concrete is in compliance, checks compaction to make sure that the materials that are being utilized for the Brentwood Bound improvements do meet the specifications and code requirements.

Next is flood mitigation phase two, Jacobs will be issuing the 60% drawings on August 31st. The Deer Creek Greenway Connector 60% drawings were issued last Friday and are being printed and distributed this week and we'll put those plans on the Brentwood Bound website. Craig then went over the financial update and it is a new template that Alderwoman Tice put together.

D. Temporary outdoor seating at Brentwood Square – First Watch

Lisa Koerkenmeier said in the first part of August the Brentwood Square Property Manager/Pace Properties inquired about what they could do, if there was any potential to have outdoor seating with First Watch Restaurant and this request is really in order for the restaurant to be able to comply with Covid-19 seating restrictions. This type of request fits in well with Ordinance 4919 that was adopted a few months ago. The Planning & Development Dept and the Fire Dept looked at the request from First Watch and after that review we recommended to the City Administrator that this request be approved. The

seating will be located on the East side of the building. The conditions are how many tables and chairs they can have out there and that everything must be anchored and lastly that this temporary zoning permit for outdoor seating is good for 90 days but that they could inquire about an extension. Board approval is not necessary on this request. Alderman Plufka said he noticed 2 handicapped parking spots were taken up with this new seating, were those just moved temporarily to somewhere adjacent. Lisa said they would be out on the plaza area and she would have to go look and see if someone put them in the handicapped spots because that's not where they should be. Alderwoman Tice said she was there today, and all the tables were bolted down in on the sidewalk area and none were in the parking lot.

9. CONSENT AGENDA

A. Standing Committees Reports

B. Warrant List – 2020 Expenditures from 2018 Series Certificates of Participation proceeds (COPs)

C. Warrant List – 2020 Operating Funds Expenditures

D. Resolution No. 1229 – A resolution authorizing an agreement with SSM Executive Health and The City of Brentwood, Missouri for professional services related to annual firefighter wellness and fitness medical evaluations.

E. Resolution No. 1230 – A resolution authorizing an agreement with Spire Missouri, Inc., for facility relocation and adjustment agreement in association with the Brentwood Bound Civic Improvement Project.

F. Resolution No. 1231 – A resolution authorizing an agreement with PGAV, for professional services.

G. Resolution No. 1232 – A resolution approving an agreement between The City of Brentwood, Missouri and Planning Design Studio to perform on-call landscape architecture services.

H. Resolution No. 1233 – A resolution approving an agreement between The City of Brentwood, Missouri and Christner Inc. to perform on-call landscape architecture services.

I. See Under New Business

J. Resolution No. 1235 – A resolution approving an agreement between The City of Brentwood, Missouri and Zumwalt Corporation to replace garage doors at City Hall

K. Resolution No. 1236 – A resolution authorizing an agreement with The Metropolitan Sewer District (MSD) for standard sewer maintenance agreement in association with The Brentwood Bound Civic Improvement Project

Alderman Wegge would like to request that item I Resolution No. 1234 be pulled off the consent agenda, and the only reason why is because it is an 18 million dollar purchase order and that would be the largest in Brentwood history and just doesn't seem right to go on the consent agenda. Mayor Dimmitt said that would not be a problem and would be removed from the consent agenda.

Mayor Dimmitt said everyone has the remaining items listed on the consent agenda, so he isn't going to go through each one since there are so many. Mayor Dimmitt would entertain a motion then to approve the consent agenda as amended by removing Item I Resolution No. 1234.

Motion by Alderwoman Tice, second by Alderwoman O'Neill

Motion passed

Yea: Alderwoman Pat Ebeling, Alderman Jeff Gould, Alderman Steve Lochmoeller, Alderwoman Kathy O'Neill, Alderwoman Nancy Parker Tice, Alderman David Plufka, Alderwoman Sunny Sims, Alderman Brandon Wegge

10. OLD BUSINESS

A. Bill No. 6296 – An ordinance amending Chapter 500. Buildings and Building Regulations to add a new section Article XVII. Infill Development Storm Water Management

Request by Mayor Dimmitt for 2nd reading of Bill No. 6296 by title only.

The second and final reading of Bill No. 6296 was read by title only by Attorney O'Keefe

Motion to perfect Bill No. 6296 into ordinance form

Motion by Alderman Lochmoeller, second by Alderwoman Tice

Motion passed

Yea: Alderwoman Pat Ebeling, Alderman Jeff Gould, Alderman Steve Lochmoeller, Alderwoman Kathy O'Neill, Alderwoman Nancy Parker Tice, Alderman David Plufka, Alderwoman Sunny Sims, Alderman Brandon Wegge

Attorney O'Keefe said this was not the second reading of the bill. It was on as old business because it had been discussed before but the bill was not previously introduced. So, it was a first reading and it is with the staff recommendation. Will come back for the second reading the first meeting in September.

Mayor Dimmitt asked if there were any questions on this and Alderman Wegge asked if we would wait until 2021 for this to go into effect if it's passed in September. Lisa stated that it would be enacted as soon as it passes.

11. NEW BUSINESS

A. Bill No. 6297 – An Ordinance of The City of Brentwood, Missouri, Authorizing and Directing the submission of a ballot proposition to the qualified voters of The City of Brentwood, Missouri, to consider imposing a local use tax at the same rate as the local sales tax of The City of Brentwood, Missouri, for purchases from out-of-state vendors that exceed Two Thousand Dollars.

Request by Mayor Dimmitt for 1st reading of Bill No. 6296 by title only

The first reading of Bill No. 6297 was read by title only by Attorney O'Keefe

Bola stated they would like to put this issue on the November ballot, it is a use tax so that our brick and mortar stores have a level playing field with the online retailers. There are several neighboring municipalities have had their voters pass this and has been in effect for several years now. Shoppers will not have to pay both taxes, if the local tax is paid then the use tax is not collected. If passed the Board will have 45 days to decide how the tax is calculated whether it is similar to a capital improvement tax which is an 85% / 15% ratio and that is what she is recommending. The County Board of Elections said the cost for putting this on the ballot would range from \$3,800 to \$11,000. The last time Brentwood put an item on the November ballot it came close to \$6,000. Mayor Dimmitt said the last time Brentwood put this on the ballot there was not much of an effort made to educate the citizens on it.

Mayor Dimmitt said he encourages the Board to put this on the November ballot and is asking for a first and second reading because it would have to be passed this month in order to get it on the November ballot.

Alderman Plufka asked if they have spoken to any of the surrounding municipalities to identify any resources or spokesperson who would be able to help educate citizens to help the voters better understand. Bola said that the Board of Alderman did that a couple of meetings ago with the approval of a contract with Creative Entourage and Rod with Creative Entourage is here and he said they have started that effort. Alderwoman O'Neill said she had read other cities that have had success in getting this passed was because they used the phrase "Internet Use Tax" which helped people understand that it wasn't just another tax. Is it possible to look into using that phrase in the education process? City Attorney Kevin O'Keefe he won't speak to using that phrase in educational materials but the wording on the ballot is substantially fixed.

Mayor Dimmitt asked to get a motion for a 2nd reading.
Motion by Alderwoman Ebeling, second by Alderwoman Tice
Motion passed

Yea: Alderwoman Pat Ebeling, Alderman Jeff Gould, Alderman Steve Lochmoeller, Alderwoman Kathy O'Neill, Alderwoman Nancy Parker Tice, Alderman David Plufka, Alderwoman Sunny Sims, Alderman Brandon Wegge

The second reading of Bill No. 6297 was read by title only by Attorney O'Keefe

Motion to perfect Bill No. 6297 into ordinance form
Motion by Alderwoman Ebeling, second by Alderman Plufka
Motion passed

Yea: Alderwoman Pat Ebeling, Alderman Jeff Gould, Alderman Steve Lochmoeller, Alderwoman Kathy O'Neill, Alderwoman Nancy Parker Tice, Alderman David Plufka, Alderwoman Sunny Sims, Alderman Brandon Wegge
Bill No. 6297 becomes Ordinance No. 4933

Resolution No. 1234 – A resolution approving an agreement between The City of Brentwood, Missouri and L. Keeley Construction to perform construction services for Brentwood Bound Deer Creek Flood Mitigation Phase 1

Craig with Navigate said the City received bids on July 30th for the flood mitigation phase 1. We received 7 bids and there were 2 that were very close. Which is a good sign that bidders are understanding the drawings. City staff interviewed the low bidders and worked with MSD to make sure they approved of the bidder. It was presented at the Public Works Meeting last Thursday and it passed. Craig said they are hoping for a first and second reading tonight so that construction can get underway because this project will take 700 days.

Motion to approve Resolution No. 1234
Motion by Alderman Wegge, second by Alderman Lochmoeller
Motion passed

Yea: Alderwoman Pat Ebeling, Alderman Jeff Gould, Alderman Steve Lochmoeller, Alderwoman Kathy O'Neill, Alderwoman Nancy Parker Tice, Alderman David Plufka, Alderwoman Sunny Sims, Alderman Brandon Wegge

12. CITIZEN COMMENTS

None

13. CLOSED SESSION

A. Legal - RSMo 610.021 (1)

Motion to go into closed session pursuant to Legal RSMo 610.021 sub-section three

Motion by Alderwoman O'Neill, second by Alderwoman Sims

Motion passed

Yea: Alderwoman Pat Ebeling, Alderman Jeff Gould, Alderman Steve Lochmoeller, Alderwoman Nancy Parker Tice, Alderwoman O'Neill, Alderman David Plufka, Alderwoman Sunny Sims, Alderman Brandon Wegge

Mayor Dimmitt said it would not take very long and would adjourn the regular meeting from the closed session