

**CITY OF FENTON, MISSOURI
625 NEW SMIZER MILL ROAD
FENTON, MO 63026
MINUTES
EMERGENCY SPECIAL MEETING OF THE BOARD OF ALDERMEN
SATURDAY, MAY 18, 2019
12:00 P.M.**

CALL TO ORDER: 12:00 P.M.

Mayor Bob Brasses called the Emergency Special Meeting of the Board of Aldermen of the City of Fenton, St. Louis County, Missouri to order at 12:00 p.m. on Saturday, May 18, 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>Absent</i>	Alderman Patton	<i>Present</i>
Alderman Wisbrock	<i>Present</i>	Alderman Jokerst	<i>Present</i>
Alderman Maurath	<i>Absent</i>		

Five Alderman were present at the opening of the meeting.

CITY OFFICIALS:

Mayor Bob Brasses
City Attorney Erin P. Seele, Esq.
City Administrator Lisa Peck
City Clerk Morgan Kuepfert

This Special Meeting is being called for:

Bill 19-50 Ord. approving an emergency contract through December 31, 2019 between the City of Fenton, Missouri and Midwest Pool Management of America LTD for Aquatic Services.

City Attorney Erin Seele noted, for the record, that the reason this meeting was called with less than 24 hours' notice was due to the fact that the City learned on Friday that the City's current Aquatic Service provider went out of business, effective immediately, with no prior notice given to the City.

The City had to immediately close its indoor pool and cancel scheduled events. Contract negotiations were being made with Midwest immediately, but by the time the contract was finalized, this was the only time a quorum of the Board was available. Erin further noted that the contract will go into effect on Tuesday, May 21 to prevent further event cancellations.

City Administrator Lisa Peck stated that Alderman Maurath was unable to make today's meeting, but wanted it noted, for the record, that he is in the loop and is fully supportive of doing what we need to do to reopen the pool safely and that he could not be here today because he had to work.

BILL 19-50

AN ORDINANCE APPROVING AN EMERGENCY CONTRACT THROUGH DECEMBER 31, 2019 BETWEEN THE CITY OF FENTON, MISSOURI AND MIDWEST POOL MANAGEMENT OF AMERICA LTD FOR AQUATIC SERVICES.

There was no objection from the Board to allow Alderman Seemayer to sponsor Bill 19-50.

Alderman Seemayer desired one reading of Bill No. 19-50. City Attorney Erin Seele read the bill one time by title only.

Alderman Seemayer made a motion to seek a waiver of the rules for a second reading. The motion was seconded by Alderman Wisbrock. Discussion ensued relating to negotiations made with the contract. City Attorney Erin Seele noted that the indemnification was negotiated to reflect that Midwest would not indemnify the City for damages caused solely by the City's willful act or negligence. Additionally, she noted that Prevailing Wage and OSHA requirements were removed, and the insurance requirements were slightly adjusted to allow for the umbrella liability coverage to cover up to the sovereign immunity level. Finally, Erin noted that Midwest requested to waive liquidated damages completely but agreed to only waive for 45 days. Other provisions were removed that no longer made sense such as the requirement that the pool should be ready for opening 15 days in advance which is not possible given the current situation and would immediately put Midwest in breach of contract. Question was raised as to the cost difference between Lifeguards Unlimited's contract and Midwest's contract. Recreation Supervisor Katie Kearbey reviewed the cost difference per line item. It was noted that a performance bond would be obtained after the contract is executed. Following discussion and a vote being taken, it was announced that the motion was passed unanimously by the Board of Aldermen. City Attorney Erin Seele read Bill No. 19-50 for a second time by title only. Alderman Seemayer made a motion that Bill No. 19-50 be enacted as an Ordinance. The motion was seconded by Alderman Clauss. Upon the roll being called, the Board of Aldermen voted as follows:

Alderman Seemayer	Aye	Alderman Clauss	Aye
Alderman Sobey	Absent	Alderman Patton	Aye

Alderman Wisbrock Aye
Alderman Maurath Absent

Alderman Jokerst Aye

It was announced that Bill No. 19-50 was passed by the Board of Alderman and would become Ordinance No. 3931 when and if signed by the Mayor.

ADJOURNMENT

At 12:11 p.m., Alderman Clauss 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