

**CITY OF BRENTWOOD, MISSOURI  
BOARD OF ALDERMAN MEETING  
NOVEMBER 17, 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	Present
Alderman Robertson	Present	Alderdwoman Manestar	Present
Alderman Kramer	Absent	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 November 17, 2014**

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

**CONSIDERATION AND APPROVAL OF THE MINUTES**

**Board of Aldermen Regular Meeting Minutes October 20, 2014**

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

**PRESENTATION/RECOGNITION**

**TIF Report, Jim Lahay (Stifel/Public Finance)**

This presentation will be conducted at the next Board of Alderman meeting.

**PUBLIC HEARING**

**A Petition To Amend Chapter 19 Of The Brentwood Code Of Ordinances As It Pertains To Sign Regulations**

This hearing will be continued to the next meeting for further review by the planning and zoning commission.

**A Petition For Site Plan And Conditional Use Permit Approval To Locate A "Sales Of Lawn And Landscaping Equipment And Drop Off Point For Repair And Service Of Lawn And Landscaping Equipment, Including Outdoor Display" Business At 8513 Manchester Rd.**

Director Wyse announced the petition for a conditional use permit and site plan approval to locate a "sales of lawn and landscaping equipment and drop off point for repair and service of lawn and landscaping equipment, including outdoor display" business at 8513 Manchester Rd.

The subject parcel is three parcels of land; 8513 Manchester Rd., 2652 Ruth Ave. and 2654 Ruth Ave.; all of which are zoned "GC" General Commercial District and combined equals 0.72 acres (29,962 square feet). The proposals seeks to take the existing building to be utilized, remove the non-conforming parking area located at 2652 and 2654 Ruth and install a new parking area to service the proposed use and provide overflow for the existing lawn care facility to the west. Planning and Zoning review the proposal and recommend approval by a vote of 7-0 with five conditions:

- Ash trees depicted on the plan to be replaced with an alternative species from the list of City approved street trees. - *The plan submitted for the Board's final approval includes Littleleaf Linden to address this condition.*
- The staff parking should be angled and the drive lane widened per City and Fire code. - *The driveway has been widened to accommodate one way traffic. Final construction will need to widen to accommodate two-way traffic or the parking spaces will need to be angled to comply with this condition.*
- The drive lane will be open to the public and not limited to staff only access.
- The boulders on the north side of the eastern most lot will be replaced with trees. - *The plan shows installation of three white pines to address this comment.*
- All improvements are to be completed before an occupancy permit is issued.

There were no comments from the public.

**Petition for Conditional Use Permit and Site Plan Approval to incorporate additional land area and a building addition at 2827 S. Brentwood Blvd. and 8827 / 8823 / 8819, and 8815 W. Pendleton Ave**

Director Wyse announced the proposal to expand the existing warehouse distribution center for Bommarito Wines. They have, over the course of the past several years, acquired four properties to the west of their existing facility. The four parcels along W. Pendleton were zoned "GC general commercial" in the mid 80's and the proposal now seeks to expand the existing use permit for 2827 S. Brentwood to also cover the four parcels to accommodate this expansion. The Planning and Zoning Commission has reviewed a request and recommend approval by a vote of 5-2.

There were no comments from the public.

**A Petition To Amend Chapter 25, Article VI, Division 8 Of The Brentwood Code Of Ordinances To Adopt The New St. Louis County Flood Insurance Rate Maps**

Director Wyse announced the petition to amend Chapter 25, Article VI Division 8 of the Brentwood code of ordinances pertaining to the city's flood hazard regulations. In 2009 FEMA started a process widely across Missouri and other areas to remap and update the flood insurance study which would get incorporated into a new flood insurance rate map. That process was approved for all counties in Missouri with the exception of St. Louis; it was held for additional review. The technical issues have now been resolved and the new maps have been released. As a part of this, FEMA have given municipalities until February 2015 to adopt the new flood insurance study and the new flood insurance map panel number. As a part of this, they have requested instead of an amendment, they would prefer we adopt the chapter in its entirety. The Planning and Zoning Commission reviewed the request and recommended approval by a vote of 6-1. Director Wyse added that this is a mandatory change, if not adopted by February 5, 2015, we will be removed from the National Flood Insurance Program.

There were no questions from the public.

**A Petition To Amend Section 25-260 Of The Brentwood Code Of Ordinances To Add “Churches And Other Houses Of Worship” As A Permitted Use Within The Light Industrial District**

Director Wyse announced the petition to update the permitted uses within the Light Industrial District. The request is to add the use of church and other houses of worship as a permitted use within the district. This is the only zoning district in which they are not currently permitted and following the loop of federal law, staff is recommending it is incorporated to not conflict with federal law. The Planning and Zoning Commission reviewed the petition and recommends approval by a vote of 7-0.

There were no comments from the public.

After questions from Aldermen, Wyse clarified that there is one applicant that has questioned but we are not sure how serious the request is. And also if we are going to be restrictive, we have to do it in the least restrictive means possible and must clearly define a compelling government interest of why we are regulating it. Being an Industrial District is not reason enough given that there are other uses within the district.

**BIDS**

**RFP – Brentwood Community Center Complex Reroofing**

Administrator Akande announced the issuance of a request for proposal for the Brentwood Community Center Complex Reroofing project. We issued bids for the demolition of the existing roof and the installation of a new roof; there was also an alternate to the bid that would require the installation of a layer of densdeck on the roof which provides additional protection to the insulation from hail and extend the life of the roof. Seven bids were submitted in response to the invitation for bids. The lowest and best bid was submitted by Shay Roofing, Inc. for \$676,371 for the base bid and \$56,545 for the alternate bid at a total cost of \$733,276. Staff spoke with Chiodini Architects, J&S Roofing, and SM Wilson to give a reference; all have worked with them on different projects in the past and they are the only firm that responded that is able to complete the project in 30 working days. The recommendation is for Shay Roofing in the total amount of \$733,276 which also includes the alternate.

**RFP – Construction Manager Advisor (CMA) Services**

Administrator Akande announced the issuance of a request for proposal for construction manager advisor services for the recreation complex renovation. The purpose is to select a firm that will act a construction manager for the planning and renovation of the recreation complex, they will also serve as the general contractor and be the single point of responsibility for the construction of the entire project. There were a total of 8 responses and the selection committee interviewed 4 firms to give a presentation: CPMI, HBD, Lawlor Corporation, and SM Wilson. The review was based on general company qualifications, related project experience, the depth of experience they have on ice rink facilities, project management plan and key personnel, construction services and systems and the proposed compensation. The recommendation is for the selection of SM Wilson; they have a wealth of experience in ice rinks and municipal projects and have also indicated that they will be soliciting bids for the city in all major categories of the work. They have an exceptional work experience with Chiodini Architect, stressed the importance of helping the city to stay within the budget and have experience and expertise in cost control and value engineering. The total cost for the project is \$357,410; although not the lowest, they are believed to offer the best in terms of service and work product.

**RFQ – Comprehensive Plan Review**

Administrator Akande announced the issuance of a request for qualifications to engage the consultant to work with the planning commission to perform a review of the city's

comprehensive plan. Proposals were received from seven firms, of which three were interviewed: Houseal Lavigne Associates, PGAV, and Benchmark Planning. The interview selection was based on a number of criteria included in the RFQ; namely, management capabilities, technical capabilities, approach to the project, understanding of the city's objectives, the proposed work schedules, assigned staff, fee and schedule of hourly rates, knowledge of the local situation, ability to communicate, presentation and attitude and confidence factor. The recommendation is for Houseal Lavigne Associates at \$14,000. They indicated that they will be able to complete the project in three months. In the planning and development fiscal year budget includes \$89,000, it was requested to use these funds for this service.

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

**Louise Charboneau, 8833 Madge**, addressed the board to speak in favor of Bill #5896, reducing the terms of elected officials. She spoke in regards to the necessary resolution setting the election and terms and strongly encouraged its passage. She added that it was previously change to allow the terms to be 4 years but before there was full knowledge of the tragedy with the previous city administrator and urged passage of legislation to reduce the terms giving others and opportunity.

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

Mayor Kelly commented with respect to municipal elections; there is one more meeting before a decision needs to be made, this discussion will take place at the next meeting.

Mayor announced the failed attempt to discuss Bill #5912 at a workshop due to lack of quorum. After invitation to Aldermen, Alderman Leahy met with Mike Perry to review the changes. Mayor asked if there was any interest to remove the bill from hold and pass tonight or schedule a workshop. Alderman Leahy made a motion to remove Bill #5912 from hold. Motion seconded by Alderman Toohey. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – absent; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – no; Alderwoman Saunders – no; **MOTION PASSED.**

Alderwoman Saunders stated she was given the opportunity to meet with Mike Perry but she thought her concerns should have been held at the board level; she thought there would be another workshop.

Alderman Leahy made a motion for 1<sup>st</sup> and 2<sup>nd</sup> readings of Bills #5912, 5923, 5924, 5925, 5927, 5928, 5929, 5930, 5931, 5932. Motion seconded by Alderman Toohey. **VOICE VOTE TAKEN;** 6 – yes; Kramer – absent; Saunders - no; **MOTION PASSED.**

Mayor Kelly reminded that everyone was previously asked to submit their questions in regards to the code. There have been opportunities in sub-committee, and others along the way as well as with Mike Perry to discuss concerns; it is up to the board if they want to have the discussion or call for the question and move forward.

**Bill #5896 – (ON HOLD) 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 – 1<sup>st</sup> & 2<sup>nd</sup> Reading**

This bill remains on hold.

**Bill #5904 – (ON HOLD) An Ordinance Amending Chapter 14 Of The Revised Code Of Ordinances For The City Of Brentwood, Missouri By Repealing Section 14-159 Of Said Chapter Relating To Designation Of Certain Streets; Enacting In Lieu Thereof New Sections 14-159 And 14-159.1; 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 – 1<sup>st</sup> & 2<sup>nd</sup> Reading**

This bill remains on hold.

**Bill #5912 – An Ordinance Adopting And Enacting An New Code Of Ordinances Of The City Of Brentwood; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein, Except As Herein Expressly Provided; Providing For The Manner Of Amending Such Code Of Ordinances; Providing Penalty For The Violation Thereof; And Providing When This Ordinance Shall Become Effective – 1<sup>st</sup> & 2<sup>nd</sup> Reading**

Attorney Albrecht read Bill #5912 by title only. Alderwoman Saunders stated that we need to discuss the sidewalks; in the new code it is more restrictive than the current code stating that residents are responsible for sidewalks in front of their homes and it also provides a means by which the city can, within 30 days, cite owners if repairs are not made. It was discussed at Ways and Means with hopes to continue the current practice of the city taking care of the sidewalks. She stated her preference to remove sidewalks from the code as there is no real way to know who the owners are unless you review easements. She questioned if the city installs the sidewalks, how we can make residents responsible. Mayor stated his understanding that it has always been the homeowners responsibility but the city would maintain in the event of an act of god, damage caused by city trees, or impacts from street repairs. Discussion continued regarding the city not following the code, making it a policy and moving forward, proposing to keep the definition as it is in the current code. Saunders commented in regards to the formation of the planning and zoning commission; state statutes say they should serve without compensation and it was included in the draft review but the city crossed it out to be in compliance with our practice (members are paid \$100 per meeting). Attorney Albrecht will review to determine if it is permissible. He added that he has not personally reviewed every change to ensure they are in compliance; Alderwoman Saunders stated that this is not acceptable to her.

Discussion was held regarding Alderman Toohey's comments of putting something in place and making adjustments as we find issues. Alderwoman Saunders commented that we have received a poor audit for violating state statutes and she has spoken with other attorneys who have commented that if the city does not want to go through the changes to bring them up through committee members may as well vacate their seats as elected officials. It is their job as an elected body and the responsibility of the city attorney. Discussion continued regarding bringing the changes forward in writing for review and the belief that meetings would be held regarding to changes per chapter. Saunders also commented in regards to the library board and language stating that they can make any decisions regarding their building without any approval from the board of aldermen. She disagrees because they are underneath the city hall, we set their tax rates and appoint their members.

Alderman Leahy stated his agreement with Alderwoman Saunders and proposed to pass the code to get it on line. He made a motion to add a section to the ways and means monthly agenda to discuss specific issues that come up and make recommendations to the board of aldermen for ordinances to rectify. He stated that he had met with Mike Perry and Administrator Akande and addressed many of his issues but there are still some issues he believe to conflict with the city's practice. Mayor commented that changes should not just go to ways and means, they should go to the respective committees. **MOTION DIES DO TO LACK OF SECOND.** Alderwoman Saunders commented that she does not feel comfortable voting for something against state statute.

Attorney Albrecht read Bill #5912 by title only. Alderman Robertson made a motion to perfect Bill #5912 in ordinance form. Motion seconded by Alderman Toohey. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – absent; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – no; Alderwoman Saunders – no; **MOTION PASSED.**

**BILL #5912 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4581.**

**Bill #5919 – (ON HOLD) An Ordinance Amending Chapter 19 Of The City Of Brentwood Municipal Code, Pertaining To The Regulation Of Signs, 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 – 1<sup>st</sup> & 2<sup>nd</sup> Reading**

This bill remains on hold.

**Bill #5923 – An Ordinance Authorizing The Mayor And/Or City Administrator To Enter Into And Execute An Agreement On Behalf Of The City Of Brentwood, Missouri, With Shay Roofing Inc; And Providing For The Effective Date Of This Ordinance – 1<sup>st</sup> & 2<sup>nd</sup> Reading**

Attorney Albrecht read Bill #5923 by title only. Alderman Leahy questioned how providing the alternate material (densdeck) extends the life of the roof. Chris Chiodini clarified that it does not extend the warranty but is a hail protectant. Attorney Albrecht read Bill #5923 by title only. Alderman Leahy questioned if this will raise the \$3.9M bond issue or if it is in the budget. Administrator Akande replied that the total cost of the budget has gone up and it will be addressed later on the agenda. Alderman Leahy made a motion to perfect Bill #5923 in ordinance form. Motion seconded by Alderman Robertson. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – absent; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

**BILL #5923 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4582.**

**Bill #5924 – An Ordinance Authorizing The Mayor And/Or City Administrator To Enter Into And Execute An Agreement On Behalf Of The City Of Brentwood, Missouri, With S.M. Wilson & Co.; And Providing For The Effective Date Of This Ordinance – 1<sup>st</sup> & 2<sup>nd</sup> Reading**

Attorney Albrecht read Bill #5924 by title only. Alderman Leahy questioned if this additional cost is included in the 2015 budget or covered by the COP and Administrator Akande responded that this expense is included in the 2014 budget. Attorney Albrecht read Bill #5924 by title only. Alderman Wynn made a motion to perfect Bill #5924 in ordinance form. Motion seconded by Alderman Robertson. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – absent; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

**BILL #5924 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4583**

**Bill #5925 – An Ordinance Authorizing The City Of Brentwood, Missouri, To Enter Into A Lease Purchase Transaction, The Proceeds Of Which Will Be Used To Pay The Costs Of Capital Improvements And Refunding The City's Outstanding Certificates Of Participation, Series 2003 And Costs Related Thereto; And Authorizing The Execution Of Certain Documents And Actions In Connection Therewith – 1<sup>st</sup> & 2<sup>nd</sup> Reading**

Attorney Albrecht read Bill #5925 by title only. Mayor Kelly explained that this is for the COP for the rec center improvements as well as refinancing of existing COPs to reduce rates, saving approximately \$50,000 over the life of the existing bonds.

Chris Chiodini, Chiodini Associates (project architect) provided an update and presented the final costs of the project. The project is on schedule for a fall 2015 opening. Chiodini has completed the field investigation and finished the schematic design documents and estimate; roof replacement bids have just been completed and now they are preparing to release the

design documents to the construction estimator. He reminded that the team consists of a roof consultant that helped specify and investigate existing conditions and Cooper Construction Estimating to conduct estimates from schematic design through construction document completion. The original GBA estimate was \$2.9M. The base scope estimate presented in August was \$4.5M and does not include A/E or CMA fees; the updated base scope for October is approximately \$100,000 less. Items found in investigations and recommendations that may increase costs include: an increased area of structural slab replacement (↑ \$400,000), ADA interior improvement (↑), recommendations for the ice rink refrigeration system (↑ \$300,000), mechanical system, electrical and fire alarm system (↑ \$125,000), building code requirements (↑ \$263,000) – just under \$1.5M bringing the schematic design estimate to \$6,249,777. Upon receipt, the field investigation report should indicate exactly what the scope of the project should be.

Explanation was provided of the need and areas to replace concrete slabs, the recommendation to use ammonia refrigeration system, the recommended mechanical VRV system, the impact of the updated building code requirements, screening of the roof mounted mechanical equipment, wheel chair lift in rink bleacher areas as required by ADA and increased number of restroom stalls per the building code.

Must do recommendations include:

- Remediating concrete slab
- Building, energy and ADA code compliance
- Planned building system replacement

Should do recommendations include:

- Mechanical system (VRV system - \$125,000 premium)
- Ice rink refrigeration system replacement (ammonia system)
- Densdeck roofing system (approved today)

Nice to do recommendations include:

- Replacement of dasher board system (\$185,000 option which is offset by \$53,900 for the reinstallation of the existing system)
- Replacement of the score board (\$19,000 option)

Given the amount of work included, the project will start with the shell of the building which is believed to be structurally sound.

After questions from Alderman, Chiodini responded that they do not have the exterior drawings; the majority of renovations should take place near the plaza area or rink entrance and \$100,000 is budget for site area renovations; updated sounds systems are being incorporated as well as sprinkler systems. When asked if the renovation expenditures are reasonable or if new construction should be considered, Chiodini replied that the structural system is sound and the cost would be more than doubled for new construction. As requested, Administrator Akande explained that the total issuance of the bonds would not exceed \$6M; bond proceeds are \$4.7M, the city has applied for a grant in the amount of \$370,000 from the MO Parks Commission, and when initially presented the recommendation was that the city would cash fund \$1.3M but since the cost has gone up, the recommendation is that the city cash fund \$2M. During the Ways and Means budget presentation for 2015, discussions were held the four fund balances of which we have exceeded the capital fund reserve. FY2014, we have a projected fund balance of \$2.7M that drops to \$1.9M from anticipation of using \$1M. Also with the increase, the debt service will increase by \$159,941 annually for the next 10 years. Even with this, the city will still be able to meet the city's fund balance policy; the scope of the project has not change and the library would still have their portion to make payments; this just reduces the interest rate.

Alderwoman Saunders commented that a board cannot burden future boards which is why many projects are completed with bond obligations, she questioned the difference with certificates of participation.

Attorney Mark Grimm responded that a lease obligation is subject to annual appropriation by the board. Legally the board could make a decision not to appropriate fund and walk away from its obligation at the end of the fiscal year but there are consequences, the city would lose the facility and it would impact future borrowing. There is no legal limit to the amount of COPs that a city can obtain, however the market and rating agencies determine how much debt they would underwrite. Project costs include any costs associated with the facility approved by the board; the certificate proceeds will be held by bond trustee with payments approved by the board of aldermen. Mayor Kelly added that these bonds will be set for 10 years.

As requested by Alderman Leahy, Administrator Akande replied that if the city issues this COP, we will get the bond proceeds to pay it off and the city through the debt service payment will be making payments toward the total pay off of the COP in 10 years; funding will come from parks storm water. An additional \$400,000 is anticipated as sales tax revenue into the parks/storm water fund. Even though the fund balance continues to grow, we will still have enough to make the debt payment. We have also looked at the total revenue that comes into the fund, some of the funds are being used for operation (\$1M) but there is an additional (\$2M) in capital. We would limit our park improvements to focus efforts on the community center – but there is no need to raise taxes.

Attorney Albrecht read Bill #5925 by title only. Alderman Wynn made a motion to perfect Bill #5925 into ordinance form. Motion seconded by Alderman Toohey. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – absent; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

**BILL #5925 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4584**

**Bill #5927 amended – An Ordinance Authorizing The Execution Of An Estoppel Certificate And Agreement Relating To The Brentwood Meridian – 1<sup>st</sup> & 2<sup>nd</sup> Reading**

*This bill was postponed to be read after the closed session.*

Attorney Albrecht read Bill #5927 by title only. Mayor Kelly explained that this is for the bank that is financing the privately held property at the Meridian project. Attorney Albrecht read Bill #5927 by title only. Alderman Wynn made a motion to perfect Bill #5927 into ordinance form. Motion seconded by Alderman Robertson. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – absent; Alderman Toohey – yes; Alderman Leahy – no; Alderwoman Manestar – yes; Alderwoman Saunders – no; **MOTION PASSED.**

**BILL #5927 IS HEREBY PASSED AND NOW BECOMES ORDINANCE #4589**

**Bill #5928 – 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 Houseal Lavigne Associates; And Providing For The Effective Date Of This Ordinance – 1<sup>st</sup> & 2<sup>nd</sup> Reading**

Attorney Albrecht read Bill #5928 by title only. After questions from Aldermen it was clarified that they will review plans to identify what has been done since the last plan update and make a recommendation on how to move forward. They will also establish a website for residents to track their progress during their 3 months of service. Attorney Albrecht read Bill #5928 by title only. Alderman Robertson made a motion to perfect Bill #5928 into ordinance form. Motion seconded by Alderwoman Saunders. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – absent; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

**BILL #5928 IS HEREBY PASSED AND NOW BECOMES ORDINANCE # 4585**

**Bill #5929 – An Ordinance Granting Approval Of A Site Development Plan And Conditional Use Permit To A. Bommarito Wines For Wholesale Sales Of A Manufactured Product At Property Numbered 2827 S. Brentwood Blvd., And 8815, 8819, 8823, And 8827 W. Pendleton Ave., 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 – 1<sup>st</sup> & 2<sup>nd</sup> Reading**

Attorney Albrecht read Bill #5929 by title only. Alderman Leahy questioned the layout of the current redesign of the facility and if the intent was to have truck traffic travel down Collier @ W. Pendleton; Matt Wolf (Wolf Architects) responded yes, it is the intent to allow delivery trucks to travel this route. He reminded that trucks have previously knocked down the overhanging power lines and commented that the power lines need to be raised. Staff will conduct an evaluation. Attorney Albrecht read Bill #5929 by title only. Alderman Leahy made a motion to perfect bill #5929 into ordinance form with the condition that the power line is evaluated and if necessary the height is adjusted to make sure it will comply with the heights of the trucks. It was later corrected that the power line may actually be a cable line. Motion seconded by Alderman Robertson. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – absent; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

***BILL #5929 IS HEREBY PASSED AND NOW BECOMES ORDINANCE # 4586***

**Bill #5930 – An Ordinance Granting Approval Of A Site Development Plan And Conditional Use Permit To Lawn Care Equipment Co., Inc. For Landscaping Sales And Repair Including Outdoor Display At Property Numbered 8513 Manchester Rd. 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 – 1<sup>st</sup> & 2<sup>nd</sup> Reading**

Attorney Albrecht read Bill #5930 by title only twice. Alderman Leahy made a motion to perfect Bill #5930 into ordinance form. Motion seconded by Alderman Harper. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – absent; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

***BILL #5930 IS HEREBY PASSED AND NOW BECOMES ORDINANCE # 4587***

**Bill #5931 – An Ordinance Amending Chapter 25 Of The Revised Code Of Ordinances Of The City Of Brentwood, Missouri By Amending Section 25-260 As It Relates To Permitted Uses; 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 – 1<sup>st</sup> & 2<sup>nd</sup> Reading**

Attorney Albrecht read Bill #5931 by title only. After questions from Alderman Leahy with regards to restricting living quarters in churches within the light industrial district. Wyse responded that living quarters associated with a religious institution may be considered an accessory use but a review may need to be done by the zoning attorney. Staff was asked to review the facility on Manchester. Attorney Albrecht read Bill #5931 by title only. Alderman Leahy made a motion to perfect Bill #5931 by title only. Motion seconded by Alderman Wynn. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – absent; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

***BILL #5931 IS HEREBY PASSED AND NOW BECOMES ORDINANCE # 4588***

**Bill #5932 – An Ordinance Amending Chapter 25 Of The Revised Code Of Ordinances Of The City Of Brentwood, Missouri By Deleting Chapter 25, Article VI, Division 8 Relating To Flood Hazard Control, Enacting In Lieu Thereof New Chapter 25, Article VI, Division 8; 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 – 1<sup>st</sup> & 2<sup>nd</sup> Reading**

Attorney Albrecht read Bill #5932 by title only twice. After clarifying that the map can be reviewed on county's website Alderman Leahy made a motion to place Bill #5932 on hold to allow additional research. It was also clarified that this bill does change the definition of substantial damage. Motion seconded by Alderwoman Saunders. Unanimous vote in favor taken; **MOTION PASSED.**

**Resolution #1021 – General Municipal Election April 7, 2015**

Alderman Leahy made a motion to approve resolution #1021. Motion seconded by Alderwoman Saunders. Unanimous vote in favor taken; **MOTION PASSED.** It was explained that this resolution does set the election, if there are changes it will be later amended.

**Resolution #1022 – Resolution Approving A Tax-Exempt Financing Compliance Policy And Procedure For The City Of Brentwood, Missouri**

*This resolution was postponed for adoption until after the closed session.*

Alderman Wynn made a motion to approve resolution #1022. Motion seconded by Alderman Toohey. Unanimous vote in favor taken; **MOTION PASSED.**

Attorney Grimm explained that even though on every tax exempt bond issue there is a tax compliance certificate that sets out all the city's post issuance tax compliance obligations, the IRS announced in the fall of 2011 that they thought every issue of tax exempt bonds should have a global policy, not specific bond issue related, saying that the city is committed to post issuance compliance and designating a bond compliance officer which is the finance director.

**ACCOUNTS AGAINST THE CITY**

Alderman Leahy made a motion to approve the warrant list in the amount of \$145,604.71 including a grant pass through amount of \$14,311.80. As requested, it was clarified that the 2 orders for Froesel Tire, although made on the same day, are different amounts because the vehicles needed different size tires and that the BJC charge for stress tests is paid from the police asset forfeiture fund. Motion seconded by Alderwoman Saunders. Unanimous vote in favor taken; **MOTION PASSED.**

**REPORTS OF COMMITTEES AND DEPARTMENT HEADS**

**Mayor Kelly** announced that the city's Christmas party will be held on Monday, December 8<sup>th</sup>; 5-7 pm at the Brentwood Recreation Center.

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

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

**Director of Planning & Development**, Director Wyse had no new report.

**Ways and Means Committee:** After questions from Alderwoman Saunders, Administrator Akande explained that Higbee & Associate will conduct their presentation in closed session due to collective bargaining. Alderwoman Saunders asked if we could change the date of the next Board of Aldermen meeting to allow Alderman Kramer's presence for the compensation study and the budget. Mayor Kelly explained that, per the code, the budget has to be adopted at the first meeting in December.

**City Attorney Albrecht** had no new report.

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

**Excise Commissioner**

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

Immerse is requesting a temporary permit for an educational event that they will be hosting this evening (11/17/14) as done previously. Staff is encouraging them to plan ahead next year to gain approval for their events held throughout the year.

**Temporary Liquor License** – Cross Fit 26 (8264 Brentwood Ind Dr.)

Cross Fit 26 is having a “Caveman Paleo Cookoff” scheduled for 11/22/14, they will be selling drinks at a beer stand.

Alderwoman Saunders made a motion to approve temporary licenses for Immerse and Cross Fit 26. Motion seconded by Alderman Leahy. **VOICE VOTE TAKEN;** 6 – yes; Kramer – absent; Wynn - no; **MOTION PASSED.**

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

**Municipal League,** Mayor Kelly reported that the league is back in session after the first of the year and urged everyone follow closely as changes may be brought forth that effect local governments.

**Historical Society,** Alderman Wynn had no new report.

**Closed Meeting,**

**Legal – RSMO 610.021(1)**

**Personnel – RSMO 610.021(3)**

**Contract Negotiation – RSMO 610.021(12)**

Alderman Wynn made a motion to enter into closed session at 9:00 pm to discuss legal, personnel, and contract negotiations pursuant to the exemption in RSMo 610.021(1)(3)(12). Motion seconded by Alderman Leahy. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – absent; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

Mayor Kelly called the closed session to order at 9:10 pm with the following present: Alderwoman Saunders, Alderwoman Manestar, Alderman Leahy, Alderman Toohey, Alderman Robertson, Alderman Wynn, and Alderman Harper. Also present were City Clerk/Administrator Bola Akande, City Attorney Frank Albrecht, Fire Chief Ted Jury, Labor Attorney Brian Hey, Attorney Mark Grimm, Linda Higbee (Higbee and Associates), Finance Director Gina Jarvis and Deputy City Clerk Octavia Pittman.

Alderman Leahy made a motion to adjourn the closed session and reconvene the open meeting at 11:00 pm. Motion seconded by Alderwoman Saunders. **ROLL CALL:** Alderman Harper – yes; Alderman Wynn – yes; Alderman Robertson – yes; Alderman Kramer – absent; Alderman Toohey – yes; Alderman Leahy – yes; Alderwoman Manestar – yes; Alderwoman Saunders – yes; **MOTION PASSED.**

The meeting reconvened at 11:02 pm.

**UNFINISHED BUSINESS**

Alderwoman Saunders added additional comments in regards to the code book: you add new appointed officers to this, meaning the mayor can appoint additional positions without going through a process as seen before and other employees were upset that they didn't get to apply for a position; after discussing the purchasing code in ways and means and agreeing not to

make a change, the limit was changed from \$2,000 to \$10,000 in the new code; the qualifications for being mayor are removed from the new code, it is state statute but we removed it; there is a new budget officer - what is this new position for and what does it entail; the library - there are several things that need addressing; disposal of property, the dollar amount was increased even though ways and means decided against it; the only school safety areas are in Brentwood Forest; some boundaries are changed where people won't have to be notified of changes in zoning yardages which are important. She reiterated that she was invited, via email, to discuss with Mike Perry and responded her belief that they were board decisions but did not know that it was her only opportunity; she would have appreciated an email letting her know or at least to type them up in a form that all could discuss. There are policy decisions that need to be made.

Alderman Leahy responded that there are things in the new code that are not in conjunction with what was in the old, they need to be individually addressed. All were asked in January 2014 and reminded in March to get concerns in writing. We have tried twice to have discussions at special board meetings; one was held the other was cancelled for lack of a quorum, and, for the last couple of months the code as not been online pending board action. Realistically, something needs to be done. The request was made to send it to ways and means for discussion by section and yes it was anticipated to have the different departments to look at it but there was no feedback. He explained that was his reasoning for making the motion to remove it from hold to get it passed. Alderwoman Saunders commented that it was irresponsible to take the old code down until the new one was adopted. Discussion continued regarding the adoption process; the code is a living document and is not perfect, you bring for the necessary changes at meetings.

#### **NEW BUSINESS**

Alderman Leahy, on behalf of the Boy Scouts of America, thanked the city for allowing the use of the fire bays for Scouting for Food; 1.8M cans were collected on Saturday through the St. Louis City and County area (a decrease from the previous year). Those still interested in donating can do so at Regions Bank all week. He also announced the November Ward 3 meeting; Tuesday, November 24<sup>th</sup> in the Council Chambers and all are invited.

#### **Discussion – FY 2015 Budget**

There was no discussion.

#### **Discussion – Domestic and Partner Benefits**

There was no discussion.

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

**Louise Charbonneau, Madge**, announced that Rock Hill has already moved to make the inalienable right to carry and asked if Brentwood has reviewed. Mayor Kelly responded that is has not been a topic of conversation.

**Karen Smith, Harrison**, commented in regards to the COP; she questioned if the lease agreement allows the alignment with the state statute that says we cannot burden future boards with the obligation (what exactly is the city leasing and if the fire house was leased during that COP). In regards to the compensation survey, she also understood that it would be brought to the full board tonight. In regards to the adoption of the municipal code, she stated her recollection of a workshop being scheduled and questioned if it was made clear that questions should be submitted in writing and that everyone was aware that there would not be a workshop to discuss. She also stated that how things are brought forward and how the board is advised needs to be clarified. She also asked for clarification for her responsibility, as

a homeowner, in regards to sidewalks; she recently had work done by the water company and they replaced that sidewalk of a different quality and told her that replacement of sidewalks is the city's responsibility.

**Matt Saunders, 2326 Saunders**, agreed that the board is confusing and changes standards to their need. He also questioned if he has the right to remove his sidewalks; according to the code.

Mayor Kelly clarified that under state statute for the COP the underlying asset, in this instance is the rec center, becomes owned by the bond holders and the lease payments go back to them. When the bonds are paid off, the ownership of the underlying asset goes back to the municipality. Yes, the city is leasing the fire department; it is another way of funding municipal projects. Alderwoman Saunders commented that a lot of cities choose to do bond obligations which allow more public input; Mayor added that this puts more burden on the homeowners by property taxes and Brentwood doesn't need to do that.

Alderwoman Saunders motioned that section 110.200 of the new code, (the board of aldermen shall fix the compensation of all officers and employees on an annual basis in connection with adoption of the city's annual budget), to amend it so it says to fix the compensation of all employees (not officers). Motion seconded by Alderwoman Manestar. A discussion was held and Saunders clarified that she is trying to omit elected officials to set their pay by state statute and via individual ordinance. Mayor Kelly recommended that this topic is sent back to ways and means for discussion. Alderwoman Saunders withdrew her motion.

**ADJOURNMENT**

Alderman Wynn made a motion to adjourn the meeting at 11:05 p.m. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

**Approved as submitted the 1<sup>st</sup> day of December, 2014.**

Attest:

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

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