

**CITY OF BRENTWOOD  
BOARD OF ALDERMEN MEETING  
AMENDED MINUTES  
OCTOBER 2, 2017**

**MEETING CALLED TO ORDER**

Mayor Christopher Thornton called the meeting to order at 7:00pm, 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 Dimmitt      Alderwoman O’Neill  
Alderman Kramer      Alderman Plufka  
Alderman Leahy      Alderwoman Sims  
Alderman Lochmoeller      Alderman Wegge  
Mayor Thornton

Members present constituted a quorum. Also present were City Administrator Bola Akande, City Attorney Kevin O’Keefe, and Deputy City Clerk Lori Wrobel.

**APPROVAL OF AGENDA**

**Board of Aldermen October 2, 2017**

The agenda was approved by acclamation.

**CONSIDERATION AND APPROVAL OF MINUTES**

**Board of Aldermen Meeting Minutes September 18, 2017**

Seeing no changes the Minutes were approved by acclamation.

**PRESENTATION/RECOGNITION**

**Swearing in of Police Officers**

Interim Police Chief McIntyre shared a brief Bio on both of the Officers. City Administrator Bola Akande administered the Oath and Swore in Officers Eric Diaz and Seth Mundorf.

**PROCLAMATION**

**Brentwood National Night Out** - An event that has been held annually since 1984, National Night Out began simply with neighbors turning on their porch lights and sitting in front of their homes. Officer Eisenbeis has signed up 16 homes for block parties.

**PUBLIC HEARING**

**Establishing the 2017 Rate of Tax Levy**

Following the last Board of Aldermen meeting, in an effort to certify the 2017 Brentwood Library Real Estate Tax Rate, staff heard from the Missouri State Auditor’s Office that the City change the maximum allowed rate (as provided below). Furthermore, this is the wish of the Brentwood Library Board. No one spoke during the public hearing. The public hearing was closed.

**2017 ESTIMATED TAX RATES & REVENUES**

<b>FUND TYPE</b>	<b>RESIDENTIAL ESTIMATED TAX RATE</b>	<b>COMMERCIAL TAX RATE</b>	<b>PERSONAL TAX RATE</b>	<b>REVENUE</b>
Library Fund	\$ .2890	\$ .3070	\$ .3090	\$ 890,688

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**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.)

None

**Aldermanic Response**

None

**UNFINISHED BUSINESS**

None

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

**Bill No. 6156 - An Ordinance Amending Title III In Chapter 300 Of The Revised Code Of The Ordinances Of The City Of Brentwood, Missouri By Adding To Schedule III, Table III-A, No Parking Between The 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.** - In June 2017, the resident at 8812 Bridgeport Avenue voiced concerns that vehicles parked adjacent to either side of her driveway were either employees or patrons for Enterprise car rental located at 2229 Brentwood Boulevard, which is just east of 8812 Bridgeport Avenue. The problem is that backing out of the driveway at 8812 Bridgeport is difficult and sometimes unsafe due to sight distances being reduced by parked vehicles on either side of the driveway. The Public Safety Committee unanimously recommends to the Board of Aldermen an ordinance approving the “no parking between signs” addition including the prescribed distances for the sign locations. Director Gummersheimer stated the sight distance is an issue for the resident due to Enterprise Rental parking. Signs will allow safe vision for the resident to exit the driveway.

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

NONE

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

**Bill No. 6159 (clean tax rate and redlined tax rate) – An Ordinance To Repeal Ordinance No. 4801 And Confirm, Ratify And Approve An Adjusted Rate Of Property Tax To Be Assessed For The Year 2017 By The City Of Brentwood, Missouri.** - Annually, the City of Brentwood is required by State Statute to hold a public hearing prior to establishing the tax rate on real and personal property by October 1. This ordinance is 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 2017 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. The City of Brentwood assesses no residential ad valorem taxes.

Finance Director Shaw stated upon submission to the Missouri State Auditor’s Office the City received notification that the maximum allowed rate should be changed to match the numbers listed in the public hearing. Furthermore, this is the wish of the Brentwood Library Board. To ensure the higher tax rate for the library, the public hearing was reposted. A request was made to the Board of Aldermen to Confirm, Ratify and approve the amended tax rate.

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Alderman Kramer inquired about the deadline for submission. Director Shaw stated the cut off was today, but she had spoken to the St. Louis County Collector of Revenue and had been granted permission to submit the tax rate on October 3.

Alderman Dimmitt made a motion to perfect Bill no. 6159 into Ordinance form. Alderman Lochmoeller seconded the motion.

**ROLL CALL**

- Alderman Dimmitt – yes
- Alderman Kramer – yes
- Alderman Leahy – yes
- Alderman Lochmoeller – yes
- Alderwoman O’Neill – yes
- Alderman Plufka – yes
- Alderwoman Sims – yes
- Alderman Wegge – yes

**MOTION PASSED**

**BILL NUMBER 6159 IS HEREBY PASSED BY THE BOARD OF ALDERMEN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE NUMBER 4802.**

**ADDENDUN:**

Bill No.	Ord. No.	Approved by the Board of Aldermen	Signed by the Mayor	Amended Ord. No.
6159	4802	October 2, 2017	October 3, 2017	4802.1

**PERFECTION OF BILL – NEW ACTION:**

**BILL NUMBER 6159 IS HEREBY PASSED BY THE BOARD OF ALDERMEN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE NUMBER 4802.1.**

**Bill No. 6161 – An Ordinance Of The City Of Brentwood, Missouri, Approving A Class Action Settlement With Union Electric Company D/B/A Ameren Missouri In Regard To Full Payment Of The City’s Business License Taxes And Authorizing Assignment Of A Percentage Of The Settlement Proceeds To The Municipal League Of Metro St. Louis – Exhibit 3** – In August, the St. Louis County Circuit Court of St. Louis County, Missouri preliminarily approved a class action lawsuit settlement with Union Electric Company d/b/a Ameren Missouri for unpaid Business License Taxes. The Plaintiffs in this lawsuit allege that, from 2007 to the present, Ameren did not pay license (sometimes referred to as “gross receipts”) taxes on all of its receipts from supplying electric products and services in the political subdivisions as required by the code or ordinances. The Past Tax payment from 2007 is \$40,635.20. The amounts accruing between April 1, 2017 and the effective date of settlement and Accrued Tax Payment is \$5,490.41. The total amount is \$46,125.61. The City will receive \$46,125.61 in unexpected tax revenue less the Assignment amount of a minimum of 5% which equals \$2,306.28 to either the Missouri Municipal League or Municipal League of Metro St. Louis.

City Administrator Akande informed the Board the City received notice of settlement in August. The class action has been going on for four years and will be finalized in December. The City will receive \$46,000.00. The Bill inquires if the Board wishes to contribute 5% of the award to the Missouri Municipal League of Metro St. Louis. A discussion ensued. There is no obligation to contribute. Alderman Dimmitt said these monies belong to the residents, and we have no rationale as to how the League will be using the funds. He will approve but in the future would like some rationale as to how they are using this money. Alderwoman O’Neill asked if we contribute funds to the League other than annual dues. City Administrator Akande said no, just this one. Second reading was performed by City Attorney O’Keefe.

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Alderman Leahy made a motion to amend section one page one of Bill 6161 to reduce the 5% to a 0% contribution. Alderman Lochmoeller seconded the motion. A discussion ensued. Alderman Kramer brought up previous class action suits and the voluntary contribution and the merit there of. He would like Mayor Kelly to come back at some point and explain the necessity to the Board. City Administrator Akande informed the Board in the last General Assembly the Missouri Municipal League (MML) spent over \$100,000 fighting senate Bill No. 5. There is another Bill in the Senate that the MML is currently fighting put on by Charter Communications and attempting to prevent class action settlements with Municipalities or other political subdivisions and making this retroactive. The League has just hired a Public Relations firm to fight the state wide legislation that will be on the April or November ballot to consolidate St. Louis City and County. There is an effort throughout the state to allow those outside of St. Louis to vote on this decision and these are some of the League’s advocacy efforts. Former Mayor Kelly would be happy to come and discuss this at length if it is the desire of the Board. A voice vote was taken; all in favor of reducing the percentage of the contribution from 5 to zero percent. The four aye votes were Alderman Dimmitt, Alderman Plufka, Alderman Lochmoeller and Alderman Leahy. The four nay votes were Alderman Kramer, Alderwoman Sims, Alderwoman O’Neill and Alderman Wegge. Mayor Thornton cast the tiebreaking vote; the amendment to Bill No. 6161 does not pass.

Alderwoman O’Neill made a motion to amend the contribution from 5% to 3%. The motion dies for lack of a second.

Alderman Wegge made a motion to perfect the Bill as initially presented by staff into Ordinance form. Alderwoman O’Neill seconded the motion.

**ROLL CALL**

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

**MOTION PASSED**

**BILL NUMBER 6161 IS HEREBY PASSED BY THE BOARD OF ALDERMEN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE NUMBER 4803.**

**ADDENDUN:**

Bill No.	Ord. No.	Approved by the Board of Aldermen	Signed by the Mayor	Amended Ord. No.
6161	4803	October 2, 2017	October 3, 2017	4803.1

**PERFECTION OF BILL - NEW ACTION:**

**BILL NUMBER 6161 IS HEREBY PASSED BY THE BOARD OF ALDERMEN AND UPON SIGNATURE BY THE MAYOR BECOMES ORDINANCE NUMBER 4803.1.**

**RESOLUTIONS**

**Resolution No. 1079 - A Resolution Of The City Of Brentwood Missouri, Amending The Parks and Recreation Policies and Procedures Manual - (Chapter 12 Arboricultural Specifications, Appendix E - Approved Tree Planting List, Tree Policies and Guidelines**

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**Manual)** – The Parks and Recreation Department has revised Chapter 12 – Arboricultural Specifications of the department’s Policies and Procedures Manual. The arboricultural specifications chapter defines and illustrates the policies and procedures that shall be utilized by staff in the management and care of all trees located on City property or within the City’s public right-of-way. In addition, the department has revised Appendix E – Approved Planting List and the Tree Policies and Guidelines Manual. Public Works Committee recommends the Board of Aldermen consider approval of the revised Arboricultural Specifications of the department’s Policies and Procedures Manual and Appendix E. The vote taken was 3 ayes, 0 nays and 1 abstention.

Alderman Leahy made a motion to adopt Resolution 1079. Alderman Lochmoeller seconded the motion. Voice vote was taken. 8 ayes 0 nays

**Resolution 1079 is adopted.**

**Resolution No. 1080 – A Resolution Urging The St. Louis County Council And St. Louis Board Of Aldermen To Oppose Any And All Legislation Authorizing A Statewide Vote Regarding Or Mandating A Change In The Government Structure Of St. Louis City And St. Louis County And The Municipalities Therein.** Officials with the Municipal League of Metro St. Louis are requesting that cities approve Resolution No. 1080 which urges the St. Louis County Council and St. Louis Board of Aldermen to oppose any and all legislation authorizing a statewide vote regarding or mandating a change in the government structure of St. Louis City, St. Louis County and the municipalities.

Alderwoman O’Neill made a motion to adopt Resolution 1080. Alderman Lochmoeller seconded the motion.

Alderman Plufka had oppositions to the Resolution. Alderman Plufka shared a study with the Board of Aldermen from a City/County merger in Louisville in 2013. This merger came from a statewide decision. Alderman Plufka does not believe Resolutions like this one will help us get there. He stated that Resolutions like this will ensure that necessary conversations will never happen. He did not approve of the heavy handed tactic of the MML sending proposed legislation. Alderman Dimmitt does not believe voters in Joplin or Rolla will care. He would urge the County Council to get involved. Mayor Thornton said the Municipal League will present this to the County Council. Alderman Kramer respects both opinions but would like the decision to be made by those affected by the merger. There was no further discussion.

**ROLL CALL**

Alderman Dimmitt– no	Alderwoman O’Neill – yes
Alderman Kramer– yes	Alderman Plufka – no
Alderman Leahy– yes	Alderwoman Sims – yes
Alderman Lochmoeller – yes	Alderman Wegge – yes

**Resolution 1080 is adopted.**

**ACCOUNTS AGAINST THE CITY**

**Warrant List**

Alderman Dimmitt explained the \$4,466.24 charge for a traffic study will be paid by the applicant, not the city. The \$6,493.34 charge for Ameren has been added to the warrant list. As discussion regarding additional streetlights occurs, he would like the Board to be aware of the current Ameren street light expense. Alderman Dimmitt made a motion to approve the Warrant list of \$133,939.89. Alderman Leahy seconded the motion. The Mayor in the interest of full disclosure stated the \$4,466.24 charge is the Mayor’s. The check is forth coming.

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**ROLL CALL**

Alderman Dimmitt – yes  
Alderman Kramer – yes  
Alderman Leahy – yes  
Alderman Lochmoeller – yes

Alderwoman O’Neill – yes  
Alderman Plufka – yes  
Alderwoman Sims – yes  
Alderman Wegge – yes

**REPORT OF COMMITTEES AND DEPARTMENT HEADS**

**Mayor**

Mayor Thornton brought comments he made regarding the East Central Fire Command and stated that Change in structure of municipal governments is coming, it is inevitable. He stated it is better to control the change through initiative.

**Public Safety Committee**

The next Public Safety Meeting is October 19<sup>th</sup> at 5:30.

**Public Works Committee**

The next Public Works Meeting is October 11<sup>th</sup> at 4:30.

**Director of Planning & Development**

None

**Ways and Means Committee**

The next Ways and Means Committee Meeting is Thursday at 6:00pm.

**City Attorney**

None

**City Clerk/Administrator**

None

**Excise Commissioner**

None

**Library**

The Library Board will be meeting tomorrow at 6:30. Everyone is invited to attend.

**Municipal League**

None

**ANNOUNCEMENTS**

Alderman Dimmitt shared the Ward 1 meeting will be held here on October 10<sup>th</sup> at 6:30.  
Alderman Leahy shared Ward 3 meeting will be held in the Council Room on October 24<sup>th</sup> and not Halloween. Tomorrow is the National Night Out. There are 16 families hosting Block Parties.  
Alderman Leahy thanks the police department for their efforts in Night Out.

**NEW BUSINESS**

**Request For Authorization For Assistance With Completion Of Federal Grant Applications Related To Deer Creek Flood Mitigation For The 2017/2018 Grant Cycle - A Motion Authorizing The City Administrator To Enter Into And Execute This Task Order.**

**Engagement of Expert Resources To Assist with Completion of Federal Grant Applications Related to Deer Creek Flood Mitigation For The 2017/2018 Grant Cycle** – CH2M an engineering firm in accordance with their contract dated May 20, 2014 for project management activities for the implementation of conceptual plan for Flood Mitigation along Deer Creek has submitted a proposal to assist with completion of Federal grant applications related to Deer Creek flood mitigation for the 2017/2018 grant cycle for the following project management activities:

- 2016/2017 Federal Emergency Management Agency (FEMA) Flood Mitigation Assistance (FMA) Grant Assistance.
- State of Missouri Hazard Mitigation Grant Program (HMGP) Assistance Related To Disaster Relief (DR -4317).

City Administrator Akande reported for the past 3-4 years CH2M has had an agreement with the City to do flood analysis and submit FEMA applications for the City.

A year ago the City submitted a number of applications for properties on Mary Ave. These applications required a new analysis. Property owners made some changes resolving some of the issues. The City would like to resubmit the application for 2940 Mary Ave. and 2702 Mary Ave. at a cost of \$14,700.00.

Alderman Wegge made a motion to approve the request for authorization for assistance from CH2M. Alderman Lochmoeller seconded the motion. A voice vote was taken. Unanimous approval was given to approve the request for authorization.

**Request For Authorization Of Engagement Of Expert Resources To Assist In Peer Review For Deer Creek And Black Creek Comprehensive Flood Mitigation Analysis - A Motion Authorizing The City Administrator To Enter Into And Execute This Work Order.** – Horner Shifrin, an engineering firm that provides On Call Engineering Services to the City of Brentwood has submitted a proposal to provide professional engineering services for the following work requested by the City under the task order agreement for the following:

- Review content of the Deer Creek and Black Creek Comprehensive Flood Mitigation Analysis Report
- Review XP-SWMM model used in the analysis.
- Provide letter summary of the review indicating concurrence or disagreement with proposed Alternate D of the above referenced study.

Alderman Lochmoeller made a motion to approve the request for authorization. Alderman Leahy seconded the motion. Mayor Thornton asked Navigate to vet Horner Shifrin to ensure they have sufficient expertise to supply a second opinion. Navigate confirmed that Horner Shifrin does indeed provide the expertise necessary. Alderman Kramer inquired about the approximate cost. Mayor Thornton stated it was about \$8,500.00. Alderman Wegge inquired about what will occur in the case of disagreement. Mayor Thornton said it will depend on the second opinion; this may open other alternatives. Much information will be presented at a workshop later this month.

A voice vote was taken. Unanimous approval was given to approve the request for authorization.

**Request For Authorization For City Administrator to Request From The City Of Webster Groves, Missouri Boundary Adjustments for Three Properties Contiguous to Deer Creek - A Motion Authorizing The City Administrator To Present This Request To The City Of Webster Groves, Missouri.** On January 16, 2017, the City of Brentwood commissioned a team of consultants for the purpose of evaluating and recommending a comprehensive city-wide development plan to alleviate flooding and renew the Manchester Road corridor. This project

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will require the acquisition of multiple parcels. Two of these properties are owned by the City of Webster Groves - 8312 Manchester Road and 8314 Manchester Road. A third is privately owned - 371 Marshall Road. Section 71.011 RSMo provides that property of a municipality abutting another municipality may be concurrently detached from one municipality and annexed by the other municipality by the enactment of the governing bodies of each municipality of an ordinance describing the metes and bounds of the property, declaring the property so described to be concurrently detached and annexed and stating the reasons for and the purposes to be accomplished by the detachment and annexation. The City of Brentwood, Missouri desires that these three properties which are currently within the City of Webster Groves be located within the City of Brentwood, in order to facilitate use and to allow for more efficient and effective delivery and resolution of the flood mitigation. Alderman Leahy made a motion to approve authorization. Alderman Leahy seconded the motion. Alderman Lochmoeller inquired of the City Administrator if the property on Marshall is critical for the straightening of the Oxbow? She confirmed, and the two properties on Manchester are in the area where the flood plain benching is planned. The City Administrator has been in contact with the Webster Groves Administrator and the Webster Groves Mayor is receptive.

A voice vote was taken. Unanimous approval was given to approve the request for authorization

**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)

None

**Aldermanic Response**

None

**CLOSED MEETING**

Alderman Leahy made a motion at 8:06 to enter into a closed session and Adjourn from said meeting. Alderman Plufka seconded the motion.

- a) Legal – RSMo 610.021 (1)
- b) Real Estate – RSMo 610.021 (2)

**ADJOURNMENT**

**Approved on the Day of October 2017.**

\_\_\_\_\_  
Attest:

\_\_\_\_\_  
Christopher A. Thornton, Mayor

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