

**CITY OF BRENTWOOD, MISSOURI
BOARD OF ALDERMAN MEETING
MAY 19, 2014**

MEETING CALLED TO ORDER

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

ROLL CALL

The following members were present

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

Members present constituted a quorum. Also present were the City Clerk/Administrator Bola Akanda, City Attorney Frank Albrecht, and Planning & Development Clerk Ashley Quinn subbing for Octavia Pittman.

APPROVAL OF AGENDA

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

CONSIDERATION AND APPROVAL OF THE MINUTES

Board of Alderman Regular Meeting Minutes April 21, 2014

Alderman Leahy made a motion to approve the April 21, 2014 minutes as submitted. Motion seconded by Alderman Kramer. Unanimous vote in favor taken; **MOTION PASSED.**

Mayor Kelly noted for the record that Alderwoman Saunders was present.

Board of Alderman Regular Meeting Minutes May 5, 2014

Alderman Kramer asked for clarification that the changes that were submitted by Alderwoman Saunders at the last meeting had been incorporated into either the April or May minutes. Alderwoman Saunders confirmed they were incorporated into the April 21st minutes. Alderwoman Saunders submitted a revision for the May 5th minutes and made a motion to accept the minutes with the addition. Motion seconded by Alderwoman Manestar. **ROLL CALL:** Robertson, Kramer, Toohey, Leahy, Manestar, Saunders vote in favor. Harper abstains; **MOTION PASSED.**

BIDS

Bid Selection For Carnival Rides For 2014 Maddenfest

The City issued a request for proposal on March 25th for a vendor to provide free carnival rides and operate pay-for-play games for the Annual Maddenfest. The City received a response from just one vendor, American Banner Amusement Company, for a three year contract in the amount of \$28,000 with the option for two, one-year extensions under the same terms and

conditions. In the second year 2015 and the third year 2016, the extensions will be subject to annual appropriation by the Board of Alderman. There will be a 5% increase in both years.

2014 HVAC Maintenance And Mechanical Services

The City went out to bid for preventative maintenance, seasonal inspections and start-up and HVAC/Mechanical Services for the Fire Department facilities. Responses were received from Doll Mechanical Contractors (\$5,902 per year) and Vogel Heating and Cooling (\$2,200 per year). The best and low bid is Vogel Heating and Cooling.

Internet Service

The City would like to upgrade its internet service from Coax Broadband to Fiber which is a more reliable service. Quotes were received from AT&T (\$13,411.20/annually), CenturyLink (unable to provide a quote because they do not provide service to Hanley Industrial Park), and Charter (\$10,299/annually with \$99 reimbursable by the P-SAP, ECC reimbursement). The low and best bidder is Charter Communications.

Life and Safety Equipment

Following the excavation incident on May 5th a debriefing session where representation from Public Works, Fire, Administration and the City's third party insurance administrator Daniel & Henry was present. The group recommended the City develop and put into place additional policies and procedures to increase our trench safety training and update the trench safety equipment. The following items were presented to the Public Works Committee and they recommend approval of all.

1. 8x6 hydraulic shield box –low and best bid by United Rental for \$7,911.
2. “Build-a-box” shoring – low and best bid by Warning Lites for \$16, 813. 54
3. 16’ trailer and dual 7k axle and electric brakes – low and best bid by heavy duty equipment for \$3,850
4. Atmosphere Testing – low and best bid by United Rental for \$725
5. Air blower with 15’ canister – low and best bid by United Rental for \$299
6. 9’ tripod with winch – low and best bid by Wise Safety for \$2358
7. Emergency Retrieval – Low and best bid by Wise Safety for \$3,000
- 8,9,10. Delta Harness (m/1 - xl) and Exofit Harnes (m/1 – best bid by Wise Safety for \$133, \$133, and \$412

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

None

INTRODUCTIONS, READINGS AND PASSAGE OF BILLS AND RESOLUTIONS

Alderman Leahy made a motion for the 1st and 2nd readings of Bills #5873, #5874, #5875, #5876, #5877, #5878, #5879. Motion seconded by Alderman Kramer. Unanimous vote in favor taken; **MOTION PASSED.**

Bill #5873 – An Ordinance Authorizing The Mayor And/Or City Administrator To Execute A Contract With American Banner Amusements, Inc. For The Provision Of Rides And Other Services For Maddenfest In 2014; And, Providing For The Effective Date Of This Ordinance – 1st And 2nd Reading

Attorney Albrecht read Bill #5873 by title only. Alderman Kramer provided the synopsis, “bill #5873 for our 2013 Maddenfest, the carnival rides for our annual festival calls for an ordinance authorizing the mayor and/or our City Administrator to execute an agreement with American Banner Amusement to provide carnival rides at Brentwood’s annual Maddenfest festival. The vendor proposal includes overhead costs such as permits, inspections, gas and personnel. It has increased significantly over time, therefore the proposal includes a fee increase of 5% in every years contract. All of this is subject to the annual appropriation by the Board. The Public

Works Committee has reviewed and recommended approval of the contract for Bill #5873.” Attorney Albrecht read Bill #5873 by title only. Alderman Leahy made a motion to perfect Bill #5873 into ordinance form. Motion seconded by Alderman Robertson. *Alderman Kramer asked for clarification that the pricing listed for the subsequent years was an agreement going forward, but we are only obligated for 2014? Bola answered that was correct*

ROLL CALL: Alderman Harper-yes, Alderman Robertson-yes, Alderman Kramer-yes, Alderman Toohey-yes, Alderman Leahy-yes, Alderwoman Manestar-yes, Alderwoman Saunders-yes;
MOTION PASSED.

BILL #5873 IS HEREBY PASSED AND ORDINANCE #4536 IS ASSIGNED TO SAID BILL.

BILL #5874 – An Ordinance Authorizing The Mayor And/Or City Administrator To Enter Into And Execute An Agreement On Behalf Of The City Of Brentwood, MO With Vogel Heating And Cooling And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5874 by title only. Alderman Kramer provided the synopsis, “Bill #5874 covering our 2014 HVAC heating, ventilation and air conditioning maintenance and mechanical services agreement. This covers our Mayor or City Administrator to execute an agreement with Vogel Mechanical Contractors covering that HVAC maintenance and mechanical services agreement for 3 years, with the option of two, 1-year extensions and is contingent upon appropriation by the Board of Alderman. Public Works Committee has reviewed and recommended approval of Bill #5874.” Attorney Albrecht read Bill #5874 by title only. Alderman Robertson made a motion to perfect Bill #5874 into ordinance form. Motion seconded by Alderman Leahy. **ROLL CALL:** Alderman Harper-yes, Alderman Robertson-yes, Alderman Kramer-yes, Alderman Toohey-yes, Alderman Leahy-yes, Alderwomen Manestar-yes, Alderwoman Saunders-yes. **MOTION PASSED.**

BILL #5874 IS HEREBY PASSED AND ORDINANCE #4537 IS ASSIGNED TO SAID BILL.

BILL #5875 – An Ordinance Of The City Of Brentwood, MO Authorizing The Mayor And/Or City Administrator To Enter Into And Execute An Agreement With Charter Communications; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht ready Bill #5875 by title only. Alderman Kramer provided the synopsis, “Bill #5875 covering the internet service for Charter Communications provided to the City by way of an ordinance authorizing the Mayor or City Administrator to execute and agreement with Charter Communications for the internet service upgrade to fiber optic. The service upgrades the City’s existing Charter coax-broadband internet service to a more reliable, less interrupted fiber service. Ways and Means Committee has reviewed and recommended approval of Bill #5875.” *Alderwoman Saunders questioned what the motivation was to move the service, if it was related to the move to ECDC and if any costs will be attributed to the ECDC. Robin Zlatic, IT Director answered that it had been planned and budgeted for 2014 prior to any knowledge of the move to ECDC. It will however help with the transition to ECDC. The install charges are reimbursable, they are \$99. The other costs are considered operational costs and are not reimbursable.* Attorney Albrecht read Bill #5875 by title only. Alderwoman Saunders made a motion to perfect Bill #5875 into ordinance form. Motion seconded by Alderman Leahy. **ROLL CALL:** Alderman Harper-yes, Alderman Robertson-yes, Alderman Kramer-yes, Alderman Toohey-yes, Alderman Leahy-yes, Alderwoman Manestar-yes, Alderwoman Saunders-yes. **MOTION PASSED.**

BILL 35875 IS HEREBY PASSED AND ORDINANCE #4538 IS ASSIGNED TO SAID BILL.

BILL #5876 – An Ordinance Authorizing The Mayor And/Or City Administrator To Exercise An Option On Behalf Of The City Of Brentwood, MO To Extend Its Medical Director Agreement Between The City Of Brentwood, MO And SSM Health Care St. Louis And Clayton Emergency Group LLC For One (1) Year Commencing On May 22, 2014; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5876 by title only. Alderman Kramer provided the synopsis, “Bill

#5876 covers renewal of our medical director agreement between the Clayton Emergency Group LLC, the City of Brentwood Fire Department, St. Louis County and SSM St. Mary's Health Center. This Bill is for an ordinance to authorize our Mayor or City Administrator to extend its medical director agreement between the City of Brentwood and SSM Healthcare St. Louis and Clayton Emergency Group LLC for one year, beginning May 22, 2014. Public Safety Committee recommends approval to the Board of Alderman after reviewing Bill #5876."

Alderwoman Saunders stated that she remembered from the previous year wanting to switch to Missouri Baptist but that was not an option; however she did not remember any dealings with Clayton Emergency Group. Fire Chief Jury answered that it was there last year, it is the group of doctors that St. Mary's subcontracts out to, they provide the physicians for the emergency room. Attorney Albrecht read Bill #5876 by title only. Alderman Kramer made a motion to approve Bill #5876 as submitted. Motion seconded by Alderman Leahy. **ROLL CALL:** Alderman Harper-yes, Alderman Robertson-yes, Alderman Kramer-yes, Alderman Toohey-yes, Alderman Leahy-yes, Alderwoman Manestar-yes, Alderwoman Saunders-yes. **MOTION PASSED.**

BILL #5876 IS HEREBY PASSED AND ORDINANCE #4539 IS ASSIGNED TO SAID BILL.

Bill #5877 – An Ordinance Of The City Of Brentwood, Mo, Authorizing The Mayor And/Or City Administrator To Enter Into And Execute A Ticket Consignment Contract With St. Louis Cardinals LLC; And Providing For The Effective Date Of This Ordinance

Attorney Albrecht read Bill #5877 by title only. Alderman Kramer provided the synopsis, "Bill #5877 St. Louis Cardinals 2014 consignment ticket program is an ordinance authorizing our Mayor and/or City Administrator to execute an agreement with the St. Louis baseball Cardinals and the City of Brentwood. The Parks and Recreation department has been contacted by the St. Louis Cardinals about their 2014 consignment program. The Cardinals offer the consignment program for an opportunity to use Cardinals tickets as a revenue producing event. This year the Cardinals are willing to reduce that number to 150 tickets so the City would have less liability. Our Public Works Committee has reviewed and recommended approval of Bill #5877. *Alderman Leahy asked if under the state arrangement, because we are acting as a consignment for somebody else, would we be violating any favoritism laws and we can take the risk with public monies for the benefit of the community. Attorney Albrecht answered that we were not violating any favoritism laws and we could take the risk. Alderwoman Saunders asked if it had been decided what block or area would be chosen. Eric Gruenfelder, Parks and Rec Superintendent, answered that they wanted approval first. With dynamic pricing the prices change for every game. Alderman Toohey asked for the mechanics of the sale, where people would go to purchase them. Mr. Gruenfelder answered they would be sold at the Recreation Center or City special events. The tickets would be for one game, they are looking to get tickets for either a Thursday evening or Sunday game. They hope to pick a popular game, if a Sunday game is chosen they would be eligible for the "family ticket" where you get a hot dog and a soda included with the ticket rate. Alderwoman Saunders asked Mr. Gruenfelder to explain for the sake of the audience the way that the pricing works. Mr. Gruenfelder answered that the Cardinals offer basic group rates and with consignment program they reduce the price in addition to that. The City can then sell those tickets up to face value; however the City is looking at only a markup of maybe \$5.00 so that we can sell them to the public at a reduced price to encourage attendance to a Civic Event. Mayor Kelly said that Brentwood Days has done these types of tickets sales before and they went well, the Chamber was also sponsoring one that was going to be held in June.* Attorney Albrecht read Bill #5877 by title only. Alderman Kramer made a motion to approve Bill #5877 as submitted. Motion was seconded by Alderman Leahy. **ROLL CALL:** Alderman Harper-yes, Alderman Robertson-yes, Alderman Kramer-yes, Alderman Toohey-yes, Alderman Leahy-yes, Alderwoman Manestar-yes, Alderwoman Saunders –yes. **MOTION PASSED.**

BILL #5877 IS HEREBY PASSED AND ORDINANCE #4540 IS ASSIGNED TO SAID BILL.

Mayor Kelly asked for a motion to move Bill #5878 down on the agenda until after Executive Session. Alderman Leahy made the motion. Motion was seconded by Alderman Robertson. Unanimous vote in favor taken. **MOTION PASSED**

Bill #5879 – An Ordinance Authorizing The Mayor And/Or City Administrator To Execute An Agreement On Behalf Of The City Of Brentwood, MO For Holding Services To Be Provided By The City Of Richmond Heights To The City Of Brentwood – 1st & 2nd Reading

Attorney Albrecht ready Bill #5879 by title only. Alderman Kramer provided the synopsis, “a product of our recent ECDC change, Bill #5879 is our holding services agreement. It covers an ordinance authorizing the Mayor of the City of Brentwood and/or City Administrator to execute an agreement on behalf of our City with the City of Richmond Heights for holding services for prisoners until such a time when the City of Brentwood and the East Central Dispatch Center’s video monitoring system is up and running. The City of Brentwood will book the prisoners at the Brentwood facility and convey them to the City of Richmond Heights facility thereafter. Our Public Works Committee has reviewed and recommended approval of Bill #5879. *Alderman Leahy asked what happened to the agreement that was in place between the City of Brentwood and the City of Rock Hill because that is not discussed and we have an agreement for the holding of Rock Hill prisoners. Mayor Kelly stated they would be responsible for setting up their own agreement. City Administrator Akande clarified that the contract with Rock Hill was only extended until the ECDC transition. Alderwoman Saunders asked for the capital cost incurred to date for the ECDC transition. City Administrator Akande stated she did not know that figure off the top of her head. Alderwoman Saunders asked for those figures and for clarification that the proposed amount the City would receive from the County was roughly \$300,000. City Administrator Akande answered that was not the total amount. If they were to reimburse 100% (Brentwood’s cost, ECDC’s costs, and the other agency’s) it would be a little over \$300,000 total. If it is just Brentwood’s cost and ECDC’s cost it would be about \$205,000. Alderwoman Saunders asked if Brentwood’s costs are definitely reimbursable. City Administrator Akande stated they would reimburse the costs but it is 70% of the savings derived from joining ECDC that they will reimburse, however we can ask that they reimburse up to 100%.* Attorney Albrecht ready Bill #5879 by title only. Alderman Kramer made a motion to approve Bill #5879 as submitted. Motion seconded by Alderman Robertson. **ROLL CALL:** Alderman Harper-yes, Alderman Robertson-yes, Alderman Kramer-yes, Alderman Toohey-yes, Alderman Leahy-yes, Alderwoman Manestar-yes, Alderwoman Saunders-yes; **MOTION PASSED. BILL #5879 IS HEREBY PASSED AND ORDINANCE #4542 IS ASSIGNED TO SAID BILL**

Resolution #1010 – A Resolution For The City Of Brentwood, MO, Adopting Trenching And Shoring Policies And Procedures

Alderman Kramer provided the synopsis, “resolution #101 for trenching and shoring procedures adopts a trenching and shoring policy update with procedures to protect the safety and welfare of both employees and citizens when engaging in sewer lateral line repair program activities in the City of Brentwood. These policies and procedures are in compliance with OSHA approved trenching and shoring policies and procedures. Our Public Works Committee has reviewed and recommended approval of this resolution #1010. Alderman Leahy made a motion to approve resolution #1010. Motion seconded by Alderwoman Manestar. Unanimous vote taken in favor; **MOTION PASSED**

ACCOUNTS AGAINST THE CITY

Alderman Kramer made a motion to approve the warrant list in the amount of \$116,102.25; which includes a pass through of \$9,500. Motion seconded by Alderman Leahy. *Alderman Leahy asked if power surges due to lighting strikes are covered under our insurance and would it the item with regards to World Wide Technology be reimbursable. City Administrator Akande answered that when you look at the deductible it would not be.* Unanimous vote taken in favor; **MOTION PASSED**

REPORTS OF COMMITTEES AND DEPARTMENT HEADS

Mayor's Report – Mayor Kelly have no new report

Public Safety Committee – Alderman Wynn was not present, no new report

Public Works Committee – Alderman Robertson had no new report

Director of Planning & Development – no new report

Ways and Means Committee – Alderman Kramer reported that the next meeting is May 28th at 5pm in City Hall Chambers. Alderwoman Saunders stated there was discussion by a few of the Alderman, Leahy, Toohey and herself regarding setting aside the Code of Conduct because it seems that they feel they are able to function at present without the Code of Conduct. Alderwoman Saunders wanted to know if there was any interest in dropping that from the agenda. Mayor Kelly stated that if that was the recommendation that came back from Ways and Means then the Board of Alderman could talk about it once a recommendation was forwarded.

City Attorney Albrecht – Attorney Albrecht had no report

City Clerk/Administrator – Administrator Akande had no report

Excise Commissioner – no items to report

Library – Alderman Wynn absent, no report

Municipal League – City Administrator stated that the annual “Muni” Municipal League awards show will be on May 29th from 6:30-9:30pm at the Forest Hills Country Club. Mayor Kelly shared that this is the annual Municipal League dinner and installation of new officers. If anyone would like to attend please contact Bola or Octavia.

Historical Society – Alderman Wynn absent, no report

UNFINISHED BUSINESS

Alderman Leahy asked if Mayor Kelly had had any further conversations with St. Louis County regarding Brentwood Blvd. that were anything different from the verbal promise at present. Mayor Kelly said there was no change since last year. St. Louis County is putting the project out to bid, but under that bid process the only thing being done will be curb work. Milling and overlay would be next summer. Mayor Kelly did talk to representatives from Richmond Heights regarding not using McCutcheon for their construction traffic. The idea with construction traffic is to get it to the main roads as quickly as you can and use as few residential streets as possible. Unfortunately that is access with Eager Rd. They have had the developer put additional bonding in place to prepare for any repairs of damage that takes place during construction. Alderwoman Saunders asked if the gated neighborhoods off of McCutcheon used that entrance/exit or if they used McKnight entrance/exits. Alderman Toohey answered that the McCutcheon entrance/exit was the only option.

NEW BUSINESS

Alderman Leahy offered a reminder that the Ward 3 meeting will be held on Tuesday, May 27th beginning at 7pm, all are invited. Monday, May 26th is Memorial Day and all are reminded to remember all of those who have spent time defending our country and those who have given their all.

Alderwoman Saunders had submitted a Sunshine Request regarding the Interfund assets and liabilities. It has been put on the Ways and Means agenda for May 28th, but currently the general fund, the capital fund and stormwater owe the tax increment fund in excess of \$600,000. Alderwoman Saunders would like to move up the research into that with Hochschild & Bloom instead of waiting until May 28th meeting. City Administrator Akande answered that the City had not been presented with a cost for this research so that it can be presented to Ways and Means. Alderwoman Saunders has concerns about the line items and the auditors not being able to present certain line items on a balance sheet. City Administrator Akande stated that Alderwoman Saunders was free to make a motion with a dollar amount for the work. Mayor Kelly stated his suggestion was the same, to go forward with them doing the research into the information requested. Mayor Kelly explained that there are ledger entries that did not get made. The current auditors have recommended a resolution to wash out those balances in order to make them rectified again, because they are just journal entries. They are not missing funds. Alderwoman Saunders said that the City cannot use TIF funds for City operations; it is dictated by statutes and a redevelopment agreement. She stated the auditors should have documentation that shows those balances. Mayor Kelly stated that if the City wants to have the work done by Hoschchild and Bloom they can do that, but it will cost money. City Administrator Akande stated that the auditors have stated that it would be an option for the Board of Alderman to make a resolution to transfer the funds over or we hire Hoschchild and Bloom to dig through and do the research in what fund, what percentage goes to each one. If the Board of Alderman would like to direct staff to proceed with the research and provide a dollar amount in a motion they may do so.

Alderwoman Saunders made a motion to reconcile the account with Hoschchild. Motion is seconded by Alderwoman Manestar.

Alderman Leahy asked for clarification of whether or not the funds were or were not moved in 2012/2013. Mayor Kelly stated his belief that the funds were moved but the journal entries were not made. All TIF payments were made. Alderman Leahy asked if we went back to the contract for the auditing work from that time, and if this were work product from that audit that we were requesting wouldn't this work be under that contract cost. Alderwoman Saunders stated that she would requisition their work files and go about it through that route. Mayor Kelly stated that is what they are saying we will have to pay for. Alderwoman Saunders stated that the work files would be available to the Alderman. Alderman Toohey stated that the work papers are their files, not ours. Gina Jarvis, Finance Director, shared that there should be a memo in the Board of Alderman packet describing this. Gina can look back in Fundware and see that those balances have gone up and down with the yearend adjusting entries since the beginning of Fundware. At the end of the year they look at everything that we have done with the TIF's and if there was an under or over payment it would be booked as a payable or a receivable. For them to give us the information is very involved, if it weren't very involved this would already be resolved. Alderwoman Saunders stated it is the auditor's responsibility to help resolve this and 2012, into 2013 and 2014 those accounts have remained unchanged. Gina stated that is because there have been no underpayments or overpayment since she has been here with the City. Alderman Leahy asked if these funds get transferred to United Missouri Bank and would they not show when payments were received or not received. Alderman Leahy asked if the motion on the floor was for the Board of Alderman to determine if they should move forward with this action or if they wanted to go through Ways and Means for action before it comes to the Board. Alderwoman Saunders stated that she was willing to withdraw her motion but she would hope that the City would research more what the auditors responsibility is under the contract and who is permitted to see the work files. Alderman Toohey said that the work papers would be their work product. Alderwoman Saunders believes that is different because we are municipal government. Alderwoman Manestar stated she would withdraw her second of the motion. Alderwoman Saunders stated that she will continue to research.

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

Aaron Smith, former resident and 911 dispatcher for the City of Brentwood, spoke to the Board regarding the transition to ECDC. Mr. Smith said that he was grateful for the time that the City spend considering the transition even though it was one that had a negative outcome for he and his family he hopes it will end up being a good decision for the City. One matter that Mr. Smith heard was under consideration was the proposal for a severance package for those who have been displaced by the decision to join East Central. Because Mr. Smith and his co-workers have no information to go on as to what has been or is being considered he would like to ask that the City does consider applying any severance to all who have been affected, not just those who were able to go to East Central or those who were able to stay up until the last day. When Mr. Smith left for another Municipality a few weeks ago he had offered to stay with Brentwood on a part-time basis to ease the transition, at that point his offer was denied. He understands that was totally in the City's ability to decide but he requests that as the Board considers that they consider applying it evenly to all.

Closed Meeting

- i. Legal – RSMO 610.021 (1)**
- ii. Personnel – RSMO 610.021 (3)**
- iii. Contract Negotiation – RSMO 610.021 (12)**

Alderman Kramer made a motion to enter into executive session at 8:02 p.m. to discuss legal, personnel and contract negotiation matters pursuant to RSMo 610.021(1) (3) (12). Motion seconded by Alderman Leahy. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – absent; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

Mayor Kelly called the closed session to order at 8:08 p.m. with the following members present: Alderman Harper, Alderman Robertson, Alderman Kramer, Alderman Toohey, Alderman Leahy, Alderwoman Manestar, and Alderwoman Saunders. Also present were City Administrator Akande, City Attorney Albrecht, Attorney Cathie Schroeder (Thompson Coburn), Attorney James Foster (McMahon Berger), Attorney Brian Hey (McMahon Berger), Assistant CA/Planning Director Justin Wyse, and Fire Chief Ted Jury.

Legal RSMO 610.021 (1)

An Agreement To Stay Litigation In Connection With Compass Bank, Et Al. V. Eager Road Associates, Et Al.: Settlement Update:

Discussions were held in regards to legal matters concerning the stay litigation. No Action Taken.

Legal RSMO 610.021 (1)

Settlement Update:

Discussions were held in regards to settlement update. No Action Taken.

Legal RSMO 610.021 (1)

Special Prosecutor:

Discussions were held in regards to the appointment of a special prosecutor. Alderman Robertson made a motion to appoint Attorney Tim Engelmeier as a special prosecutor. Motion seconded by Alderman Toohey. **ROLL CALL:** Alderman Harper – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

Personnel RSMO 610.021 (3)

Brentwood Dispatch:

Discussions were held in regards to personnel affected by the ECDC transition. Alderman Kramer made a motion authorizing staff to offer all seven dispatchers a 12 week severance package. Motion seconded by Alderwoman Manestar. **ROLL CALL:** Alderman Harper – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

RSMO 610.021 (12)

Contract Negotiations:

Discussions were held in regards to contract negotiations. No Action Taken.

ADJOURNMENT

Alderman Harper made a motion to adjourn executive session and reconvene to the open session at 9:07 p.m. Motion seconded by Alderman Toohey. **ROLL CALL:** Alderman Harper – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

Return from Executive Session:

Bill #5878- An ordinance approving an amendment to agreement to Stay Litigation in connection with Compass Bank, Et Al. V. Eager Road Associates, LLC., Et Al – 1st & 2nd Reading

Alderman Kramer made a motion for the 1st and 2nd reading of the Ordinance #5878 by title only, motion seconded by Alderwoman Manestar. Unanimous vote taken in favor; **MOTION PASSED**

Attorney Albrecht read Bill #5878 by title only. Alderman Kramer provided the synopsis, “is for an ordinance authorizing the Mayor or City Administrator to execute and amendment to the agreement with Stay Litigation between Eager Road Associates LLC, Compass Bank, Vectra Bank in Colorado NA, Alan R. Scott, Adolphus A. Busch IV, City of Brentwood, MO, and UMB Bank, NA as trustee. January 31, 2014, all the parties entered into an agreement to Stay Litigation in order to allow the developers to arrange a bond refinancing for the development for a full and complete settlement on the current lawsuit. On May 8, 2014, the date for the developers to arrange the bond refinancing was extended by agreement of the parties until July 1, 2014 and on that same date the court agreed to extend the date. *Alderman Leahy stated that all 3 parties were not named, the third member would be Don Musick.* Attorney Albrecht read Bill #5878 by title only. Alderwoman Saunders stated it was her understanding that this agreement was already agreed to and filed with the courts on May 7th. Alderman Robertson made a motion to adopt this Bill into Ordinance form. Motion seconded by Alderman Toohey. **ROLL CALL:** Alderman Harper-yes, Alderman Robertson-yes, Alderman Kramer-yes, Alderman Toohey-yes, Alderman Leahy-yes, Alderwoman Manestar-yes, Alderwoman Saunders-no. **MOTION PASSED.**

BILL #5878 IS HEREBY PASSED AND ORDINANCE #4541 IS ASSIGNED TO SAID BILL.

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

Karen Smith addressed the Board for clarification on whether or not Bill #5878 regarding the agreement to Stay Litigation had already been agreed to and filed in court, can they do that before the Board of Alderman voted on it. Mayor Kelly stated the judge granted them an extension on May 7th, those 2 parties agreed to that and now was the chance for the City to vote. We were not at the court with the judge. Ms. Smith asked if we were part of the case and if we would not have had to agree before. Mayor Kelly stated that the City just wants to make sure they are doing everything properly so we agreed to that last one and we are agreeing to this one by ordinance. Ms. Smith asked how they could pass that before a judge, if we are one of the parties that were not there. Mayor Kelly stated that the City had representatives there, because this is a lawsuit we have agreed to abide by the original lawsuit which was October, 2011. We have agreed all along that we would abide to everything that we agreed to in that

settlement agreement. Ms. Smith stated she is trying to understand how this can happen. Mayor Kelly stated that originally our attorneys said that we didn't need to vote, but the City wants to make sure they are doing everything so that we don't get criticized. Ms. Smith would like to know that we are legally following the law.

Alderwoman Saunders asked if the Board wanted to consider additional or new members for Planning & Zoning Commission as Terry Noles, Jeff Moore, John Nuernberger and David Plufka are coming up for reappointment. Mayor Kelly stated that there are a couple other appointments that need to be extended as well and he will take care of that at the June meeting.

It was noted that there will only be one Board of Alderman meeting in June on the third Monday of the month.

ADJOURNMENT

Alderman Leahy made a motion to adjourn, motion was seconded by Alderwoman Saunders. A unanimous vote was taken in favor; **MOTION PASSED**. Meeting adjourned at 9:12pm.

Approved as submitted the 16th day of June, 2014.

Attest:

Mayor Pat Kelly

Bola Akande, City Clerk/Administrator