

**CITY OF BRENTWOOD, MISSOURI
BOARD OF ALDERMAN SPECIAL MEETING
SEPTEMBER 29, 2014**

MEETING CALLED TO ORDER

Mayor Pat Kelly called the special meeting to order at 6:00 pm in the Board Council Room of Brentwood City Hall located at 2348 S. Brentwood Blvd., Brentwood, MO 63144 and immediately led the pledge of allegiance.

ROLL CALL

Deputy Clerk Pittman performed roll:

Alderman Harper	Present	Alderman Leahy	Present
Alderman Wynn	Present	Alderwoman Manestar	Present
Alderman Robertson	Present	Alderwoman Saunders	(6:26pm)
Alderman Kramer	Present	Mayor Kelly	Present
Alderman Toohey	Present		

Members present constituted a quorum. Also present were City Clerk/Administrator Bola Akande, City Attorney Frank Albrecht, and Deputy City Clerk Octavia Pittman.

PUBLIC HEARING

Establishing the 2014 Rate of Tax Levy

A hearing was conducted to allow citizens an opportunity to voice their opinion regarding the 2014 proposed rate of tax levy per \$100 assessed valuation.

	Residential	Commercial	Personal Property	Est. Revenue
General Fund	\$0	\$.2000	\$.2070	\$ 286,364
Library Fund	\$.2140	\$.2200	\$.2290	\$ 586,844
Pension Fund	\$.3880	\$.4110	\$.3850	\$1,085,002
Debt Service	\$0	\$0	\$0	\$0
Total	\$.6020	\$.8310	\$.8210	\$1,968,210

Hearing no comments from citizens, Mayor Kelly closed the public hearing.

Alderman Wynn made a motion for the 1st and 2nd readings of Bills #5908, #5909, #5910, and #5911. Motion seconded by Alderman Toohey. Unanimous vote in favor taken;

MOTION PASSED.

BILL #5908 – An Ordinance To Confirm, Ratify And Approve The Rate Of Tax To Be Assessed And Collected For Each One Hundred Dollars (\$100) Of Assessed Valuation For The Year 2014 For: (A) General Municipal Purposes; (B) To Provide The Annual Contribution To The City Of Brentwood’s Police And Firemen’s Retirement Fund; (C) To Pay Principal And Interest As The Same Matures On Indebtedness Of The City Of Brentwood Evidenced By Bonds; (D) To Pay For The Maintenance Of The Public Library Providing For The Effective Date Of This Ordinance; And Providing For The Repeal Of All Conflicting Ordinances – 1st & 2nd Reading

Attorney Albrecht performed the 1st and 2nd reading of Bill #5908 by title only. Alderman Leahy made a motion to perfect Bill #5908 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 #5908 IS HEREBY PASSED AND ORDINANCE #4568 IS ASSIGNED TO SAID BILL.

BILL #5909 – An Ordinance Of The City Of Brentwood, Missouri, Adopting The Revised City Of Brentwood Safety Policy And Guidelines; 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 #5909 by title only. Alderman Kramer provided the synopsis, “This Bill is for an ordinance authorizing the amendment of the City of Brentwood’s Safety Manual. The revised document reflects a comprehensive review of the current manual. The Employee Safety Committee, made up of employee representatives from Fire Department, Police Department, Planning and Development, Parks and Recreation, Human Resources and Public Works Department and a representative from Daniel and Henry (David Winters), identified that the current Employee Safety Manual is out of date. The old employee safety manual left many safety items up to interpretation by the individual or management. The safety manual did not provide information on many safety issues in which City employees are faced with daily. Ways and Means Committee recommends approval of the revised Safety Manual”. Attorney Albrecht read Bill #5909 by title only. Alderman Robertson made a motion to perfect Bill #5909 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 #5909 IS HEREBY PASSED AND ORDINANCE #4569 IS ASSIGNED TO SAID BILL.

BILL #5910 – An Ordinance Of The City Of Brentwood, Missouri, Approving A Settlement Agreement With CenturyLink And Assigning A Percentage Of The Settlement Proceeds To The St. Louis County Municipal League – 1st & 2nd Reading

Attorney Albrecht read Bill #5910 by title only. Alderman Kramer provided the synopsis, “This bill is for an ordinance of the City of Brentwood, Missouri, approving a settlement agreement with CenturyLink, Inc. On May 10, 2012, The City of O’Fallon filed a class action lawsuit in St. Louis County Circuit Court against CenturyLink, a provider of landline telephone service, seeking an order (i) declaring that CenturyLink furnishes telephone service within the meaning of municipal telephone license tax ordinances, (ii) awarding back taxes with interest and penalties, and (iii) enjoining CenturyLink from doing business without paying all required taxes. This lawsuit is similar to the one brought against AT&T landline. The attorneys allege that CenturyLink has been underpaying telephone license taxes by excluding various revenue streams from the tax base. This is similar to the AT&T landline class settlement approved by the St. Louis Circuit Court in November 2009. Attorney Albrecht read Bill #5910 by title only. Alderman Kramer made a motion to perfect Bill #5910 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 – no; Alderwoman Manestar – yes; Alderwoman Saunders – absent; **MOTION PASSED.**

BILL #5910 IS HEREBY PASSED AND ORDINANCE #4570 IS ASSIGNED TO SAID BILL.

BILL #5911 – An Ordinance Terminating Tax Increment Financing Within Redevelopment Project Areas 2 And 3 Of The Eager Road Redevelopment Area; Dissolving The Special Allocation Fund Related Thereto; And Authorizing Certain Actions Relating Thereto – 1st & 2nd Reading

Attorney Albrecht read Bill #5911 by title only. Alderman Kramer provided the synopsis, “this Bill is an ordinance terminating the Tax Increment Financing within the Brentwood Pointe Redevelopment Area and dissolving the special allocation fund. UMB Bank is scheduled, on the city’s behalf to call the bonds in full on October 1, 2014. This bond is being paid off nine (9) years earlier than the original maturity date. Once the bill to terminate has been adopted, an official notification will be sent to Saint Louis County that the City of Brentwood Pointe TIF Bonds has been officially retired and the TIF is now terminated. The bonds were initially issued in October 2001 for \$8,330,000. The bonds are limited obligations of the City, payable solely from Payments in Lieu of Taxes (PILOTS), Economic Activity Tax Revenues (EATS) and Municipal Revenues subject to appropriation by the city, and Transportation Development District (TDD) revenues subject to appropriation by the District. Throughout the life of the bonds, they have maintained an A- rating by Fitch”. Attorney Albrecht read Bill #5911 by title only. Alderman Leahy made a motion to perfect Bill #5911 into ordinance form. Motion seconded by Alderman Kramer.

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 #59011 IS HEREBY PASSED AND ORDINANCE #4571 IS ASSIGNED TO SAID BILL.

RESOLUTION #1020 – Resolution Determining Engaging The Services Of A Placement Agent And Bond Counsel In Connection With The Reissuance Of Tax Increment Refunding Revenue Bonds, Series 2007 A And B (8300 Eager Road Project); And Acknowledging Certain Disclosures Of The Placement Agent Pursuant To MSRB Rule G-17

Alderman Kramer provided the synopsis of Resolution #1020, “the City has received a proposal for placement agent services from Stifel, Nicolaus & Company, Incorporated and desires to authorize Stifel to proceed with the placement of the Prior Bonds with another purchaser. The Proposal provides for payment of fees to Stifel only if Stifel is successful in the placement of the Prior Bonds. This resolution would also authorize Gilmore & Bell, P.C. (“Bond Counsel”) to proceed with the preparation of all necessary legal proceedings necessary for the placement of the Prior Bonds with another purchaser thereof, it being understood that Bond Counsel will be paid only if Stifel is successful in the placement of the Prior Bonds. Rule G-17 of the Municipal Securities Rulemaking Board, effective August 2, 2012, requires that all investment bankers involved in the purchase or placement of municipal securities provide certain written disclosures to prospective issuers and obtain from officials of such issuers timely written acknowledgement of such disclosures. Stifel Nicolaus & Company has provided such disclosure”. Alderman Kramer made a motion to approve Resolution #1020. Motion seconded by Alderman Robertson.

Voice Vote Taken: 6 – yes; Leahy – abstain; Saunders – absent; **MOTION PASSED.**

DISCUSSION – Brentwood Chamber Expo

Administrator Akande announced the Brentwood Chamber of Commerce Business & Consumer Expo to be held on October 23rd; sponsorships are available – Gold Level (\$400), Silver Level (\$250), Bronze Level (\$100). After requested clarification, Administrator Akande stated that she is not aware of any statutes that prevent the city’s sponsorship. Alderman Wynn made a motion to approve gold level sponsorship. Motion seconded by Alderman Toohey. Unanimous vote in favor taken; **MOTION PASSED.**

EXECUTIVE SESSION

Alderman Wynn made a motion to enter into executive session at 6:19 pm to discuss legal matters pursuant to the exemption in RSMo 610.021(1). Motion seconded by Alderman

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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.**

Mayor Kelly called the closed session to order at 6:23 pm with the following present: Alderwoman Saunders (arrived at 6:26), Alderwoman Manestar, Alderman Leahy, Alderman Toohey Alderman Kramer, Alderman Robertson, Alderman Wynn, and Alderman Harper. Also present were City Clerk/Administrator Bola Akande, City Attorney Frank Albrecht, Michael Lause (Thompson Coburn) & Mark Grimm (Gilmore Bell) and Deputy City Clerk Octavia Pittman.

Discussions were held regarding legal matters; no action was taken.

Alderman Wynn made a motion to adjourn the executive session and reconvene the open meeting at 6:46 pm. 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 – yes; **MOTION PASSED.**

ADJOURNMENT

Alderman Wynn made a motion to adjourn the meeting at 6:49 pm. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; **MOTION PASSED.**

Approved as submitted the 20th day of October , 2014.

Attest:

Pat Kelly, Mayor

Bola Akande, City Clerk/Administrator