

**CITY OF BRENTWOOD, MISSOURI
BOARD OF ALDERMAN REGULAR MEETING
APRIL 1, 2013**

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.

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, Labor Attorney Brian Hey and Deputy City Clerk Octavia Pittman.

APPROVAL OF AGENDA

Board Of Aldermen April 1, 2013

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

CONSIDERATION AND APPROVAL OF THE MINUTES

Board of Aldermen Regular Meeting Minutes March 18, 2013

Alderwoman Saunders made a motion to place the minutes on hold until the next meeting. Motion seconded by Alderman Robertson. Unanimous vote in favor taken; **MOTION PASSED.**

PRESENTATION/RECOGNITION

None

PUBLIC HEARING

None

BIDS

Multi-Purpose Response Vehicle

Administrator Akande announced the reissue of the Request for Proposal on 2/22/13 for a multi-purpose emergency response vehicle. As a part of the process, the RFP and specifications were sent via registered mail to multiple manufacturers. One bid was received from Pierce Manufacturing in the amount of \$718,406.36 (\$739,785, minus a discount of \$21,378.64). Franco Emergency Solutions submitted a decline letter.

After questions of noted price discrepancies, Chief Jury clarified that there was a misprint in the initial document but this is the correct amount.

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

Louise Charboneau (8838 Madge) asked the Mayor to repeat his remarks regarding Boys Hope Girls Hope at the last meeting.

Mayor Kelly stated that they have not formally submitted a plan to the city. They have been having conversations along with Ward 3 Aldermen since as early as December regarding the potential of moving to this site. At that time they were put in touch with the housing department and zoning administrator in order to see what was needed from a zoning standpoint. He stated that he did not go public with the information because they were still in property negotiations and they could affect what they had to pay. What was stated at the last meeting was the information being put out about the organization was misleading. To their credit they sent out flyers, they scheduled a meeting and it had nothing to do with the Board of Aldermen meeting. They wanted to meet the public, introduce themselves and they didn't have to do that. At that point they had not submitted anything to the city and that shows the kind of organization they are. They want to be part of the community and have the support of everyone around them. We still have not had a proposal submitted to the city, when it is, it will have to go through planning and zoning normal process. The larger lot of interest is zoned commercial. There will be an opportunity for the public to discuss. Alderman Leahy added that they sent out an email stating that they have both properties under contract. It is their hope to have plans to the city to go to the April 24th planning and zoning meeting. Alderwoman Saunders questioned if the second property would have to be rezoned and stated she will look into it.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Alderman Leahy made a motion for 1st and 2nd readings of Bills #5744, 5745, 5746, 5747, 5748, 5749. Motion seconded by Alderman Robertson. Unanimous vote in favor taken; **MOTION PASSED.**

Bill #5744 – An Ordinance Authorizing The Mayor And/Or City Administrator Of The City Of Brentwood, Missouri To Enter Into And Execute A Lease Agreement With Oshkosh Capital For The Lease Of A Multi-Purpose Emergency Response Vehicle; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5744 by title only. Alderman Kramer provided the synopsis, "This Bill is for an ordinance authorizing the Mayor and/or City Administrator to enter into and execute a lease agreement with Oshkosh Capital for the lease of a Multi-Purpose Emergency Response Vehicle. The ordinance is being sponsored by Aldermen Wynn, Chair of the Public Safety Committee". Alderman Harper clarified if this can be brought before the board when there was no quorum at the Public Safety Committee. Mayor Kelly responded yes. Attorney Albrecht read Bill #5744 by title only. After questions by Alderwoman Saunders, Alderman Wynn explained his decision to move the Bill forward absent a quorum at the Public Safety Committee meeting to keep the project moving. Alderman Leahy explained this bill is to authorize the lease financing of the truck, the next bill authorizes the actual purchase. A discussion was also held regarding Alderwoman Manestar's questions of the budget limit; Chief Jury explained there was no set budget when the specs were put together however we did budget for the first payment. There was also a question of the air tank and Chief Jury said this is an absolute requirement for the truck. Alderwoman Saunders asked if we have been saving for the truck for the past 10 years, Bola stated no but we will do this going forward on all large capital expenditures. Alderwoman Saunders questioned how much interest we will be paying; approximately \$55,000. A discussion was also held of the lease option, choosing to buy out right would reduce the capital budget by the total amount; in going forward, funds for capital items will be saved in advance. Director Jarvis also clarified that the financing arrangement was adopted in the budget. Alderman Wynn made a motion to perfect Bill #5744 into

ordinance from. Motion seconded by Alderman Kramer. **ROLL CALL:** Alderwoman Saunders – no; Alderwoman Manestar – no; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – no; **MOTION PASSED.**

BILL #5744 IS HEREBY PASSED AND ORDINANCE #4419 IS ASSIGNED TO SAID BILL.

Bill #5745 – An Ordinance Authorizing The Mayor And/Or City Administrator To Execute A Purchase Agreement Between The City Of Brentwood And Pierce Manufacturing For The Purchase Of A Multi-Purpose Emergency Response Vehicle; And, Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5745 by title only. Alderman Kramer provided the synopsis, “this Bill is for an ordinance authorizing the Mayor and/or City Administrator to execute a purchase agreement between the City of Brentwood and Pierce Manufacturing for the purchase of a Multi-Purpose Emergency Response Vehicle. The ordinance is being sponsored by Aldermen Wynn, Chair of the Public Safety Committee”. Alderman Harper restated his concerns that this request for proposal was tailored toward Pierce Manufacturing. Attorney Albrecht read Bill #5745. Alderman Wynn made a motion to perfect Bill #5745 into ordinance form. Motion seconded by Alderman Kramer. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – no; Alderman Leahy – yes; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – no; **MOTION PASSED.**

BILL #5745 IS HEREBY PASSED AND ORDINANCE #4420 IS ASSIGNED TO SAID BILL.

Bill #5746 – An Ordinance Authorizing The Mayor And Board Of Aldermen Of The City Of Brentwood, Missouri To Enter Into And Execute A City Council Authorization Relating To The Missouri Highway Safety Program For Traffic Enforcement; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5746 by title only. Alderman Kramer provided the synopsis, “this Bill is for an ordinance authorizing the Mayor and Board of Aldermen to enter into and execute the City Council Authorization Form relating to the Missouri Highway Safety Program for Traffic Enforcement. The purpose is to reduce motor vehicle accidents by enforcing hazardous moving violations. The term is from October 1, 2013 thru September 30, 2014. The grant (\$12,598.56) pays for an officer to work one four (4) hour block each week of the grant”. Attorney Albrecht read Bill #5746 by title only. Alderman Kramer made a motion to perfect Bill #5746 into ordinance form. Motion seconded by Alderman Leahy. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – no; Alderman Kramer – yes; Alderman Robertson – no; Alderman Wynn – yes; Alderman Harper – no; **MOTION PASSED.**

BILL #5746 IS HEREBY PASSED AND ORDINANCE #4421 IS ASSIGNED TO SAID BILL.

Bill #5747 – An Ordinance Of The City Of Brentwood, Missouri, Consenting To Defense Of The City Pursuant To A Retainer Agreement Between Curtis, Heinz, Garrett & O’Keefe, P.C., John F. Mulligan, Jr. And Howard Paperner As Counsel And The St. Louis County Municipal League In Connection With Litigation Brought Against The City By Kimble Et Al – 1st & 2nd Reading

Attorney Albrecht read Bill #5747 by title only. Alderman Kramer provided the synopsis, “this Bill is for an ordinance consenting to defense of the City pursuant to a Retainer Agreement between Curtis, Heinz, Garrett & O’Keefe, P.C., John F. Mulligan, Jr. and Howard Paperner. A class action lawsuit was filed by an AT&T Mobility customer in U.S. District Court in Jefferson City on January 4, 2013, against 263 Missouri municipalities and St. Louis County, seeking a refund of \$14,161,393 in license taxes paid on Internet access revenue from November 1, 2005 through September 30, 2010, plus interest and attorney’s fees. The Saint Louis County Municipal League will be coordinating the defense of this lawsuit. The attorneys the County Municipal League will be using are those listed above. The League will cover the costs of the co-counsel utilizing funds provided in past years from the AT&T phone settlement agreements”. As requested by Alderman Leahy, it was clarified that the suit relates to taxes filed on the

internet portion of cell phones; cities argue that this is not a tax it's a fee. If we wanted to settle, we could but the league encourages cities to enter into the class action. Payment depends on the amount of taxes paid to Brentwood; we are not required to pay any legal fees right now. Attorney Albrecht read Bill #5747 by title only. Alderman Kramer made a motion to perfect Bill #5747 into ordinance form. Motion seconded by Alderman Wynn. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – yes; Alderman Toohey – Alderman Harper – yes; **MOTION PASSED.**

BILL #5747 IS HEREBY PASSED AND ORDINANCE #4422 IS ASSIGNED TO SAID BILL.

Bill #5748 – An Ordinance Of The City Of Brentwood, Missouri, Granting Partial Site Plan Approval For Exterior Building Improvements (North Elevation Only) For Schnucks Market At 8800 Manchester Road; Providing For The Enforcement Of This Ordinance; And, Establishing The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5748 by title only. Alderman Kramer provided the synopsis, “this Bill is for an ordinance granting partial site plan approval for exterior building improvements (North Elevation Only) for Schnucks Market at 8800 Manchester Road. The Planning and Zoning Commission recommends partial approval of the site plan review application limited to what is described above”. Joel Kirchen and Dave Fontana provided a brief overview of the project. The timeline is causing the need for partial approval; approval for the final phase will be requested at a later date. The store is currently undergoing a multimillion dollar investment to increase customer interest. There will be no additional square footage to the supermarket and estimated completion is by the end of July but departments will be open as they are completed. Attorney Albrecht read Bill #5748 by title only. Alderman Harper made a motion to perfect Bill #5748 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 – yes; **MOTION PASSED.**

BILL #5748 IS HEREBY PASSED AND ORDINANCE #4423 IS ASSIGNED TO SAID BILL.

Bill #5749 - An Ordinance Authorizing The Mayor And/Or City Administrator To Execute An Agreement Between The City Of Brentwood, Missouri And McClure Engineering For On Call Sound/Vibration Engineering Services; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5749 by title only. Alderman Kramer provided the synopsis, “this Bill is for an ordinance authorizing the Mayor and/or City Administrator to execute an agreement between the City Of Brentwood and McClure Engineering for On Call Sound/Vibration Engineering Services. The initial agreement was for a specific business location noise violation. With this agreement, should other noise complaints be brought to the attention of the City, staff would issue a work order. Public Works Committee recommends its approval”. Attorney Albrecht read Bill #5749 by title only. Alderman Robertson made a motion to perfect Bill #5749 into ordinance form. Motion seconded by Alderwoman Manestar. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar – yes; Alderman Leahy – no; Alderman Toohey – yes; Alderman Kramer – yes; Alderman Robertson – yes; Alderman Wynn – yes; Alderman Harper – yes; **MOTION PASSED**

BILL #5749 IS HEREBY PASSED AND ORDINANCE #4424 IS ASSIGNED TO SAID BILL.

Resolution #991 – A Resolution Of The City Of Brentwood, Missouri, Adopting A Title VI Non-Discrimination Plan

Alderman Kramer provided the synopsis, “this resolution adopts Title VI Non-Discrimination Plan. Title VI of the Civil Rights Act of 1964, states that no person shall be excluded from participation, be denied the benefits of, or be otherwise subjected to discrimination under any City of Brentwood program or activity on the grounds of race, color, national origin, income, sex, age, disability, or limited English proficiency. The City of Brentwood will assure that all of its programs and activities will be free from discrimination, whether those programs and activities are federally funded or not. The Ways and Means Committee recommends its

approval". Alderman Robertson asked that sexual orientation is included; language will be researched. Alderwoman made a motion to approve Resolution #991. Motion seconded by Alderwoman Manestar. Unanimous vote in favor taken; **MOTION PASSED.**

Resolution #992 – A Resolution Of The City Of Brentwood, Missouri, Adopting The Limited English Proficiency (LEP) Plan

Alderman Kramer provided the synopsis, "this resolution adopts Title VI Non-Discrimination Plan and a Limited English Proficiency Plan (LEP). The Ways and Means Committee recommends its approval". Alderman Leahy made a motion to adopt Resolution #992. Motion seconded by Alderman Kramer. 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 **\$38,507.78.** Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

After questions of an update regarding CH2MHill, Administrator Akande stated that they are finalizing the draft of Deer Creek with hopes to have a report in May.

After questions of an update regarding Thompson Coburn, Administrator Akande will provide an update at the next meeting.

REPORTS OF COMMITTEES AND DEPARTMENT HEADS;

Mayor Kelly encouraged citizens to get out and vote; there are both local and county items on the ballot.

Public Safety Committee, Alderman Wynn announced the next meeting is April 18th at 4:30pm.

Public Works Committee, Alderman Robertson had no new report.

Director of Planning & Development

None

Ways and Means Committee, Alderman Kramer announced the next meeting April 16th at 6:30pm.

City Attorney, Attorney Albrecht had no new report.

City Clerk/Administrator, had no new report.

Excise Commissioner, Commissioner Clements reported 2 requests:

Liquor License – Clink LLC (850 Hanley Ind. Ct.) is a new business with a request for a package and Sunday package liquor license. They are a wholesale/warehouse operation that is all computerized; they also deliver. Alderman Leahy made a motion to approve the liquor license for Clink LLC. Motion seconded by Alderman Kramer. **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**

Temporary Liquor License – Immerse by Atlas (836 Hanley Ind. Ct.) is having two customer appreciation events; 4/19 & 4/20; 5-10pm; they are asking to serve alcohol to their party. Alderman Leahy made a motion to approve the temporary liquor license for Immerse by Atlas.

Motion seconded by Alderwoman Manestar. Unanimous vote in favor taken; **MOTION PASSED.**

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 had no new report.

UNFINISHED BUSINESS

None

NEW BUSINESS

Alderwoman Saunders made a motion to reverse the roll call voting order for next year to start with Alderman Harper beginning April 15, 2013 through April 2014. 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 – yes; **MOTION PASSED.**

Request for Qualification – Compensation/Benefits Survey

Administrator Akande announced the start of the conversation by Ways and Means during the budget process last year of how employees are compensated. Data was provided from City-Tech to show employees salary comparison; the recommendation to the committee was in order to be more comprehensive we had to look at more than just salary, also benefits. Ways & Means has recommended, to the full board, to conduct a salary survey that includes job descriptions, where they fall into the pay plan, and if they are comparable to the market. Estimated costs were solicited from 4 different firms and range from \$5,000 just for updating job descriptions to \$50,000 for a comprehensive review including job descriptions and a benefits survey. Ways & Means, however, did not have a conversation of how to fund this project. Administrator Akande reminded, when we underwent the budget process last year, there were 10 unfunded items on the new programs list totaling \$536,134. Alderman Kramer stated his understanding that we would be issuing a request for qualifications, not to authorize the study itself; this will help us to determine the cost, qualifications of firms conducting the study and find if it is possible to budget this expense. This would be a dovetail to ongoing conversations regarding the potential salary cap on certain positions. Alderwoman Saunders stated Alderman Kramer brought up the salary caps. She stated she thinks the compensation survey is an excellent tool and I argued for it from the beginning. I didn't win the day when it came to the budget. If we have extra money it is an excellent tool. Alderwoman Saunders stated her unfamiliarity with salary caps and thinks we should be able to reward employees. Alderman Leahy stated his opposition, questioned how it would benefit citizens and if the board is willing to take action based on the results. As stated, we wouldn't cut benefits of existing employees, they would be grandfathered in but we would use the info for moving forward and determining if we continue the benefits. Alderwoman Saunders stated the compensation survey is an excellent tool and I have argued for it from the beginning. I didn't win the day when it came to the budget. If we have extra money at the end of the year it's an excellent tool; Bola agreed. After some continued dialogue, it was suggested that every couple of years you can compare the study to the market and every 5 years you may want it to be professionally reviewed. Alderman Kramer made a motion to submit a Request for Proposal for a salary compensation study and benefits survey including job descriptions. Motion seconded by Alderwoman Saunders. **ROLL CALL:** Alderwoman Saunders – yes; Alderwoman Manestar –

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

Alderman Harper announced that April is Child Abuse Month and encouraged everyone to get involved in making a positive difference in kids' lives.

Alderwoman Saunders announced the Ward 1 meeting 4/9; 6:30pm at City Hall. She also questioned emails she's received regarding "Save Brentwood Forest". Alderman Toohey explained that they are undergoing some litigation regarding rental caps and property rights.

Alderman Leahy announced the Ward 3 meeting 4/29 @ 7pm.

PUBLIC COMMENTS – Hearing Of Any Matter of Public Interest upon Request of Any Person Present

Faith Beckerman (8823 Madge) stated the importance of organizations such as Boys Hope Girls Hope and questioned when residents will have an opportunity to voice concerns regarding its benefits and immediate effects.

Mayor Kelly replied that we do not have a formal proposal, but once submitted to Planning and Zoning, they will have opportunities for public comment. Alderman Leahy stated his concern that residents weren't comfortable that they would be allowed to participate in planning meeting. Planning and Zoning Chair Gephardt announced the normal process in which they would be required to go through at least 4 meetings and reassured that the public is always allowed an opportunity to input at full planning meetings.

Alderwoman Saunders suggested that residents do an informal petition.

Julie Pozzo stated that she found it disconcerting that Boys Hope Girls Hope was learned of in December but Aldermen were not notified. She added that she is upset about disrespect shown to Aldermen.

Denise Soebbing announced much noise disturbance from PDI over the last couple of weeks and expressed appreciation for efforts of adopting the on call services. She asked the City Attorney to revisit the nuisance ordinance; residents should be expected to sue companies that the city licenses.

Alderman Leahy offered comments that the City has documents stating that they are not in violation with our codes and Mrs. Soebbing rebutted that the study was conducted when the level was not at its highest.

Mayor Kelly stated his disagreement to the attitude that disrespect is being shown to other Alderman. He commented that it is a sign of respect as plans have not been formally submitted.

ADJOURNMENT

Alderman Leahy made a motion to adjourn the meeting at 8:39pm. Motion seconded by Alderwoman Saunders. Unanimous vote in favor taken; **MOTION PASSED.**

Approved with amendments the 6th day of May, 2013.

Attest:

Mayor Pat Kelly

Bola Akande, City Clerk/Administrator