

**CITY OF FENTON, MISSOURI  
625 NEW SMIZER MILL ROAD  
FENTON, MO 63026  
MINUTES  
SPECIAL MEETING OF THE BOARD OF ALDERMEN  
THURSDAY, MAY 2, 2019  
6:30 P.M.**

**CALL TO ORDER:** 6:30 P.M.

Mayor Bob Brasses called the Special Meeting of the Board of Aldermen of the City of Fenton, St. Louis County, Missouri to order at 6:30 p.m. on Thursday, May 2, 2019 at City Hall.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

City Clerk Morgan Kuepfert called the roll:

|                   |                |                  |                |
|-------------------|----------------|------------------|----------------|
| Alderman Seemayer | <i>Present</i> | Alderman Clauss  | <i>Present</i> |
| Alderman Sobey    | <i>Present</i> | Alderman Patton  | <i>Present</i> |
| Alderman Wisbrock | <i>Present</i> | Alderman Jokerst | <i>Present</i> |
| Alderman Maurath  | <i>Present</i> |                  |                |

Seven Alderman were present at the opening of the meeting.

**CITY OFFICIALS:**

Mayor Bob Brasses  
City Attorney Erin P. Seele, Esq.  
City Clerk Morgan Kuepfert  
Public Works Director Matthew Budd  
Receptionist Linda Brendel

**This Special Meeting is being called for:**

- **MAYOR'S APPOINTMENT OF A WARD 3 ALDERMAN TO FILL AN UNEXPIRED TERM EXPIRING APRIL 2020.**

Mayor Brasses stated that there were several "Public Comment" requests. Alderman Maurath made a motion to allow for Public Comments. The motion was seconded by Alderman Sobey. Upon a vote being taken, the motion passed.

Deb Abbott, 1526 Bent Oak Ridge Drive, stated that after the new Mayor was sworn in last Thursday, he intended to fill the Ward 3 vacancy, but was notified by Alderman Patton that they wanted to do things a little different and that the Mayor should not name his replacement. Ms.

Abbott stated that the City of Fenton Code reads that there shall be an Alderman from every Ward representing every Committee. Ms. Abbott stated that she does not understand why there was an issue with filling the vacancy. She further added that she is happy with the election results, welcomes the new members, and is looking forward to changes in the future.

Dan Hagan, 1022 Villa Gran Way, stated that he is supportive of the issue at hand and feels it is due process for Ward 3 to be represented in full.

Dr. John Glasgow, 947 Woodway Circle, stated that he feels his Ward is not being appreciated or properly represented. He stated that he knows a lot of people on the Board and considers them friends and is asking for the Board to respect Ward 3 the same as the other Wards.

Vera Glick, 1290 Horan Drive, spoke regarding the appointment to the Ward 3 vacancy. Ms. Glick's comments are attached to the Minutes for the record.

Scott Maserang, 1620 Uthoff, feels that the residents of Ward 3 deserve to have full representation before any other appointments are made. Mr. Maserang stated that he believes what was done 20 years ago is irrelevant as long as what is being done now is legal.

Mayor Brasses made a recommendation to appoint Robin Huels to fill the unexpired term in Ward 3 expiring April 2020. Mayor Brasses stated that Robin ran for election this term and has been an Alderman in the past. She also provided him with a resume and Mayor Brasses feels she has a lot of qualifications.

Alderman Patton noted, for the record, that the last seven days have been interesting with the new Mayor not calling the Special Meeting to order. He stated that none of the Aldermen had a chance to speak and he would like to pick up where last week left off. Alderman Patton stated that he did call Mayor Brasses to give him a heads up that not everyone on the Board was in favor, but that he was trying to lessen the drama at the meetings by giving him a heads up, and asking that the Board try and work together as a whole. Alderman Patton stated that three things happen at the beginning of each term: the newly elected officials are sworn in, the President of the Board of Alderman, Liaison to Planning and Zoning and Liaison to Park Board are elected, and the Board Committees are approved. He stated that he believes the Ward 3 vacancy is taking precedence over the regular business of the Board and that somehow Ward 3 feels at a disadvantage with the current vacancy. Alderman Patton stated the argument that Ward 3 is disadvantaged falls apart when examined closely because Ward 3 did have a voice as the person elected to aldermen is here and the person Ward 3 elected to Mayor is here. The Mayor is trying to retain a voice by proxy from the perch of Mayor. Alderman Patton stated that everyone knows full well when someone who has time left on his term wins a higher office, a vacancy is created, there is a process for filling that vacancy, and that process involves an appointment by the Mayor and the approval of a majority of the remaining board members who were ALSO elected to their positions, which you could say are the voice of their wards. He further stated that he feels Mayor Brasses wants to have his cake and eat it too, and that there has never been a time where anyone on the Board voted on leadership who themselves were not elected. Alderman Patton reviewed similar situations that occurred in 1993 and 1995. Additionally, Alderman Patton expressed that there are processes that the Board has adopted, and if some want to see

those processes changed, they should request to do so and if the Board as a whole agrees, those changes can go into effect. Finally, Alderman Patton stated that he will continue to urge the Board to conduct business in a proper order, which he believes is the fair and transparent way to do so, and that his vote tonight does not have anything to do with the person who the Mayor nominated, but with his belief on how business should be conducted.

Alderman Maurath noted, for the record, that he is not aware of any policy or procedure set by the Board that stated the process on how to handle the situation at hand. Alderman Maurath believes the situations were different in the 1990s and encouraged others to look at the circumstances. He stated that if talking about the situation with him in the '90s, maybe someone should have asked him about it, because it was different and there was not someone ready to serve as there is now. He further stated that the vacancy is the Mayor's call, and the Board could have done due process at the April Board Meeting. Alderman Maurath feels that all Wards should be represented before electing the President and the Liaisons as he feels that a 4-3 split is undue process. He further explained that Robin Huels has been an Alderman before and did a great job at that time. Alderman Maurath stated again that Ward 3 should have their full voice before any other decisions are made.

Alderman Jokerst stated that she respectfully disagrees with Alderman Patton. She stated that she feels two instances does not make a "process". Alderman Jokerst stated that there is a qualified individual who wants to serve and feels that it does not make sense to not have the full Board represented. She further explained that the Mayor was elected by a large margin and if this is the way he feels the process should be, then that is what should take place.

Alderman Sobey stated that sometimes procedures and processes don't make sense, but those are the rules that they are expected to follow, and he thinks the Board should follow what they have done in the past.

Mayor Brasses requested City Attorney Erin Seele speak regarding the filling of vacancies.

City Attorney Erin Seele stated that State Statute allows for vacancy procedures, but that she did not find any Ordinance or policy specific for Fenton. She stated that when there is a void on internal policies, the Board should follow State Statute, which stated that the Mayor shall call a Special Meeting to fill the vacancy but does not state a timeline and that it is the Mayor's appointment and therefore the Mayor's decision on when he decides to call the meeting.

Following discussion, Alderman Maurath made a motion to accept the Mayor's recommendation to appoint Robin Huels to fill the Ward 3 vacancy. The motion was seconded by Alderman Jokerst. Upon the roll being called, the Board of Aldermen voted as follows:

|                   |     |                  |     |
|-------------------|-----|------------------|-----|
| Alderman Seemayer | Nay | Alderman Clauss  | Nay |
| Alderman Sobey    | Nay | Alderman Patton  | Nay |
| Alderman Wisbrock | Aye | Alderman Jokerst | Aye |
| Alderman Maurath  | Aye |                  |     |

It was announced that the motion failed.

Mayor Brasses again made a recommendation to appoint Robin Huels to fill the Ward 3 vacancy. Alderman Jokerst made a motion to accept the Mayor's recommendation. The motion was seconded by Alderman Wisbrock. Upon the roll being called, the Board of Alderman voted as follows:

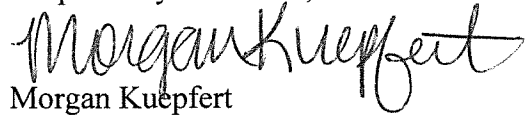
|                   |     |                  |     |
|-------------------|-----|------------------|-----|
| Alderman Seemayer | Nay | Alderman Clauss  | Nay |
| Alderman Sobey    | Nay | Alderman Patton  | Nay |
| Alderman Wisbrock | Aye | Alderman Jokerst | Aye |
| Alderman Maurath  | Aye |                  |     |

It was announced that the motion failed.

The Mayor once again made a recommendation to appoint Robin Huels to fill the Ward 3 vacancy. Alderman Maurath made a motion to accept the Mayor's recommendation. The motion was seconded by Alderman Jokerst. Alderman Patton called for a point of order, and questioned the rules on repeated motions, and City Attorney Erin Seele stated that after a motion fails, reconsideration can only be made on the side of the winning party. Members who vote Nay cannot make a motion to reconsider. Erin stated that Alderman Patton's point of order is in order. Alderman Jokerst rescinded her second and Alderman Maurath rescinded his motion.

At 7:04 p.m., Alderman Sobey made a motion that the meeting be adjourned. The motion was seconded by Alderman Seemayer. Upon a vote being taken, the motion passed.

Respectfully submitted,



Morgan Kuepfert  
City Clerk  
City of Fenton

May 2, 2019

My name is Vera Glick and I live at 1290 Horan Drive.

Last Thursday was supposed to be an orderly transition from one board and mayor to another. What followed was one for the books.

It began as a regular BOA meeting – taking care of business that had accumulated over the last month. The new and reelected aldermen were sworn in. The new mayor was sworn in and then what occurred was not what was expected, but something most unusual.

There was no adjournment for a recess of cookies and coffee that was set up for the enjoyment of the attendees. There was no time to change out the name plates on the dais and for the new aldermen to take their seats.

The new mayor, after being sworn in, stayed at the podium and proceeded to say that even though he was told the order of the meeting needed to follow the agenda, he felt this wasn't right, that he would call a special meeting to fill the vacant seat for a Ward 3 Alderman. He proceeded to say that the meeting was closed. There was no motion to close the meeting, there was no second, there was nothing except confusion.

We have 2 precedence a guide us on how to proceed following a mayorial election which leaves an aldermatic seat vacant. And I'm certain our one alderman, Joe Maurath, is quite familiar with the process.

Once everyone is sworn in, followed by a recess, the new board and mayor take their places, the meeting is called to order followed by the taking up of new business in this order: Elect a President of the Board, elect a Planning and Zoning Liaison, elect a Park Board liaison. An announcement is then made by the Mayor that a special meeting would be held on a certain date to fill the vacant seat.

This occurred on April 19, 1993 when Alderman Joe Maurath was sworn in as Mayor. He followed these procedures and everything went smoothly.

A similar situation occurred on April 1995 when Fran Ruzicka was sworn in as Mayor. The same procedure occurred – elected President of the Board, elect the Planning and Zoning Liaison and elect the Park Board Liaison. An announcement was then made that a special meeting would be called on April 19 to appoint an alderman for Ward 1 to fill a vacant seat.

As you can see, there are 3 top positions to be filled after the board reconvenes. And it's for a reason – a smooth transition from one Board and Mayor to another.

Why someone would deliberately mess around with the well thought out order of a meeting doesn't make sense unless there is an ulterior motive to manipulate the situation – to put their own interests and ambition before the good of the city.

I hope I'm wrong, but I don't think so.

Thank you.

I would like to make my comments a part of the minutes.