

**CITY OF BRENTWOOD, MISSOURI
BOARD OF ALDERMAN MEETING
JUNE 16, 2014**

MEETING CALLED TO ORDER

Mayor Pat Kelly called the meeting to order at 7:00 pm, 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	Present	Alderman Leahy	(7:31pm)
Alderman Robertson	Present	Alderdwoman Manestar	Present
Alderman Kramer	Present	Alderdwoman Saunders	Present
Mayor Kelly	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 June 16, 2014

Alderman Wynn made a motion to amend the agenda, moving item #11g - Excise Commissioner Report to item 5. Motion seconded by Alderman Robertson. Unanimous vote in favor taken; **MOTION PASSED.**

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

CONSIDERATION AND APPROVAL OF THE MINUTES

Board of Aldermen Regular Meeting Minutes May 19, 2014

Alderman Robertson made a motion to approve the meeting minutes as presented. Motion seconded by Alderdwoman Manestar. Unanimous vote in favor taken; **MOTION PASSED.**

PRESENTATION/RECOGNITION

Excise Commissioner Report

Liquor License Renewals (2014-2015)

Commissioner Clements announced the annual liquor license renewals. Alderman Kramer made a motion to approve liquor license renewals for **American Legion Goff Moll Post, Arch Energy (Mobile), Artistic Affairs Catering, Bommarito Wines, Buffalo Wild Wings Grill & Bar, Clink!, Cost Plus World Market, Dierbergs, Double D Lounge, Frank Papa's Ristorante, Houlihan's, Hunan Wok Restaurant, Ionia Atlantic Imports, Mai Lee Restaurant, OB Clark's, Romano's Macaroni Grill, Schnucks, Sideline Bar & Grill, Springhill Suites, Target Store (T-1102), Trader Joes (692), Twin Oak Wood Fired Fare, Walgreens (6432), Whole Foods Market, William K Busch Brewing Co.** Motion seconded by Alderman Toohey. Unanimous vote in favor taken; **MOTION PASSED.**

Liquor License (New):

Commissioner Clements also announced plans for Drury Inn & Suites – (8700 Eager Road) to open in July and BoneFish Grill (located within) to open in October. The request was made to approve liquor licenses pending the issuance of an occupancy permit. Alderman Kramer made a motion to approve the liquor license for the Drury Inn & Suites Hotel and BoneFish Grill. Motion seconded by Alderwoman Manestar. Unanimous vote in favor taken; **MOTION PASSED.**

2013 CAFR and Results of Annual Audit – Schowalter & Jabouri

Karen Lang presented the results of the annual audit of the city's financial statements of the year ending December 31, 2013. An overview was provided of the Comprehensive Annual Financial Report, the OMB Circular A-133 Single Audit Report, the Report on Internal Control Related Matters and Advisory Comments, and the Report to the Board of Aldermen. The auditors' responsibility is to plan and perform the audit to obtain reasonable assurance that the financial statements are free in material statements. The audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. It also includes accessing the accounting principles used and significant estimates made by management as well as evaluating the overall financial statement presentation.

The CAFR includes the independent audit report. Lang stated they have issued an unmodified opinion, meaning the financial statements are fairly presented in all material respects and in conforming with accounting principles generally accepted in the United States. For the year ending December 31, 2013, the city was required to implement GASB65, as a result, the statement net position and balance sheet now have a category called Deferred Outflows of Resources and Deferred Inflows of Resources in addition to assets, liabilities, net position and/or fund balance. The accounting change was applied retroactively therefore beginning net position was restated to expense bond issuance costs that were previously amortized and deferred over the life of the bonds.

She review recented accounting pronouncements required to be implemented in future years and new pension standards that will be required to be implemented in 2015; they will have a significant effect on the government wide statements of the city. A single audit was performed as required when an entity spends \$500,000 or more in federal awards. For the year ending December 31, 2013 the program audit was majored with the highway planning and construction grant and the city complied in all material respects with the requirements applicable to that major federal program.

In addition to the financial statement and single audit, a Report on Internal Control Related Matters and Advisory Comments was issued. It provides various comments and suggestions for operating efficiency and improving internal controls, management's responses to suggestions and the status of the prior year recommendations. The majority of the prior year recommendations were implemented or in the process of being implemented. She also stated that given the volume of the findings and recommendations in the prior, they are pleased with the city's progress.

The final report, to the Board of Aldermen provides various communications that are required by professional standards.

Lastly, staff was thanked for their hard work and dedication that went into preparing the comprehensive financial report and all of the courtesies extended during the audit.

Alderwoman Saunders requested that they review their concerns with the library and Ms. Lang stated that they currently don't have any concerns with the library. The comment mentioned in the prior report was that the library could potentially be broken out separate from the city if the city so desired. There are various regulations and standards regarding this and there is

various professional judgment that is required as well. The city has opted to leave the library in and it is acceptable. The recommendation was not repeated because the city had considered it. If broken out separately, they would be reported separately and have their own financial statements and would not be a part of the primary government of the city; not to say that the city cannot provide these services for them. An evaluation would be required to determine what would need to be done but it would be costly to the library to have their own audit and so forth. Comments were offered that the city makes recommendation but the city sets their tax rates as with the pension board.

Alderman Kramer complimented Scholwalter and Jabouri on not only the quality of the report, but the completeness of the recommendations and the ability of the dialogue to be handled professionally. At the last meeting we reviewed the expenditures of federal awards, the report on internal controls/compliance issues, and the recommendations of the internal controls and have a dialogue about that with the auditors and address those items that the city has fully complied with and taken the recommendations of and move forward significantly. It was an excellent opportunity, an excellent report and a call to everyone's attention that the general fund unassigned balance is in excess of the current policy of reserves for the city. We have reason to be very happy about the money we have in reserves.

Internal Control Auditor – Schmersahl Treloar & Co

Jim Schmersahl and Steve Tripi (also working with the team but not present is Linda Howdeshell and Andy Ditello) stated that the firm has been engaged to provide an internal control and financial policy review of the city's controls and today's visit is a status report. To date they have received complete cooperation from staff with no disputes over access to data to policies, procedures, or other records; expectations have been met in terms of transparency. Mr. Schmersahl stated that they were pleasantly surprised at the level and extent of controls that are now in place and surprised and impressed by the city's response to the previous findings, the respond of staff and the board to ensure that the items were dealt with. They have been able to observe and test detailed implementation of many of the items previously brought to attention and the corrective actions that have taken place. All of this has been taken into account and will be ultimately reviewed when the final report is delivered. They have been deliberate in the study of controls and the study of policies and procedures. Although premature to review in detail at this time, the work is nearing completion. The next step is to sit down and review in detail with Ways & Means the specific findings, recommendations, enhancements, those areas thought to need a little more attention, those areas interested in discussing but that don't necessarily require additional action because there has to be some balance to the policy in terms of cost benefit and the number of bodies in the office. This will also be subsequently brought to the Board of Alderman. There are expected to be comments regarding the employee handbook policies, enhanced controls and policies and procedures believed should be in place, and a couple of policies in regards to strengthening the municipal courts and the surrounding controls and ultimately delivering an accounting policy manual which will encompass the existing policies and procedures and taking into consideration the work of Schmersahl, the work and responses of the state auditor, other auditors and staff's work.

Alderwoman Saunders asked if preliminary reports or draft copies have been issued to staff and if the preliminary report has been reviewed with staff; she stated her surprise that the process is taking this amount of time. Schmersahl responded that review of findings has been reviewed with department heads to ensure that the initial preliminary understanding and review was reflective of what is in place and to give them an opportunity to speak to it. They have also had an opportunity to meet with the City Administrator, Director of Finance, and the Judge and Clerk to review some items to further sharpen the focus. A review in great detail with Ways and Means is expected. It is also clarified that drafts should be available next month. Saunders also asked about the purpose of the Audit Committee and why AICPA recommends governing members of the body serve on the committee. Schmersahl replied that

the purpose is the interface with the auditors to ensure that the audit report and recommendations are received and evaluated by a group who has this as their focus and the expertise to understand, dissimulate and have dialogue with the auditors and return to the boards with recommendations regarding the comments. He added that there are any number of permutations of that within an organization and not necessarily a right or wrong way or any specific requirement. Alderwoman Saunders asked for a copy of any drafts that have been delivered to the city.

Alderwoman Saunders exited the meeting at 7:24pm.

Climate Action Plan

Matt DeAngelo, Climate Action Intern with Regional Environmental Internship Program, provided an overview of what climate action is and his role. The purpose of climate action planning is to guide development and investment in the context of reducing greenhouse gasses. The goals most often set to achieve are to utilize sound science, public education and outreach, recognition of global and local context and constraints and to integrate with existing city values and planning objectives. The majority of emissions are coming from buildings and facilities, 65%, with significant portions also coming from outdoor lighting, employee commute and the vehicle fleet; 98% of emission comes from the community as a whole and 2% from the local government. There is a potential for increases in efficiency particularly in the built environment (residential and commercial) and transportation, emissions reductions due to environmental and economic benefit. It was added that public engagement is key to large scale emissions reductions. The plan provides a strategy and list of available options for implementation and monitoring to reduce greenhouse gas emissions, which includes a benchmark reduction of 10% by 2025 and 20% by 2040 and would bring the city in line with St. Louis City and other surrounding communities.

Comments were offered by Aldermen, it was also clarified that cities are encouraged to work with Ameren to utilize grant funding for LED lighting.

Alderman Leahy arrived at 7:31pm

PUBLIC HEARING

A Petition To Amend Chapter 25, Article VI, Division 8 Of The Brentwood Code Of Ordinances As It Pertains To Regulations For Flood Hazard Control To Meet Minimum National Flood Insurance Program (NFIP) Requirements

Mayor Kelly opened the public hearing at 7:31pm.

Director Wyse announced the petition that includes changes specifically identified through FEMA and the State Emergency Management Agency to meet the minimum requirements of the National Flood Insurance Program. The changes include updating references to the current flood insurance study in section 25-477, updating references to the map and panel numbers in cross reference sections in section 25-479, modification to the structure of section 25-494 pertaining to recreational vehicles and the addition of several terms to be defined with section 25-503. This request was originally before the Board of Aldermen on May 5th and at that time the board directed that the petition go back to the planning and zoning commission, split into 2 parts for their recommendation on the 2 separate bills. The planning and zoning commission review Bill #5866, which imposes changes to meet the National Flood Insurance Program requirements and recommended approval by a vote of 8-0.

Gene Huttzman (commercial real estate manager) announced that they manage over 2 million sq feet of commercial real estate including 200,000 in Brentwood and stated their support for this bill.

Daniel Hollendar, 2646 Dorothy, requested clarification of the note of added and underlined text in section 2 of Bill #5866. Wyse explained that the referenced material is incorrect.

Mayor Kelly closed the public hearing at 7:35pm.

A Petition To Amend Chapter 25, Article VI, Division 8 Of The Brentwood Code Of Ordinances As It Pertains To Regulations For Flood Hazard Control To Modify The Definitions Of “Substantial Damage” And “Substantial Improvement”

Mayor Kelly opened the public hearing at 7:35pm.

Director Wyse announced the petition (2nd portion discussed on May 5th) that includes the non-required changes that would exceed the minimum requirements for the National Flood Insurance Program that would also help the city in pursuit of becoming a community rating system community. This request was originally before the Board of Aldermen on May 5th and at that time the board directed that the petition go back to the planning and zoning commission, split into 2 parts for their recommendation on the 2 separate bills. The planning and zoning commission reviewed Bill #5867 and failed to pass a motion to recommend approval with a vote of 1-7.

Gene Huttsman (commercial real estate manager) announced their opposition for all of the reasons previously mentioned at the previous meeting; this may have a world of unintended consequences that will cause a cycle of disinvestment in the community.

Daniel Hollendar, 2646 Dorothy, echoed the previous comments and urged the board to follow the recommendation of the planning and zoning committee.

Mayor Kelly closed the public hearing at 7:38pm

A Petition For A Conditional Use Permit To Operate A “Concierge Auto Sales” Use At 1439 Strassner Road

Mayor Kelly opened the public hearing at 7:38pm.

Director Wyse announced the petition for a conditional use permit to operate a concierge auto sales use. The subject site is approximately 3.1 acres in size and zoned PD. There are currently 2 existing buildings on this site, totally approximately 67,000 square feet. The applicant proposes to move into the westernmost building; using an existing office space for an appointment based auto sales use. They operated based on requests for certain vehicles; they would find it, have it on the lot for a day or two until the requesting party picks it up. Planning and Zoning reviewed and recommended approval (8-0) with conditions; no signage permitted on any vehicles advertising for sale, vehicle inventory shall not be placed in a manner that prevents safe and efficient circulation or impede emergency access, no vehicle permitted on the site for more than 30 days and no more than 3 vehicles for sale on the lot at any one time. There were no questions or comments.

Mayor Kelly closed the public hearing at 7:40pm.

A Petition To Amend Chapter 6 Of The Brentwood Code Of Ordinance As It Pertains To Various Building Codes Adopted Within The City Of Brentwood

Mayor Kelly opened the public hearing at 7:40pm.

Director Wyse announced the petition to amend chapter 6, specifically repealing the 2003 editions of the international residential code, international building code, international mechanical code, international plumbing code, international existing building code, international fuel and gas code, international energy conservation code, international property maintenance code, and the international fire code and update them to the 2009 editions of these codes. In addition it would repeal the 2005 national electrical code and adopt the 2008 edition. This would bring us into conformance with the majority of surrounding municipalities; it was also included in the previous recommendation of the climate action plan. The public

works committee has reviewed the proposal and recommends approval of the updates. There were no questions or comments. Mayor Kelly closed the public hearing at 7:42pm.

2015 Community Development Block Grant

Mayor Kelly opened the public hearing at 7:42pm. (Alderman Harper was absent from this discussion)

Justin Wyse, Planning & Development Director announced the purpose of the hearing to discuss the community development block grant and outline the usage of these funds. A handout listing eligible activities as well as a sign in sheet for those interested in speaking were available.

Director Wyse gave a brief overview of previous years' allocations to the home improvement program administered through St. Louis County which provides home owners with forgivable loans of up to \$5,000 to make needed repairs on their owner-occupied properties if they meet certain income requirements. These repairs include such projects as electrical, plumbing, heating and cooling, roofing, concrete work and tree trimming. Previous years' funds are currently being utilized causing a waiting list for 2014 with 3 pending approval. In addition to the home improvement program, funds can also be used for acquisition of property, improvements to public facilities, clearance activities, public services, privately owned utilities, and the creation of low income housing. Staff recommendation for the FY 2015 funds will be to allocate the funds in the amount of \$20,000 towards "Rehabilitation of Private Property" for the home improvement program.

There were no comments from Citizens or Board Members. Alderman Leahy made a motion to approve the FY2015 Community Development Block Grant funding allocation. Motion seconded by Alderman Wynn. **VOICE VOTE TAKEN;** 7 – yes; Harper – Abstain; **MOTION PASSED.**

Mayor Kelly closed the public hearing at 7:45pm

BIDS

Sally Port Intercom System

Administrator Akande announced that with the absence of the Brentwood dispatchers, we now find that there is a need to have a sally port intercom so that officers from other agencies who come for pickup have access to the facility; the intercom allows the communication to ECDC and alerts our officers to come and give them access to the building. Quotes were obtained from Will Electronics (\$1,893.22), Tech Electronics (\$3,400.65). The recommendation is to move forward with Will Electronics.

Video Monitoring Cameras

Administrator Akande announced that when the agreement was made to go with ECDC there were a number of video monitoring systems required, primarily in the holding facility. An option was that we would provide additional video monitoring for the Council Chambers during meetings, the sally port entrance and the booking area. Now is an appropriate time to activate additional cameras. The recommendation, because Will Electronics was selected to provide the hosted solution, that we purchase additional cameras; this will be on the warrant list.

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 #5866, #5867 (both removed from hold), and #5880-#5890. Motion seconded by Alderman Kramer. Unanimous vote in favor taken; **MOTION PASSED.**

The following ordinances were incorrectly reported as #4243 and forward but the record is hereby corrected to properly reflect the correct ordinance numbers as #4543 and forward.

Bill #5866 – An Ordinance Amending Chapter 25 Of The Revised Code Of Ordinances Of The City Of Brentwood, Missouri By Amending Section 25-477, Section 25-479, Section 25-494, And Section 25-503 As It Relates To Flood Hazard Control; Providing For The Current Maintenance Of This Code; Providing For The Repeal Of All Conflicting Ordinances; And, Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5866 by title only. Alderman Kramer provided the synopsis, “The changes in Bill No. 5866 are critical in maintaining good standing with FEMA on the City’s participation in the National Flood Insurance Program (NFIP). This ordinance has the required language need to address the current deficiencies in the City’s Flood Hazard Ordinance. After review, the Planning Commission recommended approval of the changes required to meet minimum requirements for the National Flood Insurance Program (NFIP) by a vote of 8-0”. Attorney Albrecht read Bill #5866 by title only. Alderman Wynn made a motion to perfect Bill #5866 into ordinance form. Motion seconded by Alderwoman Manestar. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – absent; **MOTION PASSED.**

BILL #5866 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4543

Bill #5867 (ON HOLD) – An Ordinance Amending Chapter 25 Of The Revised Code Of Ordinances Of The City Of Brentwood, Missouri By Amending Section 25-503 As It Relates To Definitions Of Flood Hazard Control Terms; Providing For The Current Maintenance Of This Code; Providing For The Repeal Of All Conflicting Ordinances; And, Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5867 by title only. Alderman Kramer provided the synopsis, “this ordinance contains changes to the terms “Substantial Damage” and “Substantial Improvement.” These changes are not required minimum standards under the NFIP but are proposed to further the City’s enrollment in the Community Rating System (CRS). After review, the Planning Commission failed to recommend approval of the changes to adopt a cumulative standard for “substantial improvement” and “substantial damage” by a vote of 1-7”. Attorney Albrecht read Bill #5867 by title only. Alderman Kramer made a motion to perfect Bill #5867 in ordinance form. Motion seconded by Alderman Leahy. **ROLL CALL:** Alderman Harper – no; Alderman Wynn – no; Alderman Robertson – no; Alderman Kramer – no; Alderman Toohey – no; Alderman Leahy – no; Alderwoman Manestar – no; Alderwoman Saunders – absent; **MOTION FAILED.**

Alderman Harper stepped out at 7:51pm

Bill #5880 – An Ordinance Of The City Of Brentwood, Missouri, Authorizing The Mayor And/Or City Administrator To Execute The Attached Municipal Cooperation Agreement For The Community Development Block Grant Program; And Providing The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5880 by title only. Alderman Kramer provided the synopsis, “every three years Municipal Cooperation Agreements for the Community Development Block Grant program either automatically renewed or must be re-signed to participate. The next cooperation period is fiscal year 2015-2017. New agreements must be signed due to new language requirements being enforced by the Department of Housing and Urban Development (HUD)”.

Attorney Albrecht read Bill #5880 by title only. Alderman Leahy made a motion to perfect Bill #5880 into ordinance form. Motion seconded by Alderman Robertson. **ROLL CALL:** Alderman Harper – absent; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – absent; **MOTION PASSED.**

BILL #5880 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4544

Alderman Harper returned at 7:56pm.

Bill #5881 – An Ordinance Authorizing The Mayor And/Or City Administrator To Enter Into And Execute An Amended Agreement On Behalf Of The City Of Brentwood, Missouri, With Cunningham Recreation; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5881 by title only. Alderman Kramer provided the synopsis, “At the March 3, 2014 Board of Aldermen meeting, Bill #5838 which became Ordinance #4501 authorizing the mayor and/or city administrator to execute an agreement with Cunningham Recreation for the design and installation of a new playground at Oak Tree Park was passed. The attorney for Cunningham Recreation contacted the City requesting changes to the contract. These changes have been reviewed and revised by City Attorney Albrecht who has given his approval to move forward with the revised contract. Also included in these changes is the cost of a performance bond (\$6,400) which will be included as a change order. Public Works Committee recommends approval to the Board of Aldermen”. Attorney Albrecht read Bill #5881 by title only. Alderman Leahy made a motion to perfect Bill #5881 into ordinance form. Motion seconded by Alderwoman Manestar. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – absent; **MOTION PASSED.**

BILL #5881 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4545

Bill #5882 – An Ordinance Authorizing The Mayor And/Or City Administrator To Enter Into And Execute A Memorandum Of Understanding Between The City Of Brentwood, Missouri, And The International Association Of Firefighters, Local 2665; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5882 by title only. Alderman Kramer provided the synopsis, “This is a Memorandum of Understanding (MOU) between the City of Brentwood and the International Association of Firefighters Local 2665 at the Brentwood Fire Department for Non High Definition (HD) cable service that will not exceed \$65.00 per month”. A brief discussion was held in regards to removing the included amount of the service in the event it is changed by the carrier. Alderman Wynn made a motion to amend Bill #5882 to remove the not to exceed cost. Motion seconded by Alderman Robertson. Further discussion continued in regards to language clarifying the basic cable package, which is included. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – no; Alderman Toohey – no; Alderman Leahy – yes; Alderwoman Manestar – no; Alderwoman Saunders – absent; **MOTION PASSED.** Attorney Albrecht read Bill #5882 by title only. Alderman Kramer also noted, for the record, that he had no problem with the original Bill #5882, but since we now have a conflict between the existing memorandum and the bill that he cannot vote in favor. It was also clarified that this is a negotiated service for the fire department and is not required for other employees. Alderman Wynn made a motion to perfect Bill #5882 into ordinance form. Motion seconded by Alderman Harper. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – no; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – absent; **MOTION PASSED.**

BILL #5882 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4546

Bill #5883 – An Ordinance Amending Chapter 14 Of The Revised Code Of Ordinances Of The City Of Brentwood, Missouri, By Amending Section 14-1033 Relating To Areas Designated As “Slow-Children” Areas; Providing For The Effective Date Of This Ordinance; Providing For The Repeal Of All Conflicting Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5883 by title only. Alderman Kramer provided the synopsis, “This Bill is for an ordinance amending Chapter 14 of the Revised Code of Ordinances of the City of Brentwood Missouri, by amending Section 14-1033 Schedule GG, “Slow—Children” Street to add the 8900 block of White Avenue”. Alderman Wynn noted his displeasure with the term “slow children” as it may be offensive. Staff will review the adoption of a “play street” ordinance. Attorney Albrecht read Bill #5883 by title only. Alderman Leahy made a motion to perfect Bill #5883 into ordinance form. Motion seconded by Alderman Robertson. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – absent; **MOTION PASSED.**

BILL #5883 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4547

Bill #5884 – An Ordinance Authorizing The City Administrator To Enter Into Temporary Construction Easement Agreements Between The City Of Brentwood And Tim And Tricia Souers H/W, Mt. Calvary Lutheran Church Of Brentwood, And Jeffrey And Karen Morrison H/W – 1st & 2nd Reading

Attorney Albrecht read Bill #5884 by title only. Alderman Kramer provided the synopsis, “This is to approve temporary construction easements agreement for Parcel 31 between the City of Brentwood and Mt. Calvary Lutheran Church of Brentwood, Jeffrey and Karen Morrison H/W, and Tim and Tricia Soeurs H/W”. Attorney Albrecht read Bill #5884 by title only. Alderman Kramer made a motion to perfect Bill #5884 into ordinance form. Motion seconded by Alderman Leahy. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – absent; **MOTION PASSED.**

BILL #5884 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4548

Bill #5885 – An Ordinance Authorizing The City Administrator To Enter Into A Permanent Sidewalk Easement Agreement Between The City Of Brentwood And Mt. Calvary Lutheran Church Of Brentwood – 1st & 2nd Reading

Attorney Albrecht read Bill #5885 by title only. Alderman Kramer provided the synopsis, “this is to enter into a permanent sidewalk easement agreement between the City of Brentwood and Mt. Calvary Lutheran Church of Brentwood”. Attorney Albrecht read Bill #5885 by title only. Alderman Kramer made a motion to perfect bill #5885 into ordinance form. Motion seconded by Alderman Wynn. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – absent; **MOTION PASSED.**

BILL #5885 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4549

Bill #5886 – An Ordinance Authorizing The City Administrator To Enter Into A Permanent Drainage Easement Agreement Between The City Of Brentwood And Mt. Calvary Lutheran Church Of Brentwood For Installation Of A Storm Sewer To Be Installed As Part Of The Litzsinger Road Improvement Project And Ultimately Maintained By Metropolitan St. Louis Sewer District (MSD) – 1st & 2nd Reading

Attorney Albrecht read Bill #5886 by title only. Alderman Kramer provided the synopsis, “This is to complete the necessary steps to finalize a permanent drainage easement to be assigned to the Metropolitan St. Louis Sewer District (MSD) on Parcel 4 (Mt. Calvary Lutheran Church of Brentwood) associated with the installation of a storm sewer”. Attorney Albrecht read Bill #5886 by title only. Alderman Kramer made a motion to perfect Bill #5886 into ordinance form. Motion seconded by Alderman Leahy. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes;

Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – absent; **MOTION PASSED.**

BILL #5886 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4550

Bill #5887 – An Ordinance Granting Approval Of A Site Development Plan And Conditional Use Permit To Steve Lander For A Concierge Auto Sales Use At Property Numbered 1439 Strassner Dr. Which Permits Under The Provisions Of Chapter 25 Of The Brentwood Code Of Ordinances The Development Of That Site; Providing The Conditions Of Such Development; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5887 by title only. Alderman Kramer provided the synopsis, “This Bill grants an ordinance for a site plan and conditional use permit to operate a concierge automotive sales use within an existing building located at 1439 Strassner Rd. (This business will be located within the Lander Binder building). The Planning & Zoning Commission recommends approval of the site development plan / conditional use permit by a vote of 8-0 with conditions outlined in the Board of Aldermen Rationale”. Attorney Albrecht read Bill #5887 by title only. It was also clarified that the usage does not include service of any vehicle. Alderman Leahy made a motion to perfect Bill #5887 into ordinance form. Motion seconded by Alderwoman Manestar. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – absent; **MOTION PASSED.**

BILL #5887 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4551

Bill #5888 – An Ordinance Granting Amended Site Plan Approval To Bloomin’ Brands For A Restaurant At Property Numbered 8700 Eager Road Which Permits Under The Provisions Of Chapter 25 Of The Brentwood Code Of Ordinances The Development Of That Site; Providing The Conditions Of Such Development; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5888 by title only. Alderman Kramer provided the synopsis, “This Bill grants an ordinance for a site plan approval for changes to the previously approved plan for construction of a sit-down restaurant located at 8700 Eager Rd. (southeast corner of the Brentwood Blvd. / Eager Rd. intersection).

The proposed changes include:

- Replacement of the patio and building planters with railing and landscaping. Bonefish Grill is unable to get the planters in time for opening.
- The railing will be much thinner, so landscaping will be planted in the ground instead of in the planters.
- Remove outdoor fireplace to allow ADA access w/ sidewalk and replace with decorative wall.
- Add a window to front tower feature.

Attorney Albrecht read Bill #5888 by title only. Alderman Leahy made a motion to perfect Bill #5888 into ordinance form. Motion seconded by Alderman Toohey. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – absent; **MOTION PASSED.**

BILL #5888 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4552

Bill #5889 – An Ordinance Amending Chapter 6 Of The Revised Code Of Ordinances For The City Of Brentwood By Repealing Sections 6-16(A), 6-16(B), 6-18, 6-51, 6-101, 6-126, 6-151, 6-152, 6-153, 6-154, 6-175 And 6-176 Of Said Chapters Relating To Adoption Of Certain Building Codes; Enacting In Lieu Thereof New Sections 6-16(A), 6-16(B), 6-51, 6-101, 6-126, 6-151, 6-152, 6-153, 6-154, And 6-175; Providing For The Current Maintenance Of This Code; Providing For The Effective Date Of This Ordinance; And, Providing For The Repeal Of All Conflicting Ordinances – 1st & 2nd Reading

Attorney Albrecht read Bill #5889 by title only. Alderman Kramer provided the synopsis, “this Bill adopts the 2009 edition of the International Residential Code, International Building Code, international Mechanical Code, International Plumbing Code, International Existing Building Code, International Fuel Gas Code, International Energy Conservation Code, International Property Maintenance Code and International Fire Code. In addition, the change updates the previously adopted 2005 National Electrical Code and adopts the 2008 National Electrical Code. The Public Works Committee recommends approval”. After questions from the Board, Director Wyse responded that we have been working for about 6 months on making sure that all inspectors are up to date and are comfortable implementing the new code; there are no certification requirements for the inspectors. Alderman Kramer also added that this update allows our inspectors to require those residences that have gas services to require a carbon monoxide detector to be installed before occupancy. Attorney Albrecht read Bill #5889 by title only. Alderman Kramer made a motion to perfect Bill #5889 into ordinance form. Motion seconded by Alderman Wynn. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – absent; **MOTION PASSED.**
BILL #5888 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4553

Bill #5890 – An Ordinance Authorizing The Acceptance Of Certain Property Being Donated To The City Of Brentwood, Missouri; Providing For The Current Maintenance Of This Code; Providing For The Effective Date Of This Ordinance; And, Providing For The Repeal Of All Conflicting Ordinances – 1st & 2nd Reading

Attorney Albrecht read Bill #5890 by title only. Alderman Kramer provided the synopsis, “**this** Bill is for an ordinance authorizing the mayor and/or city administrator to accept the donation of 8128 Brentwood Industrial Drive. The property is 0.87 acres. There may be future opportunities to utilize this property with future flood mitigation efforts. There are no known environmental issues. The Public Works Committee recommends approval”. Attorney Albrecht read Bill #5890 by title only. Alderman Wynn made a motion to perfect Bill #5890 into ordinance form. Motion seconded by Alderman Leahy. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – absent; **MOTION PASSED.**
BILL #5889 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4554

ACCOUNTS AGAINST THE CITY

Alderman Kramer made a motion to approve the warrant list in the amount of \$94,545.05. Motion seconded by Alderman Robertson. Unanimous vote in favor taken; **MOTION PASSED.**

REPORTS OF COMMITTEES AND DEPARTMENT HEADS

Mayor Kelly presented the committee recommendations for the next year; the changes include 2 additional library members (Sharon McGee & David Ressler). Alderman Leahy clarified that he has never been the liaison for the Planning & Zoning Committee; incorrect lists have been distributed at some point. Alderman Wynn made a motion to approve the committee appointments. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

He also stated that the issue of the CDBG funds came up at the last MML meeting and staff was requested to research the feasibility of succeeding from County with respect to these funds. In the outlying areas, because they go directly through the state, they have access to a larger pool of funds and can be used on a broader number of projects.

Public Safety Committee, Alderman Wynn had no new report.

Public Works Committee, Alderman Robertson had no new report.

Director of Planning & Development

Board Appointments – 8750 Manchester Road CID was presented for the next year; there have been no changes. Motion was made by Alderman Leahy to approve and seconded by Alderman Robertson. Unanimous vote in favor taken; **MOTION PASSED.**

Litzsinger Road Project – staff has been working with Missouri American Water, along with other utilities to get as much bang for our buck. As a part of this project, the main line runs along Litzsinger and we have had many breaks and partial repairs in the past. They have agreed to, at their own expense, replace any part that is more than 10-15 years old. As a part of the initial policy was that the city would be responsible for the reconnection of the private lines that connect to the public line as it wasn't a required project; they have agreed to cover these costs as well. The total project cost for this is zero to the city, what they have requested we do is to waive any required permit fees. Motion was made by Alderman Leahy and seconded by Alderman Kramer to waive permit fees for American Water to replace the line along Litzsinger from McKnight to Brentwood. Unanimous vote in favor taken; **MOTION PASSED.**

Ways and Means Committee, Alderman Kramer announced that the committee is working schedule the next meeting date.

Audit Committee Proposal – Ways & Means reviewed the committee proposal and upon a split vote of 2-2 forward to the Board for consideration (memo date July 17, 2013 and updated April 14, 2014).

Discussions were held and Alderman Toohey commented that the internal controls auditor will speak to the differences of opinions that they witnessed and having this committee will help to decipher the information in such incidences. This will also help for transparency and they should also have the technical ability that the ways and means as a whole does not have.

Alderman Kramer commented that the idea behind the formation of an audit committee is that they would have an independent advisory role to the Ways & Means committee made up of residents with the specialties outlined in the proposal and not comingled with elected officials.

Alderman Wynn stated that it is important that staff is also in favor. He also added that it would be a mistake to think that anyone would be completely non-political.

Mayor Kelly stated his previous attempts to introduce different versions of this committee and that he will not support any audit committee that 1) reports directly to ways and means. The way this proposal is written stated that they not only report to but member applications will also be reviewed by for selection of and final approval by the Mayor and Board. The idea is that the primary function would be to help establish and select the audit firm that does the annual audit and evaluate that process and report back to the Board of Aldermen. This proposal diminishes the role of the Mayor and the other body. He reminded that the committees have no authority and there is no reason to have an advisory committee to report to them.

Alderman Kramer made a motion to approve the formation of the audit committee as proposed through the memo dated July 17, 2013 and updated April 14, 2014 for a new standing committee within the City of Brentwood. Motion seconded by Alderman Toohey. **ROLL CALL:** Alderman Harper – no; Alderman Wynn – no; Alderman Robertson – no; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – no; Alderwoman Manestar – no; Alderwoman Saunders – absent; **MOTION FAILED.**

Code of Conduct Proposal – Ways and Means committee has also reviewed and discussed Resolution #1002. Changes have been made by committee members, however, a unanimous vote was taken of 4-0 not to recommend Resolution #1002 to the full board. Instead, the committee is advocating the use of the Board-Staff Communications Guidelines that was included in the newly elected officials packet after the 2012 election. Mayor stated that it should be reviewed so that the Aldermen know that they should not be talking to the media; that is done by the Mayor and City Administrator, all comments should be referred.

City Attorney Albrecht, Attorney Albrecht had no report.

City Clerk/Administrator, Administrator Akande had no report.

Library, Alderman Wynn encouraged the continued use of the library.

Municipal League, Mayor Kelly stated that it was good that the Governor vetoed a number of bills; it shows the importance of needing to pay attention at the state level.

Historical Society, Alderman Wynn had no report.

Closed Meeting

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

Alderman Wynn made a motion to enter into executive session at 9:04 p.m. to discuss legal, personnel and contract negotiation matters pursuant to RSMo 610.021(1) (3) (12). Motion seconded by Alderman Robertson. **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 – absent; **MOTION PASSED.**

Mayor Kelly called the closed session to order at 9:10 p.m. with the following members present: Alderman Harper, Alderman Robertson, Alderman Kramer, Alderman Toohey, Alderman Leahy, and Alderwoman Manestar. Also present were City Administrator Akande, City Attorney Albrecht, Attorney James Foster (McMahon Berger), and Attorney Brian Hey (McMahon Berger).

Discussions were held and a motion was made by Alderman Kramer and seconded by Alderman Wynn that the dispatcher severance package not be extended to any employee that has not had a break in employment. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – absent; **MOTION PASSED.**

Alderman Wynn made a motion to adjourn the closed session at 9:25 p.m. Motion seconded by Alderman Leahy. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – absent; **MOTION PASSED.**

UNFINISHED BUSINESS

Alderman Kramer requested an update of the group Better Together. Mayor Kelly explained that they submitted a report on economic development and it was not favorable to TIFs. An example explains that the TIFs have only created 2700 jobs in St. Louis and that the downturn of the St. Louis population was caused by TIFs. It does not include the construction jobs created and the construction workers living in the region and spending while the development is underway. And they also never mention the underlying property taxes. The Promenade

went from \$60,000 in taxes prior to development to \$1,000,000; the school district went from \$30,000 to \$500,000; there is an economic benefit, it is what pays our teachers. They were unable to answer why this information was not included in the report. The Municipal League has been looking for representatives to serve on the committee and finally they agree to have two representatives from the St. Louis County League (Pat Kelly and John Shaw [Ferguson]). The report was issued shortly after this appointment, not leaving an opportunity for review or a meeting to offer comments. The underlying goal is another way of trying to take away control of local municipalities.

NEW BUSINESS

Alderman Leahy apologized for his tardiness and announced that the Ward 3 meeting will be held June 24th at 7 p.m.; everyone is invited.

Mayor Kelly also provided an update that GBA, when they presented their final report on the last analysis of the rec center, they also submitted a proposal to be the architect/engineering firm to oversee this process of selecting a subcontractor to do the renovation and maintenance. The question was asked at that time if we were to put it out to bid, at that time the answer was yes. There was much confusion of how it was put out. After review and speaking with other professionals, Mayor recommended hiring GBA to be the engineer through the process. A discussion was held and it was clarified that a vote is not in place for the issuance of the bond; GBA fee structure would come from the total cost. It was added that St. Louis County did increase the money that was allocated for park grants with the additional revenue passed by the voters; our limit was increased from \$250,000 to \$375,000. We could also apply for these services as a separate item. Alderman Leahy clarified that the request is to accept the professional service agreement with GBA but we would exceed the \$10,000 limit, requiring the formal bid process. Mayor Kelly stated that it is professional service, they are a selected vendor for professional services, is one of the city's on-call engineers; the board has the ability because they have previous knowledge and have worked on the project over a period of time to make an exception. Alderman Wynn made the motion to approve. **MOTION DIES DUE TO LACK OF SECOND.** The project will be put out to bid.

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

None

ADJOURNMENT

Alderman Leahy made a motion to adjourn the meeting at 9:25 p.m. Motion seconded by Alderman Kramer. Unanimous vote in favor taken; **MOTION PASSED.**

Approved as submitted the 21st day of July, 2014.

Attest:

Pat Kelly, Mayor

Bola Akande, City Clerk/Administrator