

**CITY OF BRENTWOOD  
BOARD OF ALDERMEN MEETING  
JANUARY 3, 2017**

**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 O’Neill	Present
Alderman Wegge	Present	Alderman Leahy	Present
Alderman Lochmoeller	Present	Alderman Sims	Present
Alderman Kramer	Present	Alderman Dimmitt	Present
Mayor Thornton	Present		

Members present constituted a quorum. Also present were City Administrator Bola Akande, Attorney Kevin O’Keefe, Finance Director Karen Shaw, Director of Public Works Dan Gummertsheimer, Director of Parks and Recreation Eric Gruenenfelder, Fire Chief Terry Kurten, Police Chief Dan Fitzgerald and City Clerk Dusty Hosna.

**APPROVAL OF AGENDA**

Mayor Thornton mentioned that a closed session was added to the agenda.

The agenda was approved by acclamation.

**CONSIDERATION AND APPROVAL OF MINUTES**

**Board of Aldermen Regular Meeting Minutes December 19, 2016**

Alderman Lochmoeller stated that a change be made to reflect that he made the motion to approve the agenda at the December 19, 2016.

The amended meeting minutes were approved by acclamation.

**PRESENTATION/RECOGNITION**

**Proclamation – National School Choice Week**

A proclamation was presented designating January 22 through January 28 “Brentwood School Choice Week.”

**Proclamation – Carl and Sallie Westenbarger’s 50<sup>th</sup> Wedding Anniversary**

A proclamation was presented to Carl and Sallie Westenbarger congratulating them on their 50<sup>th</sup> Wedding Anniversary.

**PUBLIC HEARING**

**None**

**BIDS**

**None**

**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.)

**Louise Charboneau, 8833 Madge,** Stated that she distributed information on developing a tree ordinance in regards to tree banking. She feels that the removal of trees in the area is causing Brentwood to lose its community forest. She expressed that trees play a very important role in the environment and that she has been a long-time proponent of trees.

**Doug Gruder, 2028 Urban Drive,** Stated that he is outraged that the tree was cut down at his home and that two other trees across the street from him were cut down in the Spring of 2016. He stated that he did not receive a notification that his tree would be cut down. He expressed dissatisfaction with the notice letters that were sent out because they addressed to "resident." He stated that the city does not have a good policy in place and that they need to change. He expressed that some branches on the tree may have needed to come down but the tree was not dead. He does not feel that Brentwood is doing anything to remove his carbon footprint. He stated that he had not received a response from Parks and Recreation Eric Gruenenfelder or Mayor Thornton is regards to the removal of his tree. He asked if the city of proof of the tree being on their right-of-way. He expressed that the city may have made a costly mistake and that they need to have policies in place to prevent this from happening.

**Barry Williams, 9001 Pine Avenue,** Stated that he admired Mr. Gruder's tree and that he is concerned with the urban forest in Brentwood. He stated that certain species of trees are currently under attack from the emerald ash borer and this makes other species of trees even more valuable. He mentioned the past removal of trees in Brentwood to put in better sidewalks and that things can be done to prevent this. He mentioned that the Public Works Department has mortally wounded trees in the past to place sidewalk. He was concerned with removal of trees in Oak Tree Park.

**Aldermanic Response**

Alderman Wegge mentioned that there were some issues with the notification process in regards to the removal of trees. He would like staff to look into these issues to make sure that this does not happen again.

Alderwoman Sims stated that she agreed with what Alderman Wegge said and that she also wants to improve the notification system.

**UNFINISHED BUSINESS**

**None**

**BILLS TO BE GIVEN A FIRST READING ONLY**

**None**

**BILLS TO BE GIVEN A SECOND READING ONLY**

**Bill No. 6110 – Professional Services Agreement for Reviewing City-wide Sales Tax Revenue** - Attorney O’Keefe performed the 2<sup>nd</sup> reading of Bill No. 6110 by title only. Mayor Thornton provided the synopsis, “This Bill is for an ordinance to authorize the mayor to enter into and execute a professional services agreement with Cook and Riley, LLC for reviewing of City-wide Sales Tax Revenues. In 2015, the Board of Aldermen approved a confidential agreement between Cook & Riley, LLC and the City of Brentwood, Missouri for monitoring services of sales tax collections received in the Brentwood Meridian Project. This project area is also known as T-8 RPA. The Ways and Means Committee made a unanimous motion that the request be forwarded to the Board of Aldermen with a positive recommendation.”

**Perfection of Bills**

Motion was made by Alderman Leahy and seconded by Alderman Plufka to perfect Bill No. 6110 into ordinance form.

Alderman Leahy asked if this review was being done to prevent any problems or was there a reason to believe the city was not receiving full revenues. Mayor Thornton explained that sales tax revenue numbers are not meeting expectations and that it is worth a further examination. This review would determine if there are revenue leaks and how to plug them. He stated that he believes that leaks will be found.

Alderman Plufka mentioned that this would also provide a way to go after misdirected revenues if any are found. Mayor Thornton stated that he is much more concerned with fixing the situation than he is looking back.

Alderman Kramer asked for clarification on how far back this agreement will allow Cook and Riley to look at revenue. Mayor Thornton explained that it is up to them to determine how far back they look and that the agreement authorizes them to look at 3 years of data.

**ROLL CALL:**

Alderman Dimmitt - Yes	Alderman O’Neill - Yes
Alderman Kramer - Yes	Alderman Plufka - Yes
Alderman Leahy - Yes	Alderman Sims - Yes
Alderman Lochmoeller - Yes	Alderman Wegge - Yes

**BILL No. 6110 IS HEREBY PASSED BY THE BOARD OF ALDERMAN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4763**

**BILLS TO BE GIVEN A FIRST AND SECOND READING**

**Bill No. 6111 - New Chapter 215 of the Brentwood Municipal Code**

Attorney O’Keefe performed the 1st reading of Bill No. 6111 by title only. Mayor Thornton provided the synopsis, “In the 2014 Legislative Session, the Missouri State Legislature enacted Senate Bill 491 and House Bill 1371 which resulted in numerous revisions to Title 38 (Crimes and Punishment) of the State Statutes, effective as of January 1, 2017. This change is in order to comply with the statutory changes mandated by Senate Bill 491.”

Attorney O’Keefe performed the 2<sup>nd</sup> reading of Bill 6111 by title only.

**Perfection of Bills**

Motion was made by Alderman Leahy and seconded by Alderman Lochmoeller to perfect Bill No. 6111 into ordinance form.

**ROLL CALL:**

Alderman Dimmitt - Yes	Alderwoman O'Neill - Yes
Alderman Kramer - Yes	Alderman Plufka - Yes
Alderman Leahy - Yes	Alderwoman Sims - Yes
Alderman Lochmoeller - Yes	Alderman Wegge - Yes

**BILL No. 6111 IS HEREBY PASSED BY THE BOARD OF ALDERMAN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE #4764**

**RESOLUTIONS**

**Resolution No. 1065 – Hanley Industrial Court Pedestrian Project – Condemnation Proceedings for 1227 Hanley Industrial Court, Brentwood, Missouri**

Mayor Thornton read the synopsis “The City of Brentwood has approved a program for the improvement of sidewalks and ADA curbs along Hanley Industrial Court and Strassner Drive. This project requires obtaining temporary construction easements and permanent sidewalk easements from 12 property owners along Strassner Drive and Hanley Industrial Court. The City of Brentwood has obtained easement rights from all but one parcel owner. The City would like to proceed with condemnation procedures of the remaining parcel 12 – 200 Hanley Industrial Court, Brentwood, Missouri so as to complete this project in a timely manner. It is found and declared that the Hanley Industrial Court Pedestrian Improvement Project, STP-5577 (632) is necessary for the public interest, in furtherance of a public purpose and a proper exercise of governmental authority.”

Mayor Thornton explained that the owner of this property has broken off all contact with the city in regards to this property. He stated that the choices were to abandon or the project or move forward with condemnation and that city has done all they can to avoid this.

Alderman Leahy asked if the property owner has indicated if this may be a problem for him. Mayor Thornton said that it was his understanding that the property owner was ready to move forward with the program but then was not able to be contacted.

Alderman Dimmitt asked if the funds for the project needed to be forwarded by June of this year. Administrator Akande explained that June is the latest that property acquisition could be done. Attorney O’Keefe explained that the city property could be acquired to proceed with the project and that the amount of the compensation could be litigated.

Alderman Leahy asked about the communication methods that were used to attempt to communicate with this property owner. Administrator Akande explained that staff reached out to the Hanley Industrial Court group, who had met with him, and were told that he would be following up with the city in a week. She stated that she has contacted him and left voice messages and have not heard back. Alderman Leahy stated that he is not excited about doing condemnation and recommended a certified letter. Attorney O’Keefe stated that the city could send the property owner a letter with the resolution that states a date of when this will take place if the city does not hear from him.

**VOICE VOTE: 7 Ayes; 1 Nay**

Alderman Plufka - Aye	Alderwoman O'Neill - Aye
Alderman Wegge - Aye	Alderman Leahy - Nay
Alderman Lochmoeller - Aye	Alderwoman Sims - Aye
Alderman Kramer - Aye	Alderman Dimmitt - Aye

**RESOLUTION 1065 IS HEREBY ADOPTED BY THE BOARD OF ALDERMAN**

**ACCOUNTS AGAINST THE CITY**

Alderman Dimmitt announced review of the warrant list in the amount of \$268,874.48 and made a **motion** for approval. Alderman Leahy seconded the motion.

**ROLL CALL:**

Alderman Plufka - Yes	Alderwoman O'Neill - Yes
Alderman Wegge - Yes	Alderman Leahy - Yes
Alderman Lochmoeller - Yes	Alderwoman Sims - Yes
Alderman Kramer - Yes	Alderman Dimmitt - Yes

**Motion Passes**

**REPORT OF COMMITTEES AND DEPARTMENT HEADS**

**Mayor Thornton** stated that he would like the echo sentiments of Alderman Wegge and Alderwoman Sims in regards to Mr. Gruder's tree and that he was unsure why notice was not properly delivered. He stated that he did not believe that his receiving of the notice would of kept the tree from coming. The city made the decision that the tree needed to be removed and it was removed. He did not think it was fair that his tree was removed without notice. He stated that city is responsible for the maintenance of the tree and for the city to pass that responsibility on to Mr. Gruder is shameful. If Mr. Gruder can provide receipts to the city that shows he did maintenance on the tree, the Board of Aldermen should consider reimbursing him those funds. He stated that it is now very clear to everyone that city will take care of trees that are in the city right-of-way and that the city did not take care of trees on city property in the past. He also stated that Mr. Gruder has not communicated with him.

Mayor Thornton mentioned that he attended several Comprehensive Plan meetings and the number one issue that is brought forward at these meetings is Manchester Road. Flooding and the condition of the road are the main concern. He believes there is a potential solution that may go a long way in the solving the problem of the flooding and condition of this road. He stated that the problems of Manchester Road have been a part of Brentwood for a long time and he is excited to have a chance to fix those problems. He mentioned that this is a really big project and will require a lot of dedication to the solution over a long period of time. He expressed that there may be a tendency to lose focus of a big picture in favor of smaller issues and that the community will need to come together to get this project completed. He stated that he is pursuing a plan and will soon share details with the Board of Aldermen.

**Public Safety Committee**, Alderman Plufka announced the Public Safety Committee is meeting on January 19<sup>th</sup> and is working to develop a Traffic Calming Plan to present to the Board of Alderman.

**Public Works Committee**, Alderman Leahy announced that the next meeting of the committee is January 11<sup>th</sup> at 4:30 pm.

**Director of Planning & Development**, Director Koerkenmeier was absent.

**Ways and Means Committee**, Alderman Dimmitt reported that there will not be a Ways & Means Committee Meeting this month.

**City Attorney Kevin O’Keefe** had no report.

**City Administrator** had no report.

**Excise Commissioner** Alderman Dimmitt had no report.

**Library Board**, Alderwoman O’Neill that the Library Board was currently meeting and that the Library was seriously out of space. She stated that the computers were heavily used and that the children’s programs were overflowing. They do not have the space they need to put together the children programs as they would like. She reported that last month 4 of the children programs had 30 kids and that one program had 60 kids. They are renting space from the Brentwood Recreation Center and she felt that the library should not have to pay a fee to rent other city facilities. She stated that the library should not be limited on the children programs that are offered due to space constraints and that the library is considering options. She said she would keep the Board of Aldermen updated.

**Municipal League**, Mayor Thornton had no report.

**Historical Society** Chief Fitzgerald had no report.

### **ANNOUNCEMENTS**

Alderman Plufka announced that the Ward 1 meeting will take place January 10<sup>th</sup> in the Council Chambers and that trees and the adopted budget would be on the agenda.

Alderman Leahy announced that the Ward 3 meeting will take place on January 31<sup>st</sup> in the Council Chambers.

### **NEW BUSINESS**

Alderman Wegge spoke about an informational packet that listed the process of notification for the removal of trees. He stated that there were two modifications being proposed. One modification is to the letter that is sent to the resident. This would no longer be addressed to “Brentwood Resident” and would instead be a certified letter. The other change is that a neon ribbon would be hung on the tree. He believes that certify letters are not necessary and that hanging something on the tree might be enough.

Alderman Leahy asked if a registered letter could be sent in place of a certified letter so that it could be tracked. Alderman Wegge liked the idea and stated that informing the resident of the tree removal and reasons for removal were very important.

Alderman Plufka asked if the Board of Alderman would consider adding an additional step that would allow land owners to gather their own arborist opinion at their expense. Alderman Wegge worried that this may offer too many opinions and take too much time. Alderman Plufka stated that an independent arborist may offer an impartial opinion. Mayor Thornton asked if there is a notion that individuals want to remove trees. Alderman Plufka stated that a company that is hired to remove trees might be more interested in its removal than someone else and that another opinion would allow participation on behalf of the landowner. Alderman Wegge expressed that the ordinance does allow for an appeal of a tree on private property and that there should be a better process to verify that trees are in the city right-of-ways. Alderwoman O’Neill stated that she has worked with Davey Tree in the past and that their job is to keep as many trees as healthy as possible. Discussion was held on the treatment of trees.

Attorney O’Keefe stated that this policy of notifying residents of tree removal might be expected by other individuals that are being notified of other issues and that this may be costly. He also

stated that the city is liable for injuries caused by dangerous limbs hanging over city property, even if the trunk is not. Mayor Thornton stated that Mr. Gruder's tree expanded into the right-of-way and that several qualified tree experts believed it needed to be removed.

Alderman Dimmitt asked if a failure to follow a notification policy would have any penalties on the part of the city. Attorney O'Keefe explained that a failure would be, at least, a point of contention.

Alderman Lochmoeller asked if putting a letter, not a just a neon ribbon, informing individuals of the removal date would be proper notification. Attorney O'Keefe stated that the reason of the notice is so that individuals can be aware that the tree is coming down.

**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,** Stated that an anti-texting measure has been introduced as legislation in the State of Missouri and that she is in favor. She stated that she is in favor on a project on Manchester road and asks for protection for seniors. She mentioned that a circuit breaker type program should be enacted if a tax will be collected for this project. She mentioned that a half-cent sales tax is being imposed by St. Louis County for public safety and that these funds should come from another source, not in the form of a tax. She mentioned that too many answers will allow insight and could be a positive thing in regards to the tree notification process. She asked for a list of trees that are listed to be cut down.

**Stewart Clack, St. Clair,** stated the importance of hooking up to the Great Rivers Greenway system for bike trails. He also discussed the importance of getting through Brentwood on bike trails.

**Aldermanic Response**

Alderman Wegge explained that the list of 2017 trees has been published on several websites.

Mayor Thornton expressed the importance of giving notice to residents. He also stated that staff met with Great Rivers Greenway and that a potential partnership has been reached to proceed with a connector trail called the Rogers Parkway Connector. This would be an underpass under Manchester Road that would connect up to the Rogers Parkway and connect back in Webster Groves.

**CLOSED SESSION**

Alderwoman Sims made a motion to enter into closed session pursuant to RSMo. 610.021(2) at 8:23pm. Alderman Leahy seconded the motion.

**ROLL CALL:**

Alderman Dimmitt - Yes	Alderwoman O'Neill - Yes
Alderman Kramer - Yes	Alderman Plufka - Yes
Alderman Leahy - Yes	Alderwoman Sims - Yes
Alderman Lochmoeller - Yes	Alderman Wegge - Yes

**Motion Passes**

**ADJOURNMENT**

Motion was made by Alderman Leahy and seconded by Alderwoman Sims to adjourn the executive session and regular meeting at 9:05pm. Unanimous vote in favor taken; **MOTION PASSED**

Attest:

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Christopher A. Thornton, Mayor

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Bola Akande, City Clerk/Administrator