

**CITY OF BRENTWOOD
BOARD OF ALDERMEN MEETING
MARCH 5, 2018**

MEETING CALLED TO ORDER

Mayor Christopher Thornton called the meeting to order at 7:01 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 Dimmitt present	Alderman O'Neill present
Alderman Kramer present	Alderman Plufka present
Alderman Leahy present	Alderman Sims present
Alderman Lochmoeller present	Alderman Wegge present
Mayor Thornton present	

Members present constituted a quorum. Also present were City Administrator Bola Akande, City Attorney Kevin O'Keefe, Director of Public Works Dan Gummersheimer, Director of Planning and Development Lisa Koerkenmeier, Director of Parks Eric Gruenenfelder, Director of Finance Karen Shaw, Interim Police Chief Jim McIntyre, Fire Chief Terry Kurten, Communications Manager Janet Levy and Deputy City Clerk Lori Wrobel.

APPROVAL OF AGENDA

Board of Aldermen March 5, 2018

Alderman Plufka made a motion to move item 16A to item 6. Alderman Wegge seconded the motion. The Agenda was approved by acclamation.

CONSIDERATION AND APPROVAL OF MINUTES

February 20, 2018

Alderman Plufka made a motion to amend the minutes to include the correction in the insurance for Southern Sno to \$1 million per person and \$2 Million per occurrence. Alderman Leahy seconded the motion. The minutes as amended were approved by acclamation.

PRESENTATION/RECOGNITION

Mayor Thornton explained the steps of the detailed nationwide search for a new Chief of Police. The candidates were evaluated and scored in this CPSM and resident driven process. It came down to the final two, Interim Chief Jim McIntyre and Major Joe Spiess. Mayor Thornton made the difficult decision of choosing between two worthy candidates. Mayor Thornton appointed Joe Spiess to the position of Chief of Police.

Alderman Kramer made a motion to approve the Mayor's Police Appointment of Joe Spiess. Alderman Wegge seconded the motion.

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

PROCLAMATION

None

PUBLIC HEARING

None

BIDS

None

Environmental Due Diligence Services for the Manchester Renewal Project

Phase I and Phase II environmental assessment are required for the purchase of the properties. Phase I is a historical use search looking into the past use of the properties. If phase one identifies any possible hazardous use, phase two physical assessment is necessary. The Terracon Proposal is for \$127,500-\$152,000. The Environmental due diligence proposals were solicited from three engineering firms for Phase I and Phase II Environmental Site Assessment Services related to the acquisition of approximately 50 sites. Three proposals were submitted by Terracon, Environmental Operations Inc., and Geotechnology Inc. The lowest and best bid for Phase I and Phase II Environmental Site Assessment Services was submitted by Terracon Inc. Phase I and Phase II Environmental Site Assessments are part of the due diligence in knowing what you're buying.

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

None

Aldermanic Response

None

UNFINISHED BUSINESS

None

BILLS TO BE GIVEN A FIRST READING ONLY

Bill No. 6185 – Phase I and Phase II Environmental Site Assessment Report – Manchester Renewal Project – An Ordinance Approving An Agreement With Terracon Consultants, Inc. For Environmental Due Diligence Services For The Manchester Renewal Project Bill – Phase I and Phase II Environmental Site Assessment Report – Manchester Renewal Project – An Ordinance Approving An Agreement With Terracon Consultants, Inc. For Environmental Due Diligence Services For The Manchester Renewal Project - Environmental due diligence proposals were solicited from three engineering firms for Phase I and Phase II Environmental Site Assessment Services related to the acquisition of approximately 50 sites. Three proposals were submitted by Terracon, Environmental Operations Inc., and Geotechnology Inc. The lowest and best bid for Phase I and Phase II Environmental Site Assessment Services was submitted by Terracon Inc. The total cost of this service will range from \$127,500 to \$152,500. Phase I and Phase II Environmental Site Assessments are part of the due diligence in knowing what you're buying. The cost to have the assessments is relatively minimal when compared to remediation or clean-up costs (digging up and removing soil, etc.). It lets you learn about potential issues before you are in the chain of title. Once you are in the chain of title, you may be responsible under federal law for cleaning up the property if there's environmental hazards, even if you didn't cause them. In addition, it establishes that you've done "all appropriate inquiries" which lets you establish the "innocent purchaser" defense against liability under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). CERCLA isn't fault-based, but it does contain an "innocent purchaser" defense. As part of that, you have to do all appropriate inquiries into the past use of the property you're buying. It's especially important here, given that many of the properties the City is looking at buying have been used for industrial type uses for many years. Additionally, CERCLA isn't based simply on ownership, so we may need to do similar Phase I reports on properties where the City winds up acquiring only an easement interest. Staff recommends a positive consideration by the Board of Aldermen for a motion to approve a Master Agreement with Terracon Inc.

Alderman Leahy questioned the number of properties. Mayor Thornton said the only properties that will be tested will be necessary for purchase. Alderman Dimmitt clarified that this is only the first reading. Mayor Thornton said this RFP is for as many properties as the City may need to acquire.

Bill No. 6186 – Employment Agreement – An Ordinance Authorizing The Mayor Acting On Behalf Of The City Of Brentwood, Missouri, To Execute An Agreement With The Police Chief Of The City Of Brentwood, Missouri; And Providing For The Effective Date Of This Ordinance

Mayor Thornton shared that the employment agreement was prepared with the terms and conditions.

BILLS TO BE GIVEN A SECOND READING ONLY

Bill No. 6183 – Extension of Lease Agreement with Southern Sno – An Ordinance Approving A Lease Agreement With Raymond A. Davis And Karen S. Davis D/B/A Southern Sno For A Portion Of Land In Memorial Park – Southern Sno has been renting the grassy area near the parking lot in Memorial Park for the last twelve years for the purpose of the placement of Southern Sno's trailer for concession sales. Their current lease ends May 1, 2018. The Parks and Recreation Department has a good working relationship with Southern Sno. The area where their trailer is located is always clean and well maintained and they have been prompt with their rental payment. The only utility that is used for the trailer is electricity, which Ameren UE bills Southern Sno directly. The current lease includes a monthly rent of \$150 per month from May – October, earning the City \$900 per year. This was increased with the new agreement in 2014. Staff recommends keeping the monthly rental at \$150 per month. The Public Works Committee reviewed this agreement and unanimously recommends it be presented to the Board of Aldermen with positive approval. Alderman Lochmoeller made a motion to perfect Bill No. 6183 into Ordinance Form. Alderman Leahy seconded the motion. Alderman Plufka made a motion that the lease be amended and the insurance for Southern Sno be made to \$1 million per person and \$2 Million per occurrence. Alderman Leahy seconded the amendment. A unanimous voice vote was taken.

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. 6183 as amended passes and upon signature of the Mayor becomes Ordinance No. 4824.

Bill No. 6184 – Professional Services Agreement - An Ordinance To Authorize The Mayor To Enter Into And Execute A Professional Services Agreement With Cook & Riley, LLC for Reviewing of City-wide Sales Tax Revenues And Further Authorizing The Mayor And/Or City Administrator To Execute The Contract On Behalf Of The City. - 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. This agreement is for city-wide sales tax. The Ways and Means Committee has reviewed the agreement and a unanimous motion was made for it to be forwarded to the Board of Aldermen for consideration. Alderman Dimmitt made a motion to perfect Bill No. 6184 into ordinance form. Alderman Sims 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

Bill No. 6184 as amended passes and upon signature of the Mayor becomes Ordinance No. 4825.

BILLS TO BE GIVEN A FIRST AND SECOND READING

Bill No. 6187 – Property Acquisition – An Ordinance Authorizing The Purchase Of Real Property Located At 2814 Breckenridge Road_ it is reasonable and necessary to acquire this 0.82 acre parcel for the purpose of enhancing protection against flooding, revitalizing a critical commercial corridor of the City of Brentwood and in order to protect the health, safety and welfare of the people of the City of Brentwood. The City has concluded its Due Diligence and review of the following: Title Commitment, ALTA NSPS Land Title Survey, Phase I and Phase II Environmental Site Assessment Reports, Appraisal Report and Geophysical Survey Report of this property. None of the reports have revealed any readings that should impact the use of the property. Please note, as stated in Section I.4.(g), the trustees of the subdivision may levy an annual assessment for upkeep which the City would be responsible for upon acquisition of the property. When attorneys spoke with the subdivision trustee, the City was advised that nothing is owed on the property. There however, was an assessment last year for road repairs which has been paid. Before closing, the City will request a letter from the trustee to confirm no assessments are owed. Also, Section II, states that the survey shows 13 parking spots in front of the property that are located partially in the right-of-way of Breckenridge Industrial Court. This may not be an issue because the building is already constructed and parking may not be a concern at the property. The City will ask the title company to delete the exceptions on the title commitment as stated in the due diligence summary. Lastly, as to Cause No. 121551 of the St. Louis County Circuit Court, the title company was unable to provide the City with a copy of this document. However, some of the other documents and the survey refer to that as part of an existing storm sewer easement/horseshoe sewer. The document related to it, Book 397, Page 533, is a condemnation order for a sewer—the City of Maplewood was the condemning authority. The plats for the industrial park refer to the easement area as “existing easement for . . . horseshoe sewer as shown on Webster Groves sanitary sewer district drawings” and as “existing storm sewer . . . per 397/533 & . . . Cause #121551.” Obviously, without having the document to review, the attorneys cannot tell the City exactly what it is, but all the other evidence they have seen suggests it is a sewer. The closing date will be March 19, 2018 and the City will be ready to fund on that date.

Alderman Leahy made a motion to perfect Bill No. 6187 into ordinance form. Alderman Lochmoeller 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

Bill No. 6187 passes as amended and upon signature of the Mayor becomes Ordinance No. 4826.

RESOLUTIONS

None

ACCOUNTS AGAINST THE CITY

Amended Warrant List

Alderman Dimmitt made a motion to approve the Warrant List in the amount of \$450,844.76. Alderwoman O'Neill seconded the motion. There was discussion on the insurance, and election charges.

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

REPORT OF COMMITTEES AND DEPARTMENT HEADS

Mayor

Mayor Thornton shared the Grant approval from MoDOT in the amount of \$4.1 million. Special thanks to Karen, Dan, Eric, Lisa and Bola.

On Tuesday March 6th a Statewide Tornado Drill will be held.

Appointment of Brentwood Police Chief

Mayor Thornton said this is the hardest thing he has had to do as Mayor. He learned a lot while making this difficult decision. Chief Spiess will start on March 12th.

Public Safety Committee

Last Wednesday at the regular meeting the discussion was on ECDC dealing with prisoners and dispatch. Wednesday at 5:30pm the Committee will continue the conversation.

Public Works Committee

On March 14th at 4:30 the Committee will meet. Eric will discuss Brentwood Days. Sewer Lateral will be discussed.

Director of Planning & Development

Director Koerkenmeier spoke to the Corridor Enhancements. The Open Houses were well attended with over 30 attendees. Phase two begins next week. Staff will meet with CBB discussion will include parking issues. The Comprehensive Plan should be presented to the Board of Aldermen in April.

Ways and Means Committee

The Committee will meet on March 14th at 6:00pm in the Council Chambers.

City Attorney

None

City Clerk/Administrator

None

Excise Commissioner

None

Library

Alderwoman O'Neill invited everyone to attend the Library Board Meeting on Monday at 6:30pm down in the Library.

Municipal League

None

ANNOUNCEMENTS

Alderman Leahy reminded everyone to “Spring Forward” an hour for Daylight Savings time change on March 11th.

March 27th will be the Ward 3 Meeting in the Council Chambers.

NEW BUSINESS

Request For Authorization to Engage Daniel Jones Associates for the Preparation of Capital Assets Schedules of City of Brentwood, Missouri for the Year Ended December 31, 2017 - A Motion Authorizing The City Administrator To Enter Into And Execute This Letter Of Engagement. Per the City of Brentwood Financial Policies and Procedures an annual physical inventory must be done of all capital assets (\$5,000 and above). In the past, the Finance Department used the part-time services of a retired Finance Director to complete this project. Hours spent by her on this task usually took 3 – 4 days. She resigned in the spring of 2017 and was not replaced which meant this project was put on hold, but has to be completed as part of the 2017 Audit. The Board of Aldermen did approve the hiring of a Staff Accountant for fiscal year 2018 and that new hire process is near completion. In the meantime, in order to comply with this mandate in a timely fashion we contacted the firms of Schowalter and Jabouri as well as Daniel Jones & Associates (who are also the City’s auditors) to see if they could assist. Schowalter and Jabouri declined, but we did get a response from Daniel Jones & Associates. They assured us that for this type of service, they could do the work and still be used as our independent auditors but it is not part of the scope of their regular auditing services. When compared to the staff hours used to complete this project in the past, Daniel Jones and Associates estimate seems reasonable. Based on the need for this to be done quickly and the time constraints within the Finance Department, staff recommends the hiring of Daniel Jones & Associates to provide this service to the City.

Alderman Wegge made a motion to authorize staff to engage Daniel Jones Associates for the Preparation of Capital Assets Schedules. Alderman Plufka seconded the motion. A unanimous voice vote was taken.

The Motion Passed.

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

None

Aldermanic Response

None

CLOSED MEETING

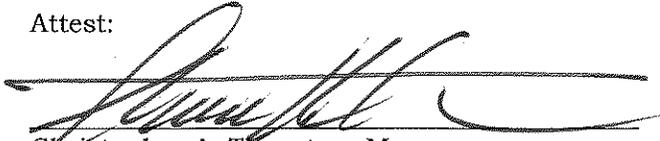
Alderman Plufka made a motion to enter into Executive Session for Legal – RSMo 610.021 (1) and Personnel – RSMo 610.021 (3) matters at 8:00pm. Alderman Dimmitt seconded the motion.

ROLL CALL

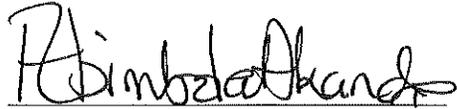
Alderman Dimmitt yes	Alderwoman O’Neill yes
Alderman Kramer yes	Alderman Plufka yes
Alderman Leahy yes	Alderwoman Sims yes
Alderman Lochmoeller yes	Alderman Wegge yes

ADJOURNMENT

Attest:



Christopher A. Thornton, Mayor



Bola Akande, City Administrator