

**CITY OF BRENTWOOD, MISSOURI  
BOARD OF ALDERMAN REGULAR MEETING  
NOVEMBER 19, 2012**

**MEETING CALLED TO ORDER**

Mayor Pat Kelly called the regular meeting to order at 7:00pm, in the Council Room at Brentwood City Hall located at 2348 S. Brentwood Blvd., Brentwood, MO 63144, and immediately led the Pledge of Allegiance.

**Roll Call**

Deputy Clerk Pittman performed roll:

Alderwoman Saunders	Present	Alderman Robertson	Present
Alderwoman Manestar	Present	Alderman Wynn	Present
Alderman Leahy	Present	Alderman Harper	Present
Alderman Toohey	Present	Mayor Kelly	Present
Alderman Kramer	Present		

Members present constituted a quorum. Also present were City Clerk/Administrator Bola Akande, City Attorney Frank Albrecht, and Deputy City Clerk Octavia Pittman.

**APPROVAL OF AGENDA**

**Board of Aldermen Regular Meeting Agenda November 19, 2012.**

Alderman Leahy made a motion to bring Bill #5701 back on the next Board of Aldermen Meeting agenda (12/3/12). Motion seconded by Alderman Kramer. Alderman Leahy announced that he inadvertently removed the bill at the last meeting; his intent was to postpone it. Alderwoman Saunders questioned the version of the employee manual; she stated that she wanted to make sure we are including the revisions that were made in 2007. **VOICE VOTE TAKEN; 6 – yes; Saunders – no; MOTION PASSED.**

Motion was made by Alderman Leahy, seconded by Alderman Robertson, to approve the November 19<sup>th</sup> agenda. Alderwoman Saunders stated it would be more appropriate to discuss the municipal revenue reimbursement and other policies on the agenda before we consider adopting the budget. A brief discussion was held the motion was withdrawn.

Alderwoman Saunders made a motion to move agenda items 10.F.i, ii, iii, and iv up to item 7.A. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

After announced the request for staggered readings of the budget to allow for transparency, Alderwoman Saunders made a motion to have the 1<sup>st</sup> reading of Bill #5714 tonight; the final reading will take place at the 12/3 meeting. Motion seconded by Alderman Harper. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – no; Alderman Robertson – no; Alderman Wynn – no; Alderman Harper – yes; **MOTION PASSED.**

Alderman Leahy made a motion to approve the agenda as amended. Motion seconded by Alderwoman Manestar. Unanimous vote in favor taken; **MOTION PASSED.**

**CONSIDERATION AND APPROVAL OF THE MINUTES**

**Board of Alderman Regular Meeting Minutes November 5, 2012**

Alderwoman Saunders stated her correction on page 12; her apology was offered to Jim Lahay (Stifel Nicholas). Alderman Leahy made a motion to approve the minutes as amended. Motion seconded by Alderwoman Manestar. Unanimous vote in favor taken; **MOTION PASSED.**

### **PUBLIC HEARING**

#### **Shall The Proposed Budget Of The Fiscal Year Commencing January 1, 2013 And Concluding December 31, 2013 Be Adopted?**

Administrator Akande presented a balanced FY13 budget that, as announced, was a collaborative effort between the departments' needs and requests from the Board of Aldermen. It was also announced that the budget shall be prepared under the direction of the Ways & Means Committee, they have met 3 times with over 9 hours of deliberation; and it is required to be adopted by the 1<sup>st</sup> meeting in December.

Total projected revenues are \$17,503,495 and total expenditures are projected as \$17,058,991; maintaining the current level of service, making capital improvements and investments of infrastructure, and replacing equipment and vehicles that have come to the end of their useful life without making use of the reserves. As indicated last year, the city does not have a formal fund balance policy; a policy was presented in hopes to have in place by next year. Staff has modeled in the budget, the ability to use unanticipated one time revenue surplus amounts to start to build reserves; 29% within 5 years (\$3,498,236), 50% in the park and storm water by the end of the year; we will also work towards achieving this in the capital improvement fund.

FY13 goals

- No residential property tax rate and no debt service tax; the general obligation bond is paid off
- Maintain and continue high quality of services.

City Funds

- General fund – the largest and includes compensation and employee benefits (59.68%) and general expenses (utilities, fuel, supplies, insurance and contractual expenses; also all departments with the exception of parks & recreation and sewer lateral).
- Capital Improvement – funded by the ½¢ capital sales tax includes capital equipment purchases (vehicles, computers), repairs to city buildings, other projects (streets, sidewalks, buildings), and payment of debt service for COP.
- Stormwater & Park Improvements – funded by ½¢ park & stormwater sales tax provides operating expenses for parks and recreation including stormwater expense, personnel and park capital equipment projects.
- Sewer Lateral Improvements – funded by the sewer lateral assessment fee, is responsible for expenses related to sewer lateral repair – Board of Aldermen approved a \$10 increase last month.

General Fund Revenues;

- 54% comes from sales tax; it is proposed to grow by 3% of FY12 estimates
- occupational licenses will increase by .7%
- building permits related to construction will increase by 47%, primarily based on Drury Hotel development and restaurant and the commercial building at White & Brentwood.
- some increase in recreational related expenses primarily due to room rental increases by \$5; overall there are reductions in revenues related to different recreational programs.
- modest increases in electricity taxes with the warmer summer, but there also seems to be a trade off with the milder winter.

Capital Improvement Fund

- 20% increase is projected due to increased sales tax revenues, federal grant 80% contribution to the Brentwood Pedestrian Transit project, the Rose Ave Project and the Litzsinger Road Project

## Regular Board of Alderman Meeting November 19, 2012

- We hope to receive some revenue from the sale of the reserve pumper and surplus furniture items from the old fire house.

### Stormwater & Park Improvement

- 47% increase due to MSD grant to help with the clearance and preparation of 2.31 acres of Executive Walk Apts.
- now includes: the Annual Maddenfest from community services in general fund. We collect \$8,000 in revenue but total cost is \$65,000; the annual golf tournament (\$24,000) from community services department if the Board decides to move forward with planning this event; and the memorial tree/bench program, initiated to allow residents to honor their loved ones.

### Sewer Lateral Fund

- revenues are derived from residents annual assessment which the board approved an increase to \$50 per household in October.

### Sales tax revenue: (Total 2.50%)

- General Fund Local Sales Tax, 1% - the city keeps 28% and shares 72% with other municipalities that are not considered point of sale
- Local Option Sales Tax (GF) .25% - the city keeps 87.5% and shares 12.5%
- Capital Improvements Sales Tax; .50%, - the city keeps 85% and shares 15%
- Parks & Storms Sales Tax; .500% - the city keeps 100%
- Fire Sales Tax; .25% - the city keeps 100%

Administrator Akande explained the fluctuations of the assessed valuation, the total revenue summary and future revenue projections; Brentwood Square TIF Bonds are expected to be paid off in May 2014 and Brentwood Pointe TIF Bonds are expected to be paid off November 2014.

### Expenditures

A breakdown of expenditures was provided by department, she also announced:

- General Fund – includes 3% merit increase proposed for employees based on performance, Health care and dental insurance premiums have increased by 3.5%, FY13 there will be 2 competitive hiring process; fire department and parks and recreation, mosquito fogging proposal as requested by a neighboring community (\$21,450 which includes administrative costs and equipment replacement), there was no proposal for increased authorized manpower; total personnel for FY12 is 115.
- Stormwater & Park Improvement – includes the memorial tree/bench program, \$75,000 for stormwater expenses requested by the Redevelopment Corp and the MSD grant for Executive Walk Apt, replacement of computers and monitors, a bunker cart for park maintenance, a ¾ton pickup truck for park maintenance, replacement of Magic Bus (if grant awarded), new signage in trails and parks, ADA repairs throughout the parks, dashed system and overlay of in-line roller rink, resurface tennis courts at Hanley Park and laser level ballfields at Brentwood Park
- Capital improvement budget – in comparison to estimated year end and FY13 budget there is a difference of about \$381,000.
  - City wide, it includes an upgrade of financial system, plan review software, misc repairs to city buildings, equipment, furniture and replacement of obsolete computers, remodeling court department related to ADA compliance, replacement of computer aided dispatch system in police department, 10 new patrol rifles, upgrades in flashlights and sights
  - Fire department, includes upgrades to emergency reporting software, lease purchase of a heavy duty rescue pumper and related equipment, 2 sets of turnout gear, bailout escape hardware and related training and maintenance and care for turnout gear, shelving in basement storage, equipment repairs & performance maintenance for heart monitor and gas detector
  - Public Work, includes the replacement of equipment and vehicles, replacement of stop signs, speed limit signs and posts, replacement of mosquito fogger.

- Streets & Sidewalks, includes spot mill, asphalt, and crack seal materials, misc street and sidewalk repairs and the purchase of recycle carts, bins, and trash dumpsters

Mayor Kelly thanked staff and Ways & Means, he also pointed out his belief that the city is in a good situation with a balanced budget and a plan in place to increase reserves over the next few years unlike many other communities.

**Matt Saunders 2326 Parkridge** commented in regards to citizens being at the top of the flow chart; this is our business, our company and these people work for us. He questioned how much revenue comes from small businesses and larger chains; with upcoming healthcare mandates he wonders if our smaller businesses are healthy enough to sustain. He questioned the goal to maintain a 50% margin, it doesn't appear that the city is working hard enough to build the fund back up when it fell below the 25% as mentioned in the plan. He commented that raises may not be appropriate right now; paying employees attendance bonuses to show up to work in the amount of \$23,000; and he couldn't figure out the city's plans for funds from the Brentwood Square series. Lastly he commented that gentlemen aldermen should be careful of their facial tones and the noticeable difference in treatment to men and women at the podium.

**Julie Pozzo St. Clair** read a statement on behalf of Mark and Laura Wilson on Hatton Lane that were unable to attend, it was in regards to the Board of Aldermen working together to ensure the budget is fiscally sound by considering a compensation survey before distributing salary increase and addressing the general fund reserve shortage.

**Karen Smith Harrison** announced her attendance to Ways & Means meetings; there were many suggestions made to modify the budget for different allocations; paying down debt, several department's new programs to improve services, and dangerously low reserves. She questioned why a loan was taken out in regards to missing Meridian funds instead of using reserves and she is not clear if general reserves is tied up in CDs and how or why we should use reserve funds. Lastly she questioned the process for approving the budget, there was no consideration given to the suggestions given. She commented that she doesn't agree with statements that the city is fiscally sound.

**Sherman Lee Pine Ave** questioned the reserve account, if we have received a CPA opinion. He questioned the recent history of staff raises and alternatives to attendance bonuses.

**Todd Ingersoll St. Clair Ave** questioned the legislative computer line item; he asked if the need could be stated.

Mayor Kelly closed the public hearing. He commented, with respect to the debt, that the city just made the last payment to the street bond issue of the 80s and park bond issue of the 90s. Over the years a significant amount was paid from general revenue instead assessing the full amount to residents. With respect to equipment replacement, many capital expenditures are put into 1-5 year plans; for instance the fire truck purchase has been planned for a while. The last one was purchased more than 10 years ago; we generally get more than 20 years of useful life as the current truck will be placed on reserve status for 10 more years. He explained that this process also applies to street repair; a survey was done last year to use a guide for priority repair. With respect to attendance bonuses; he explained that it was put in place because it costs more to pay employees (especially in public safety) to fill slots when people are sick. He replied that raises were 1% last year. And in regards to reserves, the policy referenced has not yet been adopted but we would like to use it as a guideline going forward. Every year the board talks about making efforts to increase reserves. When the Brentwood TIF is paid off, the city should receive about \$825,000 and that will be added to reserves. He commented that the city has always operated without a huge reserves; he does not want to tax residents just so the city

can put money in the bank, the city has income coming in throughout the year from sales taxes from a diverse business base. He replied that he is unsure of the cost to provide the Ipads for the board of aldermen but this also includes the monthly service cost. He added that all of the city's funds are in a market account and are available if they are needed.

Alderman Leahy clarified that a motion was made at the Ways & Means meeting in regards to a letter he submitted with possible budget cuts but it did not received any support and therefore the discussion was not held.

Alderwoman Saunders stated her thoughts that the 25% minimum for reserves should be rule of thumb; that is what we are anticipating to adopt but have not yet. She state her concerns with the \$1.2 million level last year and the occurrence of embezzlement and legal suit that caused us to dip into the reserves that brought us to \$400,000; there could easily be another emergency and that's why you need the reserves so that we don't have to look for the money. She questioned why the reserves are so low with comments of having 5% reduction in sales; did we spend every dime? She restated her comment that she does not believe in being punitive, in regards to attendance pay; they should be grandfathered in for employees currently receiving unless there is an emergency.

Alderman Toohey stated his agreement that there is a general rule, but you have to look at the whole picture. He stated that his concern would be if we did not have access to other cash; in worse case, we can borrow from restricted funds and pay it back. A discussion was held and Alderwoman Saunders commented that we need to be ultra conservative with tax payer dollars. Mayor Kelly clarified that we have \$2.2million cash reserves in the bank and added that legal fees last year were \$400,000. Revenues were also reduced by the expectation to receive \$325,000 in 2011 that didn't come in until 2012.

Alderman Kramer commented, as W&M Chairman, that he understands residents concerns; going forward the city can explain things more thoroughly. After much work with the W&M, the only positive recommendation was for the budget only; it has been agreed that the reserve policy needs more review and we may be able to reach the 15%-17% reserve level as recommended by the Finance Director. In regards to the 3% merit increase, the actual expenditures will not be known until reviews have taken place; employees must earn it (up to 3%). There was also a salary survey recently submitted by the HR Manager that helps us to understand where our employees stand. He commented that there were proposals to consider in making changes to the budget, but it was agreed by some to not go back and take away employee benefits. Lastly, he stated the proposed computers for the Board will help save paper, but it requires a network service.

Alderwoman Saunders commented that the reserve level over the last 10 years (\$1.2million) was too low and increased spending at this time is not fiscally responsible. She stated her attempts to address the budget section by section to looks for areas to cut and in order to justify expenditures but Alderman Kramer said we had bigger issues to address; now that it's moved forward to this level, here is where the questions will be asked. Mayor Kelly replied that within the 10 period mentioned, we didn't increase reserves, but we didn't have any significant increases in revenue either.

#### **Brentwood Square TIF Reimbursement**

Mayor Kelly stated we have an opportunity now, with the pass through from the TIF to put the additional revenues, \$215,889.03 (higher than what we anticipated) in general revenue as recommended by Ways & Means. Alderman Leahy stated that he would like the board to seriously consider using the funds to pay down the bonds as done in other projects. In order to accomplish this, because we presented a budget using this money as part of the revenue stream for FY13, he presented a list of alternatives. It has been pointed out that the pay scales for elected officials, under state statute may not be changed until an election year. Mayor Kelly

clarified that this is additional revenue received this year; we were only anticipating \$300,xxx but we actually received \$500,xxx. A discussion was held regarding the previous uses, Mayor Kelly explained anticipated pass through processes and Alderwoman Saunders commented that Administrator Akande said the surplus was used to pay down the bonds from 2008-2010; Akande disagreed. Saunders stated her concern that Kramer previously stated he was not in favor of 3% merit raise but when he found out about the additional \$200,000 going to reserves, that he will then support the merit raise (Kramer agreed). Saunders stated we are then really spending it, we are better off either paying down the bonds because we know it will go to reserves then; if we put it in reserves it seems to get spent.

Alderman Kramer made a motion, based on the recommendation from Finance Director Jarvis on October 24<sup>th</sup> to take the remaining 2012 TIF reimbursement, (\$215,889.03) and place it into general fund reserves. Motion seconded by Alderman Wynn. Discussion continued and Kramer clarified that he didn't think the 2012 TIF reimbursement would result in this much possibility. He thought the only possible way to take some or all of the money to put it towards reserve; he was anguished about it but wants employees to feel they are valued and appreciated. Alderman Leahy stated he would like to vote no against the motion, not to be against putting things in reserve, but to get the bond paid off quicker; we get a better return on our investment in the long run. Mayor Kelly added if we use this to pay down the bonds, as with the additional money we used, it didn't shorten the length of the bond; it will save a little interest. Alderwoman Saunders commented that we would make considerably more interest and have more ending cash when the bond is paid off. **ROLL CALL:** Alderwoman Saunders – no; Alderwoman Manestar – no; Alderman Leahy – no; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – no; **Mayor Kelly – (TIE VOTE) yes; MOTION PASSED.**

#### **Brentwood/Eager TDD Update**

Mayor Kelly updated that this is the TDD being established for the Drury Project. Administrator Akande stated this would ordinarily be an administrative action that would be taken by Attorney Albrecht but they felt it was necessary to inform the Board of Aldermen that the city has received a petition. Attorney Albrecht added that we will be responding to individual allegations; the majority of the response will be that we know of no legal reason why the district could not be created. After questions from Alderwoman Saunders, Albrecht replied that the city is a necessary by virtue of interest being located in the district; he was unable to explain all of the technicalities of the TDD district but the city may have access to the documents depending on which documents are being requested. Mayor Kelly explained when a TDD is established, they become a corporation within the State. Under that statute they have certain abilities once approved by courts and that's what they are petitioning for. In the redevelopment agreement, we agreed to support. They are assessing a \$1 service charge for each room per night and will use that money to pay back the notes; they will establish their officers.

#### **Memorial Heritage Tree/Bench Program Policy**

Administrator Akande stated this is a reintroduction of the tree program, it allows residents who would like to remember their loved ones to plant trees in designated parks. There is also the bench program that offers the option of putting benches in designated parks. If residents opt to participate they would cover the cost; staff would install. The cost of trees are \$250 and benches are \$900. Alderman Leahy made a motion to approve this program. Motion seconded by Alderwoman Saunders. Unanimous vote in favor taken; **MOTION PASSED.**

#### **Mosquito Fogging Contract Services Policy**

Mayor Kelly stated that the city has been providing the fogging services for residents for 10 years. We have been approached by a neighboring community with request to provide this service to their resident (Richmond Heights). They will pay the city for providing this service, that cost would include staff salaries, materials and new equipment. A discussion was held

regarding opinions to assist neighboring communities and perhaps trading services; for instance, they have a leaf vacuum. Alderman Robertson made a motion to adopt the policy. Motion seconded by Alderman Wynn. Alderwoman Saunders asked if they can begin helping with leaf pickup now; Akande stated that their budget cycle begins July 1st. Saunders recalled Alderman Leahy's question of the city getting into the business of providing services to other communities, instead of focusing on our own residents. Alderman Leahy confirmed that he is not in favor of expanding services to other municipalities when we have programs that at times we have to contact out. It's understood that the cost and equipment are being covered and updated but it's not the best way for us to proceed. Alderman Toohey agreed with shared services; it may provide ways to save money. After questions by Alderwoman Saunders, Mayor Kelly added that someone has to open the door for further discussion. Director Nahmensen responded to questions that the current equipment is 10 years old; we have budgeted replacement in 2013 capital. The proposal to Richmond Heights includes funds to help replace the equipment sooner since it will be used twice as much. The propose model should be similar to current equipment; and staff can support the program. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – yes; **MOTION PASSED.**

**BIDS**

**None**

**HEARING OF ANY MATTER OF PUBLIC INTEREST UPON REQUEST OF ANY PERSON PRESENT**

**Matt Saunders 2326 Parkridge** commented that the economic times are too difficult to provide raises to employees; providing attendance bonuses to police and fire fighters is understandable. He asked, where is the concern for the reserve level; people want the reserves raised and we want it know.

**Susan Ryan** stated her belief that there may be a section in the code that references the ability to share services with other municipalities.

**Karen Smith Harrison,** questioned the TDD discussed earlier; who can explain the details for those with questions, it's her understanding that it should be a political subdivision not a corporation, there should have been a project list included with approval and when need to see if the funds can be used for crime prevention/security, and if the parking agreement is yet available. Lastly, she questioned employee benefits in the legislative budget.

**Denise Soebbing Porter,** stated her agreement with shared services and that it is worth investigating, but we may need to take care of our own community first. She also questioned the Ipads, they may be a great suggestion but it may be a waste of money; \$700,000 in legal fees, she requested an update of reimbursement from Seemayer bonds; and if compensation will be provided to the TDD officers?

**William Nolan York Dr** questioned Alderman Toohey's comments of the reserve increase being 1000%; if there are plans to move forward with the golf tournament (\$24,000) and suggested limiting the merit increase to 1% - 2% as 3% is excessive during these times.

**Todd Ingersoll St. Clair** stated that he has calculated the wireless costs for the legislative Ipads which came to \$3200; he feels costs should also be included in the line items.

**Randy Deelo 9134 Pine Ave** questioned if anyone has studied to see if Ipads will actually bring a savings in time and cost. He also offered comments regarding the attendance incentive

and suggested offering incentives for budget cut ideas to help increase reserves, the current reserve increase is 1% and that is not showing enough concern, and that he is not in favor of merit increases with today's economy.

**Sherman Lee Pine Ave** stated that the Ipads will save on paper and labor cost. He commented that if there is a high probability of expected increase in revenue 2013-2014 then it would be a good thing to consider merit increases but they must be earned. There is an opportunity cost to not providing increase; lower moral and turnover. He stated his belief that Brentwood is a great city to live in partly due to city workers.

Mayor Kelly closed public comment and offered responses. With respect to TDD, it is a sub-taxing district but is a corporation established through state statute; we also have not seen the final parking agreement yet; legislative benefits include social security, medicare and LAGERS. A code enforcement presentation will be conducted in hopes to explain that process; it often takes a while to get things accomplished when notice is given to property owners. With respect to Chris Seemayer, when it was settled through the courts, the city was reimbursed legal fees from his case and we were reimbursed the funds that he had taken from the city. The majority of legal fees last year were regarding the Meridian project; an agreement was reached through the courts, the legal fees were closer to \$400,000. If the city opts to have the golf tournament, the idea is that it will cover it's own costs. With respect to employees, they will receive an annual review, the raise will be based on their performance this year. In regards to TDD board of directors, state statute requires that they are property owners or representatives of that district.

Alderwoman Saunders questioned the comment of shared services; it's believed to not be included in the code. As requested, Mayor Kelly explained that an ordinance was established in the 60s to allow elected officials to be in state retirement plan, the same plan as other employees. Saunders commented that she refused. She also stated her intentions to meet with Alderman Harper and the attorney to see if there is another claim under the surety bonds.

Alderman Toohey responded that he is willing to explain his comments regarding the reserve percentage to the resident after the meeting. He also commented that reducing costs for raises has been discussed and can be looked into further next year. Lastly, he commented that he introduced the idea of Ipads and should have emphasized tablets as intended but alternates can be looked into for cost savings but there is an efficiency benefit.

### **INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS**

Alderman Leahy made for the 1<sup>st</sup> reading of Bill #5714 and the 1<sup>st</sup> & 2<sup>nd</sup> reading of Bill #5715. Motion seconded by Alderman Toohey. Unanimous vote in favor taken; **MOTION PASSED.**

#### **Bill #5714 – An Ordinance Adopting The Annual Budget For The City Of Brentwood For The Calendar Year 2013; And Providing For The Effective Date Of This Ordinance – 1<sup>st</sup> & 2<sup>nd</sup> Reading**

Attorney Albrecht read Bill #5714 by title only. Alderman Kramer provided the synopsis, "This Bill adopts the annual budget for the City's fiscal year which runs from January 1<sup>st</sup> through December 31<sup>st</sup>. The Ways and Means Committee has reviewed the budget and a motion was made for it to be forwarded in its entirety without the reserve policy to the Board of Aldermen. The Total revenue budget for all funds is \$17,503,495 and total expenditure budget is \$17,058,991".

A discussion was held regarding the intent to find ways to reduce cost for reserve savings and Alderman Leahy made a motion to amend the budget for merit increases not to exceed 1%. Motion seconded by Alderwoman Saunders. **ROLL CALL:** Alderwoman Saunders – yes;

Alderman Manestar – no; Alderman Leahy – yes; Alderman Toohey – no; Alderman Kramer – no; Alderman Robertson – no; Alderman Wynn – no; Alderman Harper – yes; **MOTION FAILED.**

Alderman Leahy made a motion to do an IRS reimbursement for actual miles driven instead of a \$350 car allowance to 2 personnel. **MOTION DIED DUE TO LACK OF SECOND.**

Alderman Leahy made a motion to change the per diem travel policy to actual cost incurred instead of advance payment. **MOTION DIED DUE TO LACK OF SECOND.**

Alderman Leahy made a motion to reduce the amount of take home cars allowing only the police chief and fire chief with a 150 mile travel radius of the city of Brentwood; other cars will remain at city hall for daily use. **MOTION DIED DUE TO LACK OF SECOND.**

A 5-minute recess was taken at 9:37pm. The meeting reconvened at 9:45pm. (Alderman Harper returned late)

As requested and in essence of time, the Board agreed to move up the Excise Commissioner's report.

**Excise Commissioner**

**Liquor License – Zhan Jun Li – Hunan Wok (2428 S. Brentwood Blvd)**

Commissioner Clements announced the reopening of Hunan Wok, under new ownership, and request to sale beer, wine and alcohol Monday thru Saturday and beer and wine on Sundays. Alderman Leahy made a motion to approve the liquor license for Hunan Wok. Motion seconded by Alderman Manestar. **ROLL CALL:** Alderman Saunders – yes; Alderman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – abstained; **MOTION PASSED.**

**Temporary Liquor License – Immerse by Atlas (836 Hanley Ind. Ct)**

Commissioner Clements announced the request for a temporary license for a Christmas party on December 14<sup>th</sup>; 6:00pm – 10:30pm. Alderman Leahy made a motion to approve the temporary liquor license for Immerse by Atlas. Motion seconded by Alderman Saunders. **ROLL CALL:** Alderman Saunders – yes; Alderman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – no; Alderman Harper – yes; **MOTION PASSED.**

**Temporary Liquor License – Andrew Leahy (2505 S. Brentwood Blvd)** (Alderman Leahy withdrew from the discussion)

Commissioner Clements announced the request from Andy Leahy for a temporary license for a family Christmas Party in the Brentwood recreation center on December 22<sup>nd</sup>; 3:00pm – 10:00pm. Alderman Saunders made a motion to approve the temporary liquor license for Andrew Leahy. Motion seconded by Alderman Robertson. **ROLL CALL:** Alderman Saunders – yes; Alderman Manestar – yes; Alderman Leahy – abstain; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – yes; **MOTION PASSED.**

Alderman Leahy continued with his requests. Leahy made a motion to remove the annual marketing campaign (\$35,000) from expenditures and suggested it be handled by the Brentwood Chamber of Commerce. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED.**

Alderman Leahy offered a suggestion to delay filling the position of Parks & Recreation Superintendent for the FY13. There were no additional comments.

*Alderman Harper exited the meeting.*

Alderman Leahy made a motion that to remove the charitable golf tournament from the FY13 budget. He suggested it be hosted by the Chamber of Commerce. Motion seconded by Alderwoman Saunders. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – no; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – absent; **MOTION PASSED.**

After questions of added positions being included, Administrator Akande replied that additional staff has not been included; needed corrections have been identified in the budget draft.

Alderman Leahy made a motion that the expense for the Ipads be deferred out of the FY13 budget. Motion seconded by Alderwoman Saunders. A discussion was held and Bud Schilling (IT) explained the cost estimates included and stated savings alternatives will be researched before the final purchase is made. The motion and second were withdrawn.

Alderwoman Saunders questioned Alderman Harper's sudden departure from the meeting; Administrator Akande stated she would not attempt to speak with him and no personnel action was taken that caused him to leave. Members agreed that he has the right to excuse himself from the meeting.

After questions of the debt service tax, Akande replied that we are still making payments on Certificates of Participation (COP).

Alderwoman Saunders questioned the need to removed the reserve policy until everyone has enough time to review and discuss. She also stated her preference to remove the organization chart in the legislative section. Alderman Kramer clarified that staff has made best efforts to reflect what is currently in the code. Alderwoman Saunders made a motion to remove the organization chart on page 61. Motion seconded by Alderwoman Manestar. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – no; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – no; Alderman Wynn – no; Alderman Harper – absent; **MOTION PASSED.**

Further review was conducted by Alderwomen Saunders and Manestar and discussions were held regarding:

- Fire Department Positions – Chief Jury stated that the Deputy Chief position does not exist. He also explained that Fire Captains are shift leaders, have particular roles and a promotional policy is in place and has been reviewed by McMahon Berger. Alderwoman Saunders stated that she would like to review the policy.
- ADA contract and if the new fire house is complaint – Administrator Akande stated the discovery of the unsigned contract had nothing to do with the state auditor. It was also announced that an elevator was not required because the 2<sup>nd</sup> floor is not opened to the public; it is only living quarters for firemen, and the fire department doors meet requirements.
- Educational Benefits – this existing policy is in the employee handbook; the benefit is used to encourage the workforce to obtain training for ongoing professional development and the benefit has job specific requirements.
- Legal (6170) – includes the prosecutor, all legal expenses, and is hoped to be sufficient for the Meridian suit; the code also defines the legal department.
- Retiree Benefits – never budgeted in the past; this helps for any that retire during the year.
- Misc Contractual – may need to pull invoices for better clarity (next meeting)
- Firemen Overtime & Training – increased for shared training officer, ongoing EMS training and fire academy programs and other materials
- Separate policy manuals for policy and fire – both have standard operation guidelines

## Regular Board of Alderman Meeting November 19, 2012

- Judicial overtime – decreased due to staff changes from 3 part time to 1 full time employee that earns comp-time
- Legislative Travel – Alderwoman Saunders made a motion to cut legislative travel to \$3500. Motion seconded by Alderwoman Manestar. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – no; Alderman Toohey – yes; Alderman Kramer – no; Alderman Robertson – no; Alderman Wynn – no; Alderman Harper – absent; **MOTION FAILED.**
- Elected Officials Salaries – Attorney Albrecht stated that the statute is clear, you cannot increase salaries within the current term but he is unsure of reductions. Saunders recalled previous comments of that compensation can be reduced at anytime during discussions of health care benefits. Alderman Wynn commented that it should be kept as it is, the salary is earned and was previously passed by election. Alderman Leahy referenced RSMo.79.270, any changes would be in violation (next meeting)
- Planning & Zoning Compensation - \$100 per regular meeting for 12 members; a survey will be done (next meeting)
- Workers Compensation – premiums are impacted by the severity and number of employees injured.
- Parks & Recreation – Capital Specification (\$75,000) is the rec. center architect
- Planning & Development Employee Benefits – expense increased due to filled vacancies from 2011 & 2012
- Misc contractual – were previously listed in MOE and have been separated for each department
- Revenues (4410) – court fines increased from the re-addition of the traffic officer
- Public Works Salary/Benefits – payroll taxes have been removed from MOE to each department
- Repairs & Maintenance - \$10,000 spent, budgeted for any ongoing maintenance
- Capital Improvement – Alderwoman Saunders asked to make sure that we do a RFP on the fire truck. Questions were also asked of why we will lease; the Finance Director has assured that we could do either, but the lease was recommended to spread out the funds.

Alderwoman Manestar offered comments of having 35 employees in the police department including all positions, leaving 18 officers that patrol the streets on a regular basis. She stated that the number of officers has not grown at the rate of commercial business. A discussion was held and Mayor Kelly recalled adding officers in the 90s at the onset of commercial development and again in 2005 with red light camera installations. Alderwoman Saunders stated her previous support of the 3 additional officers; if it is a necessity, this is the one time she is willing to dip into the reserves because safety is number one priority. After meeting with business owners, they spoke of increased visibility from off duty officers being used as a deterrent.

Saunders also commented in regards to the comprehensive plan and why additional funds weren't being requested for updates. Director Rottjakob responded that staff has suggested that in 2013, since there are a number of items that have already been accomplished, to work with P&Z to do an overview of what has been completed and what needs to be done. Alderwoman Saunders stated her request to discuss this further at the next meeting; it is a recorded document that says it should be updated every 5 years. A discussion was held and Mayor commented that it often comes down to funding.

**Bill #5715 – An Ordinance Authorizing The Mayor To Enter Into And Execute An Agreement Between The City Of Brentwood, Missouri And George L. Crawford And Associates d/b/a Crawford, Bunte, And Brammeier; And Providing For The Effective Date Of This Ordinance – 1<sup>st</sup> & 2<sup>nd</sup> Reading**

Attorney Albrecht read Bill #5715 by title only. Alderman Kramer provided the synopsis, "This Bill is for an ordinance authorizing the Mayor to enter into and execute an agreement with between the City of Brentwood and George L. Crawford and Associates d/b/a Crawford, Bunte, and Brammeier for Construction Engineering/Inspections Services for the final phase of the Brentwood Pedestrian & Transit Improvement Project (Hanley Industrial Court) Construction Phase. The project would involve working with a contractor on behalf of the County, assist with pre-construction conferences, perform periodic site inspections, prepare change orders, inspect construction materials, check shop drawings submitted by contractor, conduct construction test and inspection, be present during critical construction operations, work with City to do full time inspections and reporting and participate in final inspection. There was a motion by the Public Works Committee to move the bill forward to the Board of Aldermen for consideration. Typically the professional services work provided in this instance is between 10% - 15% of the construction cost (\$44,550 - \$66,825). Staff has successfully renegotiated the cost from approximately \$79,978 (which was initially submitted) to an hourly not to exceed fee of \$68,725.26". Attorney Albrecht read Bill #5715 by title only. Alderman Robertson made a motion to perfect Bill #5715 into ordinance form. Motion seconded by Alderman Wynn. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – absent; **MOTION PASSED.**  
***BILL #5715 IS HEREBY PASSED AND ORDINANCE #4388 IS ASSIGNED TO SAID BILL.***

**Resolution #986 – Deer Creek Watershed and RainScape Rewards Program**

Alderman Kramer provided the synopsis, "This resolution would allow both residential landowners and schools, churches, businesses and parks the opportunity to participate in a RainScape Rewards Program. This is a voluntary rebate program with \$200,000 in funds available to financially assist landowners wishing to RainScape their yards to improve stormwater management. RainScaping consists of a wide scope of sustainable landscaping choices that a landowner may voluntarily employ to improve stormwater management. 75% or \$150,000 of the funds will be reserved for residential landowners, and 25% or \$50,000 of the funds will be available for the second group of organizations mentioned. The maximum rebate will be \$2,000 per site. The first round of the RainScape Rewards Program will launch in January 2013. The City of Brentwood along with 11 other municipalities and many other active participants were part of the Deer Creek Watershed Alliance who worked on a Deer Creek Watershed Management Plan Summary that the City would also be adopting with this resolution. It basically says the city would refer to this Management Plan – a voluntary, educational guidance document designed to encourage the adoption of better stormwater management practices in the Deer Creek Watershed". Alderman Leahy made a motion to approved Resolution #986. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED.**

**ACCOUNTS AGAINST THE CITY**

Alderman Kramer made a motion to approve the warrant list in the amount of \$38,526.64. Motion seconded by Alderman Robertson. Alderwoman Saunders commented we have been spending a lot of money with McMahon Berger and asked if we will be able to stay within the estimated budget. Unanimous vote in favor taken; **MOTION PASSED.**

**REPORTS OF COMMITTEES AND DEPARTMENT HEADS;**

**Mayor Kelly** announced the member vacancy on the Board of Adjustment and Alderman Wynn made a motion to appoint Ben Hass. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

**Public Safety Committee** Alderman Wynn had no new report.

**Public Works Committee** Alderman Robertson had no new report.

**Director of Planning & Development,  
Code Enforcement Presentation** will be presented at the next meeting.

**8750 Manchester Road CID Annual Budget**

Director Rottjakob updated that the annual budget has been submitted as required by Missouri statute for informational purposes. Alderwoman Saunders questioned the amount of interest paid to date and the interest rate on the note. Rottjakob explained that the information was requested and she will check on the status. An investigation will also be done to see if they can help fund law enforcement.

**Ways and Means Committee** Alderman Kramer stated that the 11/21 meeting will be cancelled and the next meeting will be held in December. As requested, Alderwoman Saunders made a motion to postpone the 11/20 special board meeting until Tuesday, 11/27 at 6pm. Motion seconded by Alderwoman Saunders. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – absent; **MOTION PASSED.**

**City Attorney** had no new report.

**City Clerk/Administrator** had no new report.

**Library,** Alderman Wynn had no new report.

**Municipal League,** Mayor Kelly had no new report.

**Communication,** Alderman Kramer had no new report.

**Historical Society,** Alderman Wynn announced the success of the fundraiser event.

**UNFINISHED BUSINESS**

**None**

**NEW BUSINESS**

Alderman Kramer offered a comment in regards to a comment made that by doing the budget in one night makes the process less transparent. He clarified that we always tried to be very transparent by including more time for the public to comment; we haven't tried to keep anything under wraps. Alderwoman Saunders replied that her comments were misunderstood, we have added to it by allowing additional time for comments.

**PUBLIC COMMENTS – Hearing Of Any Matter Of Public Interest Upon Request Of Any Person Present**

**Karen Smith Harrison** questioned if the entire \$700,000 were not used for legal, where did the remaining \$300,000 go. She asked if the reimbursed legal fees were applied to reserves and commented that she has seen legal fees for Meridian on the warrant list, so there are still others. Lastly, she questioned how pension benefits are listed if elected officials aren't employees.

**Matt Saunders Parkridge** advised that some time could have been avoided if we had a variance column in the budget. He also asked that the board watch tonight's video; he stated that members should act like that want to be present.

Mayor Kelly recalled that legal fees were around \$400,000. Saunders added that we also had increase health care premiums and unemployment benefits. Mayor also responded that LAGERS benefits were adopted by a ordinance of a previous board in 1968.

**ADJOURNMENT**

Alderman Leahy made a motion to adjourn the meeting at 11:19pm. Motion seconded by Alderman Wynn. Unanimous vote in favor taken; **MOTION PASSED.**

**Approved with corrections the 3<sup>rd</sup> day of December, 2012.**

Attest:

\_\_\_\_\_  
Mayor Pat Kelly

\_\_\_\_\_  
Bola Akande,  
City Clerk/Administrator