

**CITY OF BRENTWOOD, MISSOURI
BOARD OF ALDERMAN MEETING
AUGUST 18, 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.

Mayor Kelly asked, in respect for the issues brewing in Ferguson, that no comments/discussions are offered in this regard. He then led a moment of silence.

ROLL CALL

The following members were present

Alderman Harper	Present	Alderman Toohey	Present
Alderman Wynn	Absent	Alderman Leahy	Present
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 August 18, 2014

Alderman Leahy made a motion to approve the August 18, 2014 agenda. Motion seconded by Alderman Robertson. Unanimous vote in favor taken; **MOTION PASSED.**

As later requested by Mayor Kelly, Alderdwoman Saunders made a motion to move item #11G (Excise Commissioners Report) up to 5C. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

CONSIDERATION AND APPROVAL OF THE MINUTES

Board of Aldermen Regular Meeting Minutes July 21, 2014

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

PRESENTATION/RECOGNITION

Oath of Office – Police Officer Geoff Presson

Mayor Kelly, for ceremonial purposes, administered the Oath of Office to Geoff Presson as a Police Officer of the City of Brentwood. Chief Dan Fitzgerald welcomed him aboard and provided a brief introduction of his background and experience.

Certificate of Excellence – Officer Dave Pouk & Officer Paul Clayton

Chief Fitzgerald announced the robbery and auto theft call on N. Swan in June. And after locating the stolen vehicle, Officer Pouk and Officer Clayton effectively processed and fingerprinted the vehicle which led to the swift apprehension of the 2 suspects. Chief Fitzgerald presented both officers with a certificate of excellence for their diligent service.

EXCISE COMMISSIONER

Temporary Liquor Permit – Immerse by Atlas

Commissioner Clements announced the requests from Immerse by Atlas to host an event on September 3rd; 6:30 pm - 8:30 pm and September 11th; 5 pm – 8 pm. They will be serving cocktails beer and wine at each event. Alderman Leahy made a motion to approve both temporary liquor permits for Immerse by Atlas. Motion seconded by Alderwoman Saunders. Unanimous vote in favor taken; **MOTION PASSED.**

Temporary Liquor Permit – St. Mary Magdalen

Commissioner Clements announced the requests submitted by St. Mary Magdalen for events scheduled through April 2015. They are requesting a permit to serve beer and wine during their fish fries on March 6, 13, 20, 27 and April 3, 4:30 pm – 10:00 pm; selling beer and wine during the Athletic Trivia Night on September 13, 6:30 pm – 11:00 pm; and serving all liquors during the auction on November 8, 5:00 pm -12:00 am. Alderman Leahy made a motion to approve temporary liquor permits for St. Mary Magdalen. Motion seconded by Alderman Kramer. Unanimous vote in favor taken; **MOTION PASSED.**

PUBLIC HEARING

None

BIDS

Emergency Purchase of D2D Backup System

The city has recently been experiencing increasingly significant hardware failures of the D2D system. It was expected to reach the end of its useful life this year and was scheduled in the FY2014 budget for replacement as a part of the IT Infrastructure Refresh Package. As staff has been focusing on the transition to ECDC, package replacement has not been prepared. Staff presented the necessity of moving forward with the D2D system separately given recent failures and purchasing from the state contract (\$11,949.84). It was presented to Ways & Means who forwards a positive recommendation for approval.

2014 Asphalt Projects

Administrator Akande announced the issuance of a RFP for the 2014 asphalt projects which include Wrenwood, Manderly, Helen and Parkridge. A total of six submittals were received: NB West Contracting (\$175,911.44), Special Construction Services (\$196,253.14), Pride Master (\$226,582.00), E. Meier Contracting (\$186,789.61), Gershenson Construction (\$261,855.20), and Ford Asphalt (\$200,854.22). After staff evaluation, Public Works Committee recommends the approval of NB West as the lowest and best bid.

Professional Services for Brentwood Community Services Renovations

Administrator Akande also announced the issuance of a RFQ to obtain a qualified firm to provide architectural, structural, civil, survey, landscaping, mechanical, plumbing, electrical, and fire protection services for selected maintenance upgrades and improvements to the existing recreation complex. We received a total of nine responses to the RFQ and the selection committee (made up of Administrator Akande, Director Wyse, Chief Jury, Superintendent Nahmensen, Superintendent Gruenenfelder, and Project Manager Von Hartz) interviewed four of the firms (Chiodini, William Tao & Associates, Jacobs, and GBA) selected as finalists. Scoring based on general company qualifications, related project experience, project design team, project design schedule and approach and design, the committee unanimously agreed on a recommendation of Chiodini Associates.

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

David Demitt, 9104 Pine (Planning & Zoning Chairman) addressed the board regarding the status of the comprehensive plan. He explained that within the last few months, P&Z has submitted a recommendation that a review is conducted to determine necessary changes or amendments. In response to questions that have surfaced in regards to P&Z's strategy, he explained that the plan was enacted in 2006 and there haven't been any revisions since. There have been many changes in circumstances that may warrant the need to revisit, namely the recession in 2008 and the real estate crisis. It is the understanding of P&Z that the plan is to be reviewed if necessary, but there is no requirement in the code mandating it be done annually (ord #2588). The plan is a large document that contains a summary with 8 pages or 77 different goals and strategies. P&Z members discussed the belief that determining which of the goals are satisfied, valid or moot is a tremendous undertaking. It was agreed to recommend the retention of a consultant for this limited purpose and report back the resulting recommendation for consideration in next steps.

Denise Soebbing, 2612 Porter, presented pictures taken throughout the city showing needed repairs; sidewalks, swales along Manchester, overgrown weeds and either overgrown or dead trees. She expressed the importance of safety in the community and commented that employees are working hard but need to work smarter because it looks like a blighted area. She added that we have money from businesses and sales taxes and we can do better than this.

Louise Charboneau, 8833 Madge, expressed kudos for removing overgrowth on Madge. She also urged the passage of Bill #5896 as it gives an opportunity of benefit from fresh ideas, new energy and fresh thinking; she would also suggest term limits.

Julie Pozzo, 2211 St. Clair, thanked the police for their services. She asked, in lieu of events in Ferguson, if officers are doing any riot training and if there is a need for an additional police officer. She also questioned which property on Manchester is owned by the city as mentioned during the Ways & Means meeting as well as the ownership and responsibility of sidewalks and curbs on Manchester. She added that Manchester has been deteriorating for a long time and wonders why.

Mayor Kelly closed public comments and responded that Manchester Road, including sidewalks and curbs are under MoDOT jurisdiction. Over the years, the city has tried a couple of different projects for improvement, i.e. the Manchester Corridor Transportation Development District, attempted tax increases and grant funding, however, representatives are being notified of concerns. The primary reason for the lack of investment is due to the flooding but we are not waiting on any large redevelopment. He added that the city purchased the Latrell Building on Manchester because the lot is not large enough to be used for anything. The building is scheduled to be demolished in 2015.

Alderwoman Saunders questioned the failed grant attempts which were due to funding and the competitive process. Alderman Leahy also commented that the code states that property owners are responsible for their sidewalks however the city tries to accommodate when damage is caused by city trees. Ways and Means discussed amending but no decision was made. After additional questions regarding ownership after granting sidewalk easement, Attorney Albrecht replied that an inventory would be needed to determine easement ownership and then review for maintenance responsibility. Mayor Kelly added that the city's policy (in residential neighborhoods) has always been that the city maintain and repair sidewalks when needed. Alderwoman Saunders asked that this item is placed back on the Ways and Means agenda for further discussion.

INTRODUCTIONS, READINGS, AND PASSAGE OF BILLS AND RESOLUTIONS

Alderman Leahy made a motion for the 1st & 2nd Readings of Bills #5896, 5899, 5900, and #5901. Motion seconded by Alderman Robertson. Unanimous vote in favor taken; **MOTION PASSED.**

Bill #5896 – An Ordinance Amending Chapter 8 Of The Revised Code Of Ordinances Of The City Of Brentwood, Missouri By Deleting Section 8-2 In Its Entirety And Enacting In Lieu Thereof A New Section 8-2, As It Relates To Election Of Officers Generally; 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 #5896 by title only. Alderman Kramer provided the synopsis, “This bill is for an ordinance amending chapter 8 of the revised code of ordinances of the City of Brentwood, Missouri by deleting section 8-2 in its entirety and enacting in lieu thereof a new section 8-2, as it relates to election of officers generally; 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. This ordinance would set the general municipal election to be held in each ward on the first (1st) Tuesday after the first (1st) Monday in April of an election year. Furthermore, it changes the term of office for Elective Officers of the City from four (4) year term to two (2) year terms beginning in the year 2015 with the election of a Mayor, Municipal Judge and one (1) Alderman each from Wards 1, 2, 3, and 4. In the year 2016, one (1) Alderman shall be elected each from Wards 1, 2, 3, and 4. The elective officers shall hold office for a term of two (2) years and until his/her successor is elected and qualifies.” Alderwoman Saunders stated her intent to determine if she needed to abstain as her understanding of the law is that it needs to go back to the voters and is a conflict of interest to set their own terms. She supports 2 year terms but questions if this is the appropriate way to make the change. Mayor Kelly clarified that it would be setting the terms of future elected officials. Attorney Albrecht stated that he has reviewed the statutes, it makes provisions for taking to the voters raising the term to 4 years but does not address making any other term. There is an Attorney General’s opinion relating with similar wording for Marshals and the conclusion was to roll the term back would be an action by the board of Aldermen to appeal the ordinance; taking it to the voters would be a referendum of which a 4th class city is not entitled to do. Rep. Gina Mitten has requested an opinion from the Attorney General and is awaiting a response. He added his belief that there is no conflict for Aldermen. Alderman Leahy referenced RSMO 79.050.3 and stated that is problem is that none of the elected officials have the empirical data that supports which term limit is best. He stated his belief that the citizens are served best if they make the decision. He suggested passing the ordinance making it a 2 year term and then go back to the voters in November to establish if they would like the board to serve 4 year terms and offered an amendment to the Bill. Attorney Albrecht commented that the proposed amendment might just add confusion; a separate ordinance would be needed. Alderman Kramer commented that the voters have already spoken and changing the terms would oppose the democratic process. Discussion continued regarding Attorney Albrecht’s opinion and it was agreed to wait until a response is received from the Attorney General for clarity. Alderwoman Saunders made a motion to place Bill #5896 on hold until the September meeting. Motion seconded by Alderman Toohey. **VOICE VOTE TAKEN; 6 – yes; Alderman Leahy – no; MOTION PASSED.**

Bill #5897 – (ON HOLD) An Ordinance Amending Chapter 14 Of The Revised Code Of Ordinances Of The City Of Brentwood, Missouri, By Amending Section 14-1007 Relating To Commercial Vehicles And Motor Buses; Providing For The Effective Date Of This Ordinance; Providing For The Repeal Of All Conflicting Ordinances – 1st & 2nd Reading

This bill remains on hold.

Bill #5898 – (ON HOLD) An Ordinance Amending Chapter 14 Of The Revised Code Of Ordinances Of The City Of Brentwood, Missouri, By Amending Section 14-1013.1 Relating To Trucks And Commercial Vehicles Over Eighteen Thousand Pounds; Providing

For The Effective Date Of This Ordinance; Providing For The Repeal Of All Conflicting Ordinances – 1st & 2nd Reading

This bill remains on hold.

Bill #5899 – An Ordinance Authorizing The Mayor And/Or City Administrator To Enter Into And Execute A Professional Service Agreement On Behalf Of The City Of Brentwood, Missouri, With Chiodini Architects; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5899 by title only. Alderman Kramer provided the synopsis, “This bill is for an ordinance authorizing the major and/or city administrator to enter into an execute an agreement with the City of Brentwood, Missouri and Chiodini Architects to provide professional services for architectural, structural, civil, survey, landscaping, mechanical, plumbing, and electrical and fire protection services for selected maintenance upgrades and improvements to the existing Brentwood Community Center located at 2505 South Brentwood Boulevard, Brentwood, MO.” Parks Superintendent Gruenenfelder explained the RFQ process and selection of Chiodini Architects due to their wealth of design experience including municipal projects, master plan experience and experience with ice rinks.

Chris and Michael Chiodini provided an overview of their team KJWW (Steve Frost & Russ Arnison), former and existing projects, and explained estimated costs and details of what should be expected of this project. The scope of work includes roof replacement, mechanical system replacement/upgrade, new fire sprinkler system, new fire alarm system, electrical system replacement and upgrades, interior and exterior ADA improvements, code related improvements, structural slab replacement and ice rink refrigeration equipment replacement as established in the 2011 GBA assessment. The existing equipment has been well maintained by staff; extending its life span past the average. Replacement of the roof, HVAC, electrical, and ice rink have been delayed resulting in increased replacement cost; further delay will impact replacement and increase costs as well. They will address facility energy efficiency and energy codes, current building codes and ADA code compliance. The GBA study estimate (\$2.9 million) is considered a starting point, adding 5% for inflation, 7% overhead and profit, 7% general conditions, and 15-20% contingency (standard) for a total project study level estimate of \$3.9 million. The total construction estimate and realistic project costs (\$5,000,000+/-) includes interior finish, HVAC controls, demolition of the ice rink equipment, roof insulation/light-weight concrete deck replacement, window systems, construction contingency (5-7%), 4-5 month construction schedule and phased construction, architectural/engineering fees and construction manager fees.

A discussion was held of Aldermen questions for further clarification of systems replacements, the difference between the study contingency (covers evaluation of system efficiencies and is estimated to come down) and the construction contingency (covers unknown conditions), the cost exceeding the 2014 budget (the majority of funds will not be expended this year, funds will also be budgeted in 2015 and the board has to make decisions on funding options), and additional fees for the construction manager (these services are included as a part of their normal processes, however it is the city’s decision to hire a 3rd party consultant). Alderman Kramer announced concerns that GBA is not present to respond to the difference in their initial estimate and the changes and increased cost being proposed. Alderwoman Saunders questioned who authorizes changes (staff will bring recommendations forward), asked to see final designs before approval and that it is defined that the Board of Aldermen makes the larger decisions.

Attorney Albrecht read Bill #5899 by title only. Alderman Robertson made a motion to perfect Bill #5899 into ordinance form. Motion seconded by Alderman Harper. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – absent; Alderman Robertson – yes; Alderman Kramer – yes; Alderman Toohey – no; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

BILL #5899 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4560.

Bill #5900 – An Ordinance Readopting Ordinance No. 3153, Section 2-471 Of Chapter 2 Of The Revised Code Of Ordinances Of The City Of Brentwood For 1987; 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 #5900 by title only. Alderman Kramer provided the synopsis, “This Bill readopts Ordinance No. 3153 which approved the City’s Personal & Financial Disclosure Policy as required by State Law. This Bill is adopted annually by cities with an operating budget over one million dollars and sets forth rules and policies for disclosing personal and financial information for elected officials and the City Clerk/Administrator. Staff had checked with the Missouri Ethics Commission and because the city has an annual budget that exceeds one million dollars, only the City Administrator (purchasing agent per municipal code) is required to complete the form annually. Furthermore, according to our ordinance, elected officials are only required to complete the form if they have business transactions over \$500 or more with the city”. Attorney Albrecht read Bill #5900 by title only. Alderman Leahy made a motion to perfect Bill #5900 into ordinance form. Motion seconded by Alderwoman Manestar. **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.**

BILL #5900 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4561.

Bill #5901 – An Ordinance Of The City Of Brentwood, Missouri, Authorizing The Mayor And/Or City Administrator To Enter Into And Execute An Agreement Between The City Of Brentwood, Missouri And NB West Contracting; And Providing For The Effective Date Of This Ordinance – 1st & 2nd Reading

Attorney Albrecht read Bill #5901 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 an agreement between the City of Brentwood, MO and N. B. West Contracting in the amount of \$175,911.44 for four asphalt projects in the City of Brentwood”. Attorney Albrecht read Bill #5901 by title only. Alderwoman Saunders questioned the plan for materials being used on streets and stated her support of another bond issues. Mayor Kelly stated that the general policy is to replace what is currently in place however the cost of materials is also considered. Alderman Leahy made a motion to perfect Bill #5901 into ordinance form. Motion seconded by Alderman Toohey. **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.**

BILL #5901 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4562.

ACCOUNTS AGAINST THE CITY

Alderman Kramer made a motion to approve the warrant list dated August 18, 2014 in the amount of \$233,316.26 which also includes \$55,181.75 of grant pass through. Motion seconded by Alderman Toohey. Unanimous vote in favor taken; **MOTION PASSED.**

REPORTS OF COMMITTEES AND DEPARTMENT HEADS

Mayor Kelly reminded everyone of Brentwood Annual Maddenfest.

Public Safety Committee, Alderman Wynn was not in attendance to report.

Public Works Committee, Alderman Robertson had no new report.

Director of Planning & Development announced that the 8750 Manchester Road CID will have the annual board meeting this Thursday at city hall.

Mayor Kelly also spoke in regards to a previously approved building addition; the family had to delay their project that was approved in 2012 and now they are ready but are being told that they have to go through the process again even though there have been any changes in their plans. Staff was asked to speak with ARB in regards to reviewing the process extending the approval past one year and giving staff the authority to approve unchanged ARB plans in similar cases.

Ways and Means Committee, Alderman Kramer stated that the timeline for the 2015 FY budget continues. The next meeting is scheduled for Sept. 9th or 11th to continue discussion.

Alderwoman Saunders commented that meeting in the 2nd week does not work for her and suggested looking into the 4th week of the month.

City Attorney Albrecht, Attorney Albrecht had no report.

City Clerk/Administrator had no new report.

Library, Alderman Wynn was not in attendance to report.

Municipal League, Mayor Kelly offered a reminder of the annual conference in September; it will be held in St. Charles.

Historical Society, Alderman Wynn was not in attendance to report.

Closed Meeting

None

UNFINISHED BUSINESS

Alderman Kramer provided an update regarding Brentwood Blvd., the project has been named AR1523 – Brentwood Infrastructure Project. The estimated \$2.6 million total repaving begins this fall; every sidewalk/curb/ramp not already ADA compliant is scheduled to be updated, milling and paving is set for spring/summer 2015, Brentwood from Eager to Marshal and Eager from I-170 to Hanley will also be a part of the project.

Alderman Leahy expressed gratitude to the police department, National Night Out Citizen Committee, area businesses, residents, and the Brentwood Swim Club for making the National Night Out successful.

NEW BUSINESS

Alderman Leahy announced the Ward 3 meeting Tuesday, August 26th at 7pm. He also stated that it is not too late to register for the Annual Maddenfest Parade.

Alderwoman Saunders stated that she will keep the Ward 1 meeting posted but the schedule is tight with meetings that week.

Discussion on Verbatim Minutes and Reference to Better Together requested by Alderwoman Saunders

Alderwoman Saunders stated that the minutes were received but her point for bringing it up was in the past it was stated that we have all this compensation information supplied by the municipal league and other cities. Better Together was mentioned because it is a new

organization that was asking cities for salary information; it was however clarified that this information may not be completely comparable. She reiterated her support of a compensation study all along and stated that they have this and other useful information on their website (www.bettertogetherstl.com). Mayor Kelly noted that the discussion was in regards to doing a compensation survey and it was stated that Better Together has that information. They don't have that information they just have a list of municipalities, their personnel and their salaries. He added that he never said the Municipal League has those numbers, what we had was a study from the City of Frontenac of 6 municipalities of comparable size, including themselves and the City of Brentwood that compared the salaries, benefits and so forth and this was previously presented to the Ways and Means. Discussion ensued regarding the need to understand each other.

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

Louise Charboneau, commented in regards to the estimated costs presented to repair the recreation center (\$5 million); she questioned the cost of new construction (\$20 million) and which option would offer the most benefit.

Denise Soebbing, commented that she would like a response to the pictures presented; who is responsible for the sidewalks along Manchester (it's her understanding that there was money put a side for repairs that was used for another purpose), can we approach the business along Manchester in effort to help improve appearance, the status of the 2 trees presented (on White & next to St. Mary Magdalen), who will be responding in regards to the weeds on Litzinger and when, the condition of the tree in Attorney Albrecht's yard, who approved a bench on the corner of Manchester & Hanley.

Alderman Leahy responded to Mrs. Soebbing that some of the trees cited are not owned by the city. There is also no code violation to reference for Attorney Albrecht's tree; Davey Tree cited that it is a health condition but mitigation is the homeowner's preference. The sidewalk on Manchester is owned by the State of Missouri. The money referenced for Manchester would have potentially been in place if the Manchester Corridor was approved by the 7 municipalities and it was not. He added that other overgrowth mention is also on private property and the city is not allow to do that, however, can take care of sight line visibility. Mayor Kelly added that the city is over 50 miles of street and it is helpful that citizens also inform us.

Kevin McCarthy, offered a reminder that as the election process comes forward, we are regulated by the FCC for carriage on the Charter cable system and the ATT Uverse. As we approach election dates, all are caution to retain rhetoric not aimed at the influencing the election process.

ADJOURNMENT

Alderman Leahy made a motion to adjourn the meeting at 9:24 p.m. Motion seconded by Alderman Harper. Unanimous vote in favor taken; **MOTION PASSED.**

Approved as submitted the 15th day of September , 2014.

Attest:

Pat Kelly, Mayor

Bola Akande, City Clerk/Administrator