

**CITY OF BRENTWOOD, MISSOURI
BOARD OF ALDERMAN MEETING
SEPTEMBER 8, 2015**

MEETING CALLED TO ORDER

Mayor Christopher Thornton 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 Plufka	Present	Alderman Toohey	7:38 pm
Alderman Slusser	Present	Alderman Leahy	Absent
Alderman Lochmoeller	Present	Alderdwoman Manestar	Present
Alderman Kramer	Present	Alderdwoman Saunders	Present
Mayor Thornton	Present		

Members present constituted a quorum. Also present were City Clerk/Administrator Bola Akande, City Attorney Kevin O'Keefe, and Deputy City Clerk Octavia Pittman.

APPROVAL OF AGENDA

Board of Aldermen September 8, 2015

Motion was made by Alderman Slusser and seconded by Alderman Kramer to amend the agenda, adding #12C, 1st and 2nd readings of Bill #6007 and to move #15A1 and #10B to #5B and to have the 1st and 2nd readings of Bill #6002. Unanimous vote in favor taken; **MOTION PASSED.**

Motion was made by Alderdwoman Saunders and seconded by Alderdwoman Manestar to add to the agenda, #19A, a closed session for Legal pursuant to RSMo 610.021(1). Unanimous vote in favor taken; **MOTION PASSED.**

Motion was made by Alderdwoman Saunders and seconded by Alderman Lochmoeller to approve the agenda as amended. Unanimous vote in favor taken; **MOTION PASSED.**

CONSIDERATION AND APPROVAL OF THE MINUTES

Board of Aldermen Regular Meeting Minutes August 17, 2015

Motion was made by Alderman Kramer and seconded by Alderdwoman Saunders to approve the meeting minutes as submitted. Unanimous vote in favor taken; **MOTION PASSED.**

PRESENTATION/RECOGNITION

Proclamation – Sophia Rivera

Sophia Rivera was presented with a proclamation recognizing her as a star athlete, stellar student and future leader.

WHEREAS, *The City of Brentwood is proudly known as the City of Warmth and as the City of Warmth, it is important to recognize the achievements of our outstanding young Brentwood residents and future leaders of our community; and*

WHEREAS, *Sophia Rivera, is a senior at Brentwood High School and continues to excel in both the classroom and as a student athlete; and*

WHEREAS, *Sophia broke both Shot Put and Discus Brentwood High School records setting a new record for Shot Put at 45' 8" and Discus at 136' 6". Sophia has outdistanced girls at the Missouri State Track and Field Meet earning 4 State Titles, was honored by the Kansas Relay Track and Field Tournament as the Shot Put Champion and also placed 2nd in the Javelin. She won the Discus competition at the Albuquerque, New Mexico Great Southwest Track and Field Classic as the State of Missouri representative for two years in a row and was selected to the National Scholastic Athletics Foundation's javelin development program named "Project Javelin"; and*

WHEREAS, *Sophia was invited to compete in both the Shot Put and Javelin finals at the International Association of Athletics Federations World Youth Championships (IAAF) and was the first at any level of IAAF championship competition to attempt two fields events simultaneously; and*

WHEREAS, *Sophia won girls Shot Put in the New Balance Nationals Indoor Track and Field Championships in New York City with a winning throw of 49'1", almost a foot and a half farther than the all-class record for Shot Put in the State of Missouri; and*

WHEREAS, *Sophia has set a U.S. Youth record with the 3kg Shot Put in the Youth Trials to qualify for Worlds. In the javelin, she has the #2 mark in the nation for U.S. high schools at 175-10 and she won the U.S. Trials for this meet; and*

WHEREAS, *As the Mayor of the City of Brentwood I believe it is important to recognize, encourage and support our young outstanding residents who set a positive role model for all students and athletes at all levels.*

NOW, THEREFORE, I, CHRIS THORNTON, by the authority vested in me as Mayor of the City of Brentwood, Missouri, do hereby recognize

Sophia Rivera

as an outstanding young Brentwood resident and urge all Brentwood residents to continue to support, encourage, and reinforce all our young future leaders.

Mayor Thornton

Appointment of City Attorney – Mayor Thornton announced that he began considering the appointment of the City Attorney in May. He met with 7 firms or individuals, of which were narrowed down to 2 and interviews were conducted with the help of staff and the chair of the Planning and Zoning Commission. The interview unanimously agreed with the selection of Kevin O'Keefe with Curtis, Heinz, Garrett, & O'Keefe.

After questions and comments from the Board of Aldermen O'Keefe responded that he is not familiar with the previous arrangement. He added that his charges are the result of trying to find the right balance. There is also the proposal to reconsider the rates in the Spring after having time to get acclimated. The rates are based on a fixed amount of service revolved around Board meetings; other services are billed on an hourly basis. He currently represents 8 cities within St. Louis and St. Charles County (including four 4th Class cities and 3 charter cities). This Board's schedule generally would not be of conflict, with the exception of 2 prearranged commitments. On these occasions, another attorney with the firm, Helmut Starr, will serve as an alternate. This appointment will also be reaffirming Stephanie Karr as the attorney for Planning and Zoning. Alderwoman Saunders requested a copy of the RFQ or a list of attorneys/firms interview to show that the process was documented. A motion was made by

Alderwoman Saunders and seconded by Alderman Slusser to confirm the appointment of Kevin O'Keefe as city attorney. **ROLL CALL:** Alderman Kramer – yes; Alderman Leahy – absent; Alderman Lochmoeller – yes; Alderwoman Manestar – yes; Alderman Plufka – yes; Alderwoman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – absent; **MOTION PASSED.**

Bill No. 6001 – An Ordinance Authorizing The Mayor And/Or City Administrator To Enter Into And Execute A Contract Between The City Of Brentwood And Curtis, Heinz, Garrett & O'Keefe, P.C. For Legal Services; Providing For The Repeal Of All Conflicting Ordinances; And, Providing For The Effective Date Of This Ordinance

Administrator Akande read Bill #6001 by title only, twice. Motion was made by Alderman Slusser and seconded by Alderwoman Saunders to perfect Bill #6001 by title only. **ROLL CALL:** Alderman Kramer – yes; Alderman Leahy – absent; Alderman Lochmoeller – yes; Alderwoman Manestar – yes; Alderman Plufka – yes; Alderwoman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – absent; **MOTION PASSED.**

BILL #6001 IS HEREBY PASSED BY THE BOARD OF ALDERMEN AND UPON SIGNATURE BY THE MAYOR WILL BECOME ORDINANCE #4655.

PUBLIC HEARING

None

BIDS

Bid Results – Mobility Bus Replacement (Magic Bus)

The City of Brentwood's Parks and Recreation Department released a Request for Proposal (RFP) for a Mobility Bus on June 8, 2015, with the proposal opening on June 23, 2015. The RFP is to replace the 2005 Ford Braun Body Passenger Bus with a 2015 Ford E350 12 passenger + 2 wheelchairs mobility bus. The City received four proposals; Mid America Coach (\$55,187), Central State Bus (\$52,395), Southern Bus & Mobility (\$65,690), Midwest Transit Equipment (\$53,397). The Public Works Committee has reviewed and forwards a positive recommendation to accept the bid from Southern Bus and Mobility in the amount of \$65,690.

The plan is to sell the current bus. As it was purchased with grant funds, a portion of those proceeds is required to be returned.

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

PRESENT (Each person addressing the board shall give his/her name, address and organization or firm represented, if any. He/she shall speak for a period not to exceed three (3) minutes; though additional time may be granted by the presiding officer of the board.)

None

UNFINISHED BUSINESS

Mayor's Objection To Bill No 5981

Mayor Thornton read his objections to Bill #5981, of which were submitted in writing and are attached hereto. Motion was made by Alderwoman Saunders and seconded by Alderman Slusser to enter the objections into the minutes. Unanimous vote in favor taken; **MOTION PASSED.** Mayor announced that at this point, the bill stands to be reconsidered by the board; the form of the reconsideration is - shall the board pass this bill over the mayor's objections.

Alderwoman Saunders commented that this has never been a hot ticket item for her and she doesn't need to bring it back for reconsideration. When she voted originally she listened to the more senior aldermen and it seemed that there was no legal backing. It has been her stance that we have to determine if it is in Missouri Statutes or in the city's ordinance. Going back to

the old process would be fine. She added that she took some objection to the statement that the mayor publicly shared views regarding the constitution of standing committees. The first time appointments were made there was no reasoning given, they just showed up. Everyone was in limbo because it was the first meeting that we begin tightly following RRO, so no one knew when discussions could be held. This was resolved at the next meeting and the appointments were approved. She stated that the mayor's appointments were not approved in every case, the standing committees maybe. But as a new alderman, there were no committees for the first 2 months. The question was asked of when they would be made but she did not know that she should have had the code memorized to realize that they were due by the next board meeting. Appointments are fine as long as there is a process and basis. She is more concerned about employee appointments and the hiring process. In the past it has always been that all aldermen could come to the table at committee meetings to ask questions but only the members could vote; when she was elected that rule changed to only being allowed to speak during public comment. Committees are to help the board in preparing for the vote. Lastly she added that she voted no for Mike Daming as back up prosecuting attorney. She later added that it would have been helpful to have had the objections prior to the vote.

Alderman Kramer stated that this is the mayors objection not the re-entertaining of the bill, one of the aldermen in favor is out of town and is looking forward to an opportunity to weigh in on the topic. The way that the ordinance is written is that it is at the convenience of the elected body to bring it back again. Mayor Thornton clarified that the matter shall stand reconsidered when the Mayor shares his objections and it should be taken at the boards convenience. It is before the board right now.

As requested, Attorney O'Keefe explained that the position of mayor the presiding official and is responsible for keeping the governing body on task; ordinarily they do not make motions or engage in discussions. Not all cities have standing committees, it is matter of choice and how they wish to go about their business.

Alderman Slusser requested an explanation of the process and Mayor Thornton explained that the matter is being placed before the board which prompted the discussion. At the end of the discussion, someone could move the questions which is currently shall this bill be passed with the mayor's objections notwithstanding. A vote will be taken; 6 votes in favor would mean the bill would become law without the Mayor's signature, 6 votes opposing and the bill would die.

Alderwoman Manestar stated that she voted in favor for the reason that we had a new mayor, and someone who had not been an elected official; not to remove any power from the mayor. When the committees/chairmen were announced she was fine but she was surprised at the fact that the chairmen of all the committees were newer aldermen; as a new alderman she would have needed time to get acclimated before becoming a committee chair. She stated that with the upcoming election it could be changed.

Alderwoman Saunders asked if it is against state statute to have proposed that committees will be selected by the aldermen rather than the mayor. Attorney O'Keefe responded that chapter 79 does not specifically address the process by which committees of this character are appointed in 4th class cities. In general it provides the executive appointment power who proposes to have authority of the executive branch, however these are committees of the body and may not necessarily be subject to those processes. The statute is silent other than in communicating that it is the norm for the executive to make appointments within the city which can be ratified or objected by the legislators.

Alderman Kramer asked the attorney's advice on how the objection should be addressed; if the board is required to address the objection at the mayor's request of if the aldermen can decide when to address. Attorney O'Keefe explained that statute 79.140 provides that the bill shall stand reconsidered when the mayor's objections are returned and also says that the board

shall then proceed at its convenience to consider the question which shall be in the form – “shall the bill pass the objections of the mayor thereto notwithstanding”. The bill is reconsidered and is on the floor. If the board does not wish to reconsider it at this point it is incumbent on the board to take some action. A motion was made by Alderman Kramer and seconded by Alderwoman Saunders to reconsider this bill at another time. Mayor Thornton stated that the motion is not in order. Alderman Kramer stated his purpose to reconsider the bill when the full board is present. After advisement from Attorney O’Keefe, Alderman Kramer made a motion to postpone the reconsideration of Bill #5981 until the next regular meeting of the board of aldermen. Motion was seconded by Alderwoman Manestar. Alderman Toohey commented that aldermen should remember their oath to govern the city and focus on residents, not individual power trips. He added that it is time to run the city and to stop the rules to handcuff processes. **ROLL CALL:** Alderman Kramer – yes; Alderman Leahy – absent; Alderman Lochmoeller – yes; Alderwoman Manestar – yes; Alderman Plufka – no; Alderwoman Saunders – no; Alderman Slusser – no; Alderman Toohey – no; **MOTION FAILED.**

Alderman Plufka offered comments in regards to the nature of the committees; they propose and vet legislation but are not legislative committees. The committees also meet for information purposes and talk about the operation of the city and in that, contemplate executive appointment. Mayor Thornton called for the question – shall bill #5981 pass the objections of the mayor thereto notwithstanding. A vote in the affirmative is to pass the bill over the mayor’s objection and a vote in the negative is to sustain the mayor’s veto of the bill; it takes 6 votes to override the mayor’s veto. **ROLL CALL:** Alderman Kramer – yes; Alderman Leahy – absent; Alderman Lochmoeller – yes; Alderwoman Manestar – yes; Alderman Plufka – no; Alderwoman Saunders – no; Alderman Slusser – no; Alderman Toohey – no; **MOTION FAILED.**

BILLS TO BE GIVEN A FIRST READING ONLY

Bill No. 5998 – An Ordinance Amending Title III, Chapter 300 Of The Revised Code Of Ordinances Of The City Of Brentwood, Missouri By Adding To Schedule III, Table III-A, No Parking At Any Time; 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

Attorney O’Keefe read Bill #5998 by title only. Alderman Kramer provided the synopsis, “this bill is for an ordinance that prohibits parking on the East side of Swim Club Lane and on the West side on Swim Club Lane within 33’ of the intersection with Rosalie Avenue. Public Safety Committee recommends unanimous approval.

Presentation By Staff

Chief Jury announced that there has been parking on swim club for many years but staff was not aware that there was a problem. After a citizen complaint, the fire department conducted a demonstration and learned that space is limited with cars parked on both sides of the street, which poses a public safety issue. Therefore, the recommendation is for no parking on Swim Club Lane, east side, seven hundred seventy-two (772) feet North from Rosalie Ave, and Swim Club Lane, west side, thirty-three (33) feet North from Rosalie Ave.

Questions By Aldermen

None

Bill No. 6002 – An Ordinance Amending Title III Of The Revised Code Of Ordinances Of The City Of Brentwood, Missouri, By Amending Schedule XII, Table XII-C Relating To Areas Designated As “Slow-Children” Street; Providing For The Effective Date Of This Ordinance; Providing For The Repeal Of All Conflicting Ordinances

Attorney O’Keefe read Bill #6002 by title only. Alderman Kramer provided the synopsis, “this bill is for an ordinance to repeal and amend Schedule XII-C of the Brentwood Municipal Code

so that the schedule properly reflects all the locations where the new high visibility Slow Children signs, with an image of a child running, have been placed. A total of 59 signs were changed to the High Visibility “Slow Children” (child running image) signs. Public Safety Committee recommends unanimous approval.”

Presentation By Staff

Project Manager Von Harz announced that staff was asked to review the 4 different variances of slow children signs throughout the city. An inventory was taken and it was determined that 59 signs needed replacing to meet the MUTCD guidelines. They are being replaced for uniformity and to now be made with the required high visibility materials.

Questions By Aldermen

None

Bill No. 6003 – An Ordinance Amending Chapter 500 Of The Revised Code Of Ordinances For The City Of Brentwood By Creating Article XVI: The Explosives Code; 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

Attorney O’Keefe read Bill #6003 by title only. Alderman Kramer provided the synopsis “this bill is for an ordinance adopting regulations for the use of explosives within the City of Brentwood. In order for St. Louis County to perform permitting and inspection services for explosives, the County requires that the City adopt the St. Louis County explosives code. The Public Works Committee recommends approval”.

Presentation by Staff

Director Wyse announced that numerous conversations have been held with MSD including presentations to committee and public open houses to discuss Project Clear and the DC2/DC3 trunk sewer that will run along Russell Ave. and connect to the proposed shaft near Norm West Park. MSD has expressed an interest, desire and need to utilize blasting in this corridor. Because the city does not have a blasting expert we have contacted St. Louis County; they offer the necessary services to monitor and inspect but require the adoption of certain language as well as an amended agreement adding this as one of the services they provide to us.

Questions by Aldermen

Alderman Plufka stated that Alderman Leahy had noted concerns and he asked what they were. Director Wyse explained that Alderman Leahy would be better suited to answer but in summary he would have preferred to see the use of boring as an alternative to blasting. MSD has iterated that due to cost and geographic conditions boring is not an option.

Bill No. 6004 – An Ordinance Amending The Scope Of Services Of Existing Contractual Agreement With County Of Saint Louis, Missouri For Code Enforcement Services

Attorney O’Keefe read Bill #6004 by title only. Alderman Kramer provided the synopsis, “this bill is for an ordinance to amend the existing contract between the City of Brentwood and St. Louis County for permitting and inspection services pertaining to the explosives code. The Public Works Committee recommends approval”.

Presentation By Staff

Director Wyse explained that this is the contract to allow the blasting services.

Questions By Aldermen

None

BILLS TO BE GIVEN A SECOND READING ONLY

None

BILLS TO BE GIVEN A FIRST AND SECOND READING

Bill No. 6005 – 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 Southern Bus & Mobility; And Providing For The Effective Date Of This Ordinance

Attorney O’Keefe read Bill #6005 by title only. Alderman Kramer provided the synopsis, “the bill is for an ordinance to enter into and execute an agreement with Southern Bus & Mobility to replace the existing 2005 Ford Braun Body Passenger Bus with a 2015 Ford E350 12 passenger + 2 wheelchairs mobility bus. Public Works Committee recommends unanimous approval”.

Presentation By Staff

None

Questions By Aldermen

None

Perfection of Bills

Attorney O’Keefe read Bill #6005 by title only. Motion was made by Alderman Slusser and seconded by Alderwoman Saunders to perfect Bill #6005 into ordinance form. Alderman Lochmoeller suggested a sharing agreement with other municipalities to cover the costs and fees. **ROLL CALL:** Alderman Kramer – yes; Alderman Leahy – absent; Alderman Lochmoeller – yes; Alderwoman Manestar – yes; Alderman Plufka – yes; Alderwoman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

BILL #6005 IS HEREBY PASSED BY THE BOARD OF ALDERMEN AND UPON SIGNATURE BY THE MAYOR WILL BECOME ORDINANCE #4656

Bill No. 6006 – An Ordinance Authorizing The Mayor And/Or City Administrator To Execute A Contract On Behalf Of The City Of Brentwood, Missouri With Chad And Jennifer Polk For The Purchase Of Certain Real Property Located In Brentwood, Missouri, Known As 8751 Eulalie Ave., And Providing For The Effective Date Of This Ordinance

Attorney O’Keefe read Bill# 6006 by title only. Alderman Kramer provided the synopsis, “this bill is for an ordinance authorizing the mayor and/or city administrator to execute a contract and necessary documents for the purchase of 8751 Eulalie Avenue”.

Presentation By Staff

Director Wyse announced that the property immediately behind city hall became available for sale a couple of months ago. The board director staff to reach out to the property owners, obtain an appraisal and discuss the making the purchase. The contract reflects a price that matches the appraised value.

Questions By Aldermen

The house was listed at \$199,000 and the appraised value is \$180,000. There is currently no plan for the property, it will remain residential until a purpose is determined.

Perfection of Bills

Attorney O’Keefe read Bill #6006 by title only. Motion was made by Alderwoman Saunders and seconded by Alderman Slusser. **ROLL CALL:** Alderman Kramer – yes; Alderman Leahy – absent; Alderman Lochmoeller – yes; Alderwoman Manestar – yes; Alderman Plufka – yes; Alderwoman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

BILL #6006 IS HEREBY PASSED BY THE BOARD OF ALDERMEN AND UPON SIGNATURE BY THE MAYOR WILL BECOME ORDINANCE #4657

Alderman Kramer made a motion to authorize a budget amendment at year end to transfer funds from the capital improvement fund to pay for this purchase. Motion seconded by Alderman Lochmoeller. **ROLL CALL:** Alderman Kramer – yes; Alderman Leahy – absent; Alderman Lochmoeller – yes; Alderwoman Manestar – yes; Alderman Plufka – yes; Alderwoman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

Bill No. 6007 – An Ordinance Amending Title III Of The Revised Code Of Ordinances Of The City Of Brentwood, Missouri, By Amending Schedule XI, Table XI-D Relating To Trucks, Commercial Vehicles, Etc., Over Eighteen Thousand Pounds Prohibited; Providing For The Effective Date Of This Ordinance; Providing For The Repeal Of All Conflicting Ordinances

Attorney O’Keefe read Bill #6007 by title only. Alderman Kramer provided the synopsis, “this bill is for an ordinance to amend Schedule XI, Table XI-E relating to trucks larger than three-quarter ton prohibited. Residents of Brentwood Forest have expressed concern with commercial and construction traffic on residential streets in the Brentwood Forest neighborhood. This ordinance is being responsive to residents’ needs. With the enactment of this bill, the police department may legally enforce this violation should it occur. Eleven (11) streets are impacted by the ordinance.

Presentation By Staff

Mayor Thornton explained that the Public Safety Committee took up an action to enforce this ordinance, assuming that these streets were already included in this ordinance. Through discussions, it was later determined that was not, in fact, the case. Even though staff was looking to take this back to the committee, he felt strongly that it should come to the board. There was no violation of the spirit of the process.

Questions By Aldermen

Alderwoman Saunders stated her appreciation as this is one step to show residents that we have heard their concerns. Alderman Kramer, on behalf of Brentwood Forest, expressed his gratitude for the support.

Perfection of Bills

Attorney O’Keefe read Bill #6007 by title only. Motion was made by Alderman Slusser and seconded by Alderwoman Saunders. **ROLL CALL:** Alderman Kramer – yes; Alderman Leahy – absent; Alderman Lochmoeller – yes; Alderwoman Manestar – yes; Alderman Plufka – yes; Alderwoman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

BILL #6007 IS HEREBY PASSED BY THE BOARD OF ALDERMEN AND UPON SIGNATURE BY THE MAYOR WILL BECOME ORDINANCE #4658

RESOLUTIONS

Resolution No. 1039 – A Resolution Providing For The Consumption Of Beer, Wine And Liquors, As Provided For In Section 600.040 Of The Brentwood Municipal Code

Alderman Kramer provided the synopsis of Resolution #1039, “this resolution authorizes the consumption of beer, wine and liquors at the Brentwood Recreation Complex for the Mayor’s monthly Happy hour event. The event is typically held on the second Thursday of the month from 5:30 p.m. to 6:30 p.m.” Hearing no objections; **ROLL CALL:** Alderman Kramer – yes; Alderman Leahy – absent; Alderman Lochmoeller – yes; Alderwoman Manestar – yes; Alderman Plufka – yes; Alderwoman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

WARRANT LIST

Alderman Slusser made a motion to approve the warrant list in the amount of \$51,365.95. Motion seconded by Alderman Kramer. **ROLL CALL:** Alderman Kramer – yes; Alderman Leahy – absent; Alderman Lochmoeller – yes; Alderwoman Manestar – yes; Alderman Plufka – yes; Alderwoman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

REPORT OF COMMITTEES AND DEPARTMENT HEADS

Mayor Thornton noted that he is aware that a couple of appointments are outstanding and that he will get to them as diligently as possible.

Public Safety Committee, Alderman Plufka announced that at the last meeting, the committee recommended 2 traffic studies; one at the intersection of Sonora and McKnight to determine how to make it safer for pedestrian crossing, and, the intersection of Wrenwood/Strassner and Brentwood Blvd also with an eye toward making the intersection safer for pedestrian travel. The committee also recommended approval of the Police Chief's plan for police officer training via asset forfeiture funds. Discussions were also held regarding the slow children signs which were discussed earlier. Lastly, he thanked staff for facilitating the tour of ECDC and announced the next meeting on September 17th.

Public Works Committee, Alderman Toohey announced the next meeting on September 9th.

Director of Planning & Development, Director Wyse reiterated that discussions were held regarding the traffic studies, however, neither were included within the FY15 budget. Bids for the 2015 street project came in approximately \$42,000 under budget; those savings have been identified to fund these studies and no budget amendment is needed. It has also been requested that both projects are submitted for a TEAP grant.

He also responded that the recommendation for the comprehensive plan will be presented at the next meeting. An update was requested regarding the storage containers/dumpsters at Target and Whole Foods. And of the inoperable water feature at the Meridian.

Ways and Means Committee, Alderman Slusser reported the next meeting to be held on October 1st. He also announced his attendance to the grand re-opening events of the recreation complex and commended staff for their efforts.

City Attorney O'Keefe announced his excitement to service the city of Brentwood.

City Clerk/Administrator Akande – Chief Fitzgerald presented the request to move asset forfeiture funds to the general fund for training in the police department (\$7,000). Alderwoman Saunders made a motion to authorize \$7,000 of asset forfeiture funds to be released for training. Motion seconded by Alderman Slusser. Unanimous vote in favor taken; **MOTION PASSED.**

Excise Commissioner

Temporary Liquor License – Immerse by Atlas

Commissioner Manestar announced the request for approval for a temporary liquor license to host a client launch, September 16th; 4 pm – 8 pm.. The same event was approved at the last meeting, however, due to anticipated attendance they will need another date. Motion was made by Alderwoman Manestar and seconded by Alderman Slusser to approve the temporary permit for Immerse by Atlas. Unanimous vote in favor taken; **MOTION PASSED.**

Library, Alderwoman Manestar reported the library meeting on September 1st. The Library Director, Vicky Woods attended a strategic planning conference of which she brought back great ideas. She is asking the library to address her goals and to form a committee of civic minded individuals to help determine what they would like the library to do for the City. There is also a vacancy; interested individuals were asked to make contact.

Municipal League, Mayor Thornton announced MML conference in Kansas City 9/20-9/23 which happens to interrupt the board meeting on 9/21. Alderwoman Saunders made a motion to reschedule the regular meeting of the Board from 9/21 to 9/24. Motion seconded by Alderman Plufka. Unanimous vote in favor taken; **MOTION PASSED.**

Historical Society, Chief Fitzgerald had no report.

ANNOUNCEMENTS

Alderman Plufka announced the ward 1 meeting is canceled for September, the next meeting will be October 13th at 6:30 p.m.

A reminder was also announced of the grand opening of Chick-fil-A on 9/9 at 9 a.m.

NEW BUSINESS

Alderwoman Saunders questioned the date of the next compensation workshop. Mayor Thornton stated the preference of having 7 of the 8 aldermen in attendance; staff will work to schedule the next meeting.

HEARING OF ANY MATTER OF PUBLIC INTEREST UPON REQUEST OF ANY PERSON PRESENT (Each person addressing the board shall give his/her name, address and organization or firm represented, if any. He/she shall speak for a period not to exceed three (3) minutes; though additional time may be granted by the presiding officer of the board. Total time allotted for this section shall not exceed 15 minutes)

Louise Charboneau, 8833 Madge, expressed dismay and disappointment that Bill #5981 had to be reconsidered tonight in the absent of Aldermen Leahy as a co-author. She stated that it is disrespectful to not have held this over for his presence. She added that Brentwood is not so small that we are all the same, we have a ward system and each ward has their own characteristic; otherwise there would be Aldermen at large.

Kerry Roach, 8826 Pine, announced her excitement that a vote was taken tonight, to get to the business and stop the back and forth. There is obviously enough confidence in Mayor Thornton as the board was unanimous in his decision for city attorney. She stated her hope that the board continues to support the mayor and respect the decisions he makes.

Susan Ryan, Pine, stated that there were valid points made in the objections to Bill #5981. She noted that she also never heard any previous objections over the past few years. However, there may be some confusion with the change in the way the meetings are currently being run.

Aldermanic Response

None

CLOSED MEETING

Alderwoman Saunders made a motion to enter into executive session at 8:45 p.m. to discuss legal matters pursuant to RSMO 610.021(1). Motion seconded by Alderwoman Manestar. **ROLL CALL:** Alderman Kramer – yes; Alderman Leahy – absent; Alderman Lochmoeller – yes;

Alderwoman Manestar – yes; Alderman Plufka – yes; Alderwoman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

Mayor Thornton called the closed session to order at 8:53 p.m. with the following members present: Alderman Kramer, Alderman Lochmoeller, Alderwoman Manestar, Alderman Plufka, Alderwoman Saunders, and Alderman Slusser. Also present were City Administrator Akande, City Attorney O’Keefe and Deputy City Clerk Pittman. Alderman Leahy and Alderman Toohey were absent.

Legal – RSMO 610.021(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section [610.011](#), however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record.

Alderman Slusser made a motion to adjourn the closed session and reconvene to open session at 9:08 p.m. Motion seconded by Alderman Plufka. **ROLL CALL:** Alderman Kramer – yes; Alderman Leahy – yes; Alderman Lochmoeller – yes; Alderwoman Manestar – yes; Alderman Plufka – yes; Alderwoman Saunders – yes; Alderman Slusser – yes; Alderman Toohey – yes; **MOTION PASSED.**

ADJOURNMENT

By unanimous consent, the meeting adjourned at 9:09 p.m.

Approved on the 24th day of September, 2015.

Attest:

Christopher A. Thornton, Mayor

Bola Akande, City Clerk/Administrator

Objections to Bill #5981

To: The Board of Aldermen, City of Brentwood, Missouri

Pursuant to Missouri Revised Statutes, Chapter 79.140, I return to you Bill #5981 along with the following objections thereto which I ask you to enter at large in the minutes.

Objection Number 1: Bill #5981 will not produce the committees or committee leadership best able to act on behalf of the citizens of Brentwood.

Robert's Rules of Order states, "the members of a standing committee should be chosen so as to provide the strongest possible group for the handling of any task that may arise within the province of the committee".

Under the current process, the Mayor exercises his judgment as to which Aldermen are best able and qualified to lead and/or serve on the standing committees. These decisions are approved or disapproved of by the Board. Under the process proposed by bill #5981, each Alderman exercises only his or her own judgment as to whether he or she is able and qualified to serve on a particular standing committee. The judgments of the respective Aldermen are not subject to any meaningful review. I believe this will result in weaker standing committees as a particular Alderperson may not be the best judge of whether he or she is best able or qualified to serve on a particular committee.

Furthermore, the bill's requirement of one Alderperson from each ward on each standing committee is contrary to Robert's Rules of Order and common sense. Brentwood is not so big; and the interests of our respective wards are not so divergent, as to make any such rote requirement preferable to having the Aldermen most qualified in a particular discipline serve on the standing committee(s) that would most benefit from their participation.

Objection Number 2: The scheme proposed by the bill #5981 for constituting the standing committees is completely impractical.

As a practical matter, the process proposed by the bill is much more likely to produce confusion, delay and infighting than the strongest possible standing committees to serve the city. Under the terms of the bill the Aldermen are to nominate themselves for the standing committees upon which they would like to serve. The "ministerial function" of the Acting President of the Board of Aldermen is to simply collect the self-nominations and report them to the city clerk. The bill assumes that the Aldermen will be able to work out any problems or disagreements among themselves and has no meaningful provision for how standing committees will be constituted in the event the Aldermen are unable to do so.

Objection Number 3: The Bill's proposed scheme for constituting the standing committees will remove the process from the public sphere.

The self-nomination scheme proposed by the bill is unlikely to produce standing committees which comply with the bill's own terms (i.e. one Alderman from each ward on each standing committee), without significant co-ordination among the Aldermen during the nominating process. The bill contains

no provision for public discourse on the nominating process or the ultimate constitution of the standing committees, and so by necessity, co-ordination among Alderman will be done outside the public sphere. This is in stark contrast to the current process in which the Aldermen and the Mayor can (and did) publicly share their views regarding the constitution of the standing committees. I firmly believe that informed, public debate will produce the strongest groups possible to comprise the standing committees.

Objection Number 4: Bill #5981 purports to address past “problems” with the standing committee appointment process, however, over the last five years, the record regarding standing committee appointments provides no evidence of any such “problems”.

Speaking in support of bill #5981, Alderman Kramer stated:

“There is a history behind some of the, I guess passion you could call it, behind this bill. We are in a different era now than we have been for quite a long period of time. There was and has been a good record of history regarding the city of Brentwood wherein the Mayor using his, I guess, unchallenged tradition of selecting various committees and asking for the Board to back him, or her, up on that selection process. That traditional use and traditional action has caused quite a bit of, I guess, concentration of power is the best way to put it . . . “

This is completely implausible. Below are excerpts from the Minutes of the Board of Aldermen meetings over the last five years at which standing committee appointments were considered by the Board. In every case, the appointments of the Mayor were unanimously approved by the Board of Alderman. If concentration of power by the Mayor is a legitimate concern, why has the Board of Alderman consistently failed to exercise its role in the standing committee appointment process? Why did the Board unanimously approve the Mayor’s appointments to the standing committees each and every year for the last five years?

I believe the rationale advanced for the promulgation of bill #5981 is completely disingenuous. The record provides no support for the assertion that the current standing committee appointment process is or has been used to concentrate power under the Mayor. In fact, I believe bill #5981 is an attempt to remove the Mayor from the process and concentrate that power, formerly shared with the Board, under the Board of Aldermen and the acting president of the board of alderman. The claim that bill #5981 is necessary to address a history of unchallenged action by the Mayor is merely a convenient fiction employed to facilitate this concentration of power.

The current process provides for the Mayor and the Board of Aldermen to work together to ensure the strongest groups are chosen to represent the City of Brentwood on the standing committees. Each has the power to check the actions of the other and the process is completely carried out in public discourse. If the Board of Aldermen, or any of them, are not satisfied with the result of this process, they should consider changing their behavior or the composition of the Board, but I do not believe that the changes proposed by bill #5981 are in the best interest of the City of Brentwood. I will not sign this bill.

May 17, 2010

Mayor Kelly stated that the Committee Appointments are before the Board and the only change to the regular committees is the addition of Alderman Kramer to the Communication Committee. Under the Public Safety Committee, and in talks with the union representative for the fire department, they came up with the idea to appoint fire and police representatives to the Public Safety Committee. The representative from the Fire Department will be Ron Cottrell and the police department's representative will be Nick Stanze. It will be great for the City to have more open communication within those departments with staff and the elected officials. There were no changes to the TIF Commission. Under the new state TIF laws, he does not know if a TIF Commission is still needed, unless it has to stay in place because of the existing TIFs. Currently, the way the Commission is established, it no longer falls under the guidelines of the state's TIF laws. Once he receives an answer from Gilmore & Bell, either the Commission will be dissolved or the appointments will be made as necessary. Motion was made by Alderwoman Clements, second by Alderman Wynn to approve the Committee Appointment list. Roll call: Alderwoman Clements, yes; Alderman Marshall, yes; Alderman Leahy, yes; Alderwoman Krewson, yes; Alderman Kramer, yes; Alderman Robertson, yes; Alderman Wynn, yes; Alderman Harper, yes.

May 16, 2011

Mayor Kelly distributed a committee appointment list and stated that everything is the same as last year, except for one addition to the ARB of a new member and extending the dates. Motion was made by Alderwoman Clements, second by Alderman Kramer to approve the committee appointment list as submitted. All in favor none opposed.

May 7, 2012

Mayor Kelly presented the updated list of committee appointments with the exclusion of 1 library board member that will be replaced in June. He also explained that 4 members are better to serve on committees; with 3 members, 1 absence would not provide a quorum and 5 members is enough to take action without presentation to the full board. Alderman Robertson made a motion to accept the committee appointments submitted. Motion seconded by Alderman Kramer. Unanimous vote in favor taken; MOTION PASSED.

June 24, 2013

Mayor Kelly distributed the committee appointment list for 2013; changes include Kathy O'Neill's appointment as an alternate on the Board of Adjustment, John Geppert has resigned from P&Z Chairman after 23 years and one additional member is still needed (P&Z). Suggestions were made to incorporate new faces on boards and committees when possible. Alderman Wynn made a motion to accept the 2013 Committee appointments. Motion seconded by Alderman Leahy. Unanimous vote in favor taken; MOTION PASSED.

June 16, 2014

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.