

**CITY OF FENTON, MISSOURI**  
**625 NEW SMIZER MILL ROAD, FENTON, MO 63026**  
**MINUTES OF THE BOARD OF ALDERMEN COMMITTEE MEETING**  
**THURSDAY, JANUARY 13, 2022**  
**7:00 P.M.**

Mayor Brasses stated in light of the current public health crisis, including specifically the high community transmission in St. Louis County, and related CDC health guidelines, the Board recognizes that it would be dangerous and impractical to have public indoor group gatherings and recognizes that some members of the public may not feel comfortable attending such in-person meetings. The Board also recognizes the need for the public's business to be attended to in order to protect the public health, safety, and welfare. To balance both, and in accordance with Sec. 610.020, RSMo. and R-20-01, this meeting will not be open to in-person public attendance but rather accessible by the public in real time ONLY by a video/teleconference call via "Zoom".

**CALL TO ORDER**

Mayor Bob Brasses called the Board of Aldermen meeting to order at 7:00 p.m. via Zoom Videoconference (RSMO 610.015) and explained the reasons for conducting the meeting via videoconference, i.e., due to the State of Emergency (as specified in the notice above) on Thursday, January 13, 2022.

**PLEDGE OF ALLEGIANCE** - Mayor Brasses led the Pledge of Allegiance.

**ROLL CALL**

City Clerk Jane Hungler called the roll:

Alderman Ralph Cruts - *Present*

Alderman Kevin Yarbrough - *Present*

Alderman Brian Wisbrock - *Present*

Alderman Joe Maurath - *Present*

Alderman Chris Clauss - *Present (7:04)*

Alderman Robin Huels - *Present*

Alderman Tom Heard - *Present*

Alderman Susan Jokerst - *Present (8:15)*

Six Aldermen were present at the opening of the meeting all by video conference.

**CITY OFFICIALS PRESENT:**

Mayor Bob Brasses - *via video conference*

City Attorney Erin Seele, Esq. - *via video conference*

City Administrator Andrea N. Finkbiner - *via video conference*

City Clerk Jane Hungler - *via video conference*

City Planner Amy Starck - *via video conference*

Parks and Recreation Tina Sullivan - *via video conference*

Public Works Director Dan Howard - *via video conference*

St. Louis County Police Precinct Captain Kevin Lawson - *via video conference*

## **MAYOR'S COMMENTS**

Mayor Brasses shared he would not be running again in elections in 2023. He has sold his home and has residence in Fenton thanks to Alderman Maurath. Mayor Brasses stated he made executive decision to request full board packets be sent to Ward 4 candidate, Scott Maserang, to encourage him to attend the City Council meetings prior to the election so that he can familiarize himself with current City business as well as the format of the meetings.

Mayor Brasses stated there will be Special Meeting thirty (30) minutes prior to the January 27<sup>th</sup> meeting to discuss America Rescue Plan Act (ARPA) funds allocation.

## **PUBLIC COMMENTS**

There were no public comments.

Mayor Brasses suggested to move Information Services topics, Planning and Zoning Commission topics and presentation by LAGERS next on the agenda as they have representatives in attendance of the meeting. There were no objections.

## **INFORMATION SERVICES** – *Ald. Heard, Chairman (Yarbrough, Wisbrock, Huels)*

- **Discussion and update regarding the request for proposals for Lease/Purchase of Copy Machines.**

Stacy Sumner, SumnerOne was in attendance to answer any questions or comments.

City Administrator Nikki Finkbiner shared there were four (4) bids received and there is an option with SumnerOne for the interim due to discussions of partnership with YMCA at RiverChase. SumnerOne is offering short-term extension of the current contract for six (6) months. City Administrator Nikki Finkbiner inquired if the Board would like to consider a short-term contract vs. long-term contract in proposals for sixty (60) month term. Alderman Heard voiced he is in favor of six (6) month extension with SumnerOne.

Following discussion, Alderman Heard made a motion to forward to the January Board of Aldermen meeting the request to extend the contract with SumnerOne for six (6) months. The motion was seconded by Alderman Yarbrough. Upon a vote being taken, the motion passed unanimously by the Committee.

- **Consideration of a quote for new security cameras at RiverChase.**

In early 2018, the City had fifteen (15) security cameras (indoor/outdoor) installed at RiverChase by Hackett Security per a contract approved via Ordinance 3720 at a cost of \$16,988.50. In early 2019, the City had one (1) additional indoor camera installed at RiverChase per a contract approved by Ordinance 3881 at a cost of \$1,223.50.

Shortly after the 2018 installation, the camera installed to capture vehicular traffic along the driveway stopped working due to an electrical surge. In 2020, following issues to get the camera issue resolved by Hackett Security, the Board approved to have the City's IT Service provider, ENT, replace the camera. That camera has since been struck by lightning again and needs to be repaired. Additionally, during investigation of issues regarding vehicle vandalism and tampering on the parking lot, it has been noted that there are blind spots in the parking area coverage. The reason for the blind spots was/is due to tree coverage.

Staff requested that ENT review the City's current camera system to recommend how the exterior blind spots can be resolved. Following review of the system, ENT suggested that the City consider newer generation bullet cameras that can resolve the exterior blind spot issues. Additionally, they suggested replacing the entrance camera (damaged by an electrical surge) with an improved LPR camera that will also be grounded (not just installed with a surge protector). The total cost to replace

the existing exterior cameras, including the LPR, is \$12,056.65 with an option for an additional camera at \$2,104.37.

Furthermore, after reviewing the interior cameras, ENT provided a quote to replace all of the interior cameras with newer generation cameras (and also suggested that some be moved to provide better coverage). The total cost for the proposed interior camera replacement is \$15,518.75.

Based on the above, Staff suggests that the Board minimally consider replacement/upgrades to the exterior cameras, including the LPR camera, due to recent vandalism issues.

Kellen Walsh, ENT was in attendance to answer any questions or comments.

Alderman Yarbrough inquired if all cameras were grounded and will new cameras be grounded to avoid lightning strikes in future. Kellen replied most cameras are run through coax and do not require a ground; the current exterior camera is mounted on a thirty-foot (30') metal light pole (that can act as a lightning rod) and has a surge protector, however, that is not effective for lightning strikes. Alderman Yarbrough inquired on warranty. Kellen shared there is a ten (10) year warranty on camera, but he is unsure but believes it typically does not cover lightning strike. Alderman Heard suggested placing in less vulnerable location instead of metal pole. City Administrator Nikki Finkbiner stated options can be reviewed for relocating placement of cameras.

Alderman Maurath commented with the current cameras being less than three (3) years old and the amount of funds spent for the system, he feels replacement of camera should be covered by manufacturer. He suggested relocating to a fiberglass pole. He is not in favor of spending additional funds for replacement of camera system. Alderman Heard agreed and feels a consideration of a new system is not a good strategy on how best to get coverage when products are in place to provide coverage and agrees to relocate camera to a non-metal pole. Alderman Yarbrough agrees, he feels camera should be covered by warranty.

Following discussion, Alderman Heard made a motion to continue the consideration of a quote for new security cameras at RiverChase to the February Board of Aldermen Committee meeting and have Staff and ENT review further options including relocation. The motion was seconded by Alderman Yarbrough. Upon a vote being taken, the motion passed unanimously by the Committee.

- **Consideration of a proposals for cyber security services.**

During the December 9<sup>th</sup> Committee Meeting the Board approved a motion to continue consideration regarding Cyber Security Services to the January meeting and authorize Alderman Heard, Alderman Yarbrough, and Staff to participate in a call with BCS for further information for cyber security services for further comparisons.

On December 20<sup>th</sup>, Alderman Heard and Alderman Yarbrough, along with the City's IT provider ENT, the City Administrator, and Amy DiBlasi with the City's Insurance Broker, Daniel, and Henry Company, attended a presentation regarding cyber security offered through BSC (see below details).

Following the presentation, it was agreed upon by the participants, including ENT, that the service being offered by BSC duplicates the proposal from ENT (see below) and that the City should move forward with the BCS proposal as it is at no cost to the City.

Based on the above, Staff is seeking permission to move forward with the BCS offered security through Paladin Shield.

Proposal from Daniel and Henry Company – offered through BCS Cyber Security Services (known as Paladin Shield), the City's cyber insurance company is at no cost to the policy holders.

This program offers protection against ransomware, active vulnerability monitoring (alerting you if there is an open or vulnerable IP address), security awareness training for Staff, resources to ask questions of cyber experts, and more.

Per Daniel and Henry, the cyber liability market has become more difficult in recent months. It is challenging to place and renew cyber coverage, especially if claims are occurring, and adequate protections are not in place. The carriers are becoming smarter in terms of testing client's systems for vulnerabilities prior to offering renewal. Anything we can do to prevent an attack or a claim before it occurs will help rates and the ease of finding and renewing coverage.

#### Proposal from Essential Network Technology (ENT)

The City's current IT Service provider, ENT, is also offering cyber security. Per ENT the cost for this additional service would be \$2,500 for one-time scan or \$3,800 a year for monthly scans.

Per ENT, they would run a software that scans the network for any vulnerabilities by IP address. This would identify the weak points that would be able to be exploited by any bad actors. In addition, ENT would be able to scan the dark web to see if any sort of domain/email/passwords have been sold and compromised.

Amy DiBlasi, Daniel and Henry Company and Kellen Walsh, ENT were in attendance to answer any questions or comments.

After discussion, Alderman Heard made a motion to open the topic to the full Board of Aldermen. The motion was seconded by Alderman Wisbrock. Upon a vote being taken, the motion passed unanimously by the Committee.

Alderman Heard made a final motion to approve BCS Cyber Security Services (known as Paladin Shield) for the City's cyber insurance company as proposed at no cost to the City. The motion was seconded by Alderman Wisbrock. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

- **Request to purchase GovBuilt software for Community Development.**

Staff has been researching permitting and code enforcement software options for the Community Development Department over the past year. Currently, the Department utilizes iWorQ, but Staff has found that the iWorQ program has not met the exact needs of the Department, has not offered the customization Staff needs, and has proven to be less efficient than previous processes. With the term of the contract for iWorQ set to expire, Staff has been looking for software to streamline processing, tracking, and reporting of permits; tracking and management of code enforcement issues with the ability to update from the field; and integrated GIS services for the Department.

The entire Staff has participated in software demonstrations from several vendors and researched pricing and found costs ranging from \$51,000 to \$6,300, depending on application and services. Staff found that GovBuilt would best fit the needs of the Department with an \$11,500 first (1<sup>st</sup>) year investment (with a discounted one-time setup, training, and system configuration of \$2,500 plus a discounted first-year subscription of \$9,000), and an annual subscription cost of \$9,450 per year. The pricing is within the \$11,500 provided for in the Capital Plan.

GovBuilt will integrate more efficiently with GIS offering the ability to validate addressing through direct connection to the County Parcel Database and is working toward options to integrate with St. Louis County permitting software which will greatly save time and improve permit tracking. The software offers a Citizen Portal so that permitting processes can begin online. Additionally, the software offers the ability to update remotely from the field and offers customizable dashboards for Staff to create task lists and manage calendar scheduling. Unlimited support is included along with monthly updates and enhancements and the cost includes unlimited users.

At this time, Staff is requesting the Board waive the bidding procedure to allow Staff to contract with GovBuilt with an annual fee of \$9,450 and a one-time setup fee of \$11,500 as detailed in the pricing proposal, and as budgeted in the 2022 Capital Plan. Upon review by the City Attorney, Staff is also requesting the Board consider the following provisions in the Master Services Agreement: 1) \$2,000,000 Project and Contract liability insurance coverage in lieu of \$3,000,000; and 2) that indemnification does not apply when loss is caused by gross or willful misconduct of the City.

Robert Disberger, GovBuilt, Manhattan KS, was in attendance to answer any questions or comments.

Alderman Wisbrock inquired how the request for an all-inclusive program is different than current program.

City Planner Amy Starck shared current program is not efficient, does not fully integrate with GIS, does not allow for data entry for multiple properties at same address (i.e., suites, apartments). Community Development Staff has presented current issues they are experiencing and GovBuilt addressed them in demos Staff participated in. The proposed program can provide software to streamline processing, tracking, and reporting of permits, tracking and management of code enforcement.

Alderman Cruts inquired if Staff thoroughly investigated as current program is not that old, if they feel the proposed program, for the investment cost, would still be beneficial and effective in three (3) years and upgrades available. City Planner Amy Starck replied yes.

Alderman Maurath asked if request was sanctioned by the Board. City Administrator Nikki Finkbiner replied it is in the 2022 Capital Plan Budget. Alderman Maurath asked how old the current program is and what the expense was for that plan. City Planner Amy Starck replied current program is two (2) years old and expense for program was \$5,000. Alderman Maurath voiced request should have been brought before the Board for approval before researching.

City Planner Amy Starck stated that she does not plan to renew with current program (iWorQ), the Department will go back to prior process using Access, Excel and there would be no GIS integration.

Alderman Wisbrock inquired if there are any surrounding municipalities using GovBuilt program. Robert Disberger replied not as of now, they are primarily in Kansas area. They offered discount to continue eastward movement of their service growing their customer base. Alderman Wisbrock asked where their company is based and how many municipalities/communities are using their software. Robert Disberger replied they are based in Manhattan, Kansas and currently have fifteen (15) clients, Saline, Kansas being their largest city with a 70,000 population and West Wood, Kansas being their smallest client with a 1,000 population.

Mayor Brasses asked Robert Disbergers for brief history of company, staff, and experience. Robert Disberger shared the co-founder and creator of GovBuilt was a Program Director for CivicPlus, they specialize in government inspections and code enforcement, have been in business two (2) years and encouraged the Board to talk to their references. Alderman Heard voiced he would like to talk to references and get a better understanding of advantages this program offers vs. current program.

Following discussion, Alderman Heard made a motion to continue to the February Board of Aldermen Committee meeting the request to purchase GovBuilt software for Community Development and verify references and gather more company information. The motion was seconded by Alderman Yarbrough. Upon a vote being taken, the motion passed unanimously by the Committee.

City Attorney Erin Seele clarified per the purchasing policy, Staff is authorized to get bids that are within the Capital Budget without Board of Aldermen approval. Alderman Maurath commented has not been process historically, policy needs to be reviewed and consider amending policy.

**PLANNING & ZONING COMMISSION MEETING JANUARY 4, 2022 – UPDATE/DISCUSSION**

*Ald. Maurath, Liaison*

All recommendations from the Planning and Zoning Commission will be forwarded to the next Board Meeting for approval unless otherwise noted.

• **The Planning and Zoning Commission recommended the following:**

- **Approval, with conditions, of CASE 2022-SP-01:** A Petition by Warren Sign Company on behalf of Grey Eagle Distributors for Sign Plan Review of proposed signage at 801 Assembly Parkway. The property is zoned “PID” Planned Industrial Development.

**Conditions of Approval:**

1. The approval is strictly for the overall Sign Plan for Grey Eagle Distributors at 801 Assembly Parkway as indicated in plans submitted with the application and dated November 22, 2021.
2. Municipal Zoning Approval by the City of Fenton and Sign Permits issued by St. Louis County will be required.
3. Compliance with all other applicable City Codes and Ordinances.

Alderman Maurath noted request is for two (2) illuminated wall signs, one (1) non-illuminated wall sign totaling 532.7 square feet on south facade of building, and one (1) 68.4 square foot illuminated wall sign on east facade of building. Signs are within the five percent (5%) allowed when proposed on more than one (1) facade; however, the south side sign exceeds the maximum size allowed per Section 430.320 of City Code. Given the size of the building, he feels it is line for approval.

- **Approval, with conditions, of CASE 2022-SUB-01:** A Petition by Fenton Land Investors to subdivide an existing 20.401-acre parcel of land being part of the Boundary Adjustment Plat of Andrew Murphy Estate and a Boundary Adjustment for existing Lot E of Fenton Logistics Park Plat Four in order to create three (3) lots. The properties are addressed as 650 Assembly Parkway and 2045 Fenton Logistics Park Boulevard and are zoned “PID” Planned Industrial Development.

**Conditions of Approval:**

1. This approval is for the subdivision of an existing parcel containing 20.401 acres into two (2) lots, and a Boundary Adjustment for existing Lot E of Fenton Logistics Park Plat Four creating three (3) new lots as shown on the plat submitted with the application and dated December 10, 2021.
2. A minimum of three (3) copies (two (2) paper copies and one Mylar) of the plat shall be submitted to the Community Development Department for signature by the Planning and Zoning Chairman and City Clerk. The signature block shall be amended to reflect City Clerk Jane Hungler.
3. The Petitioner shall be responsible for recording the plat with the St. Louis County Recorder of Deeds within sixty (60) days after the signing of the plat by the City and shall return three (3) copies of the recorded plat to the City. If the recorded plat is not filed within this period, the approval shall expire.
4. Compliance with all other applicable City of Fenton Codes and Ordinances.

Alderman Maurath went over the petition and noted it was pretty straightforward. Jacob Bueing was in attendance of the meeting to answer any questions. There were no further comments or questions.

- **Presentation by LAGERS representative regarding the LAGERS retirement plan.**

City Clerk Jane Hungler shared per the Board's request to have a LAGERS representative attend meeting to explain further the LAGERS program, Jeff Pabst is in attendance to share presentation of Fenton's LAGERS program, purpose, how it is calculated: for employee benefit, contribution rate, and actuarial assumptions. (*Presentation attached as part of the minutes*).

Jeff Pabst explained there are four (4) changes that can be made to the plan: benefit programs, final average salary, employee contributions, and eligibility.

1. Benefit programs are the levels defining the multiplier used to calculate the benefits. The higher the multiplier the higher the retirement benefit, but also increases cost to the City. Currently, Fenton's election benefit is a 2% to 65, then 1.5% at 65 (LT-8). There is a process that has to be performed to change the benefit program.
2. Final Average Salary can be either highest thirty-six (36) months or sixty (60) months of employee salary from the last one hundred twenty (120) months of LAGERS credited service. Currently, Fenton's election is thirty-six (36) months average.
3. Employee contributions can require employees to contribute 0%, 2%, 4% or 6% of gross pay to offset City's required cost for contribution. Currently, Fenton's election is 0%. Fenton's current rate is based on employee turnover.
4. Eligibility as required by LAGERS is sixty (60) months of service to be vested. Other elections that can be changed are covered departments, annual hours, retirement ages (normal retirement ages/early retirement ages), and Rule of 80 (employee is able to retire early when age plus service equals eighty (80)). Currently, Fenton's election is normal retirement ages-age 60 for general employees and age 55 for police (of which this is for previous years as Fenton contracts police now) and 1,500 hours for annual hours.

Jeff Pabst explained disability/survivor benefits: Disability is considered to be "disabled" if employee is totally and permanently physically or mentally unable to perform current job duties and how it is calculated based on non-duty or duty related. Qualifying for disability has to go through committee process for approval. Survivor benefits vary based if vested, no longer working or working for the City, and non-work related or work related. Survivor benefits for dependent may be available until their death, marriage or eighteen (18) years of age, whichever occurs first.

Jeff Pabst explained actuarial assumptions, funds needed to fund future benefits. They are calculated as of February 28<sup>th</sup> each year based on experiences (i.e., changes in personnel, retirements, turnover, salary increases, etc.). There is a 1% maximum increase cap on employer contribution rate as allowed by state statute. Last year was 29.3% overall increase divided by five (5) years to determine gain/loss for funding liabilities for future. Currently, Fenton is overfunded mostly due to high turnover.

Alderman Heard asked if LAGERS program can be changed or stopped by the City. Jeff Pabst replied changed yes, some options within the program. Stopped no, once LAGERS program is started it cannot be stopped per statutes 70.600-70.755 that govern LAGERS and employers. Alderman Cruts inquired if changing employee contribution rate would that change contribution rate from City and when can changes be made. Jeff Pabst replied depends on level, age of employees, and salaries, and changes can be made whenever City wants to make changes, but there is a process to make changes to the plan. Alderman Cruts inquired affects if plan level was increased. Jeff Pabst explained if benefit level is increased, it applies to all past and future service credits. Currently, Fenton is overfunded, there are more funds currently in the trust than future benefits payable.

Alderman Maurath asked when evaluation reports are sent. Jeff Pabst replied reports are usually sent in July that goes into effect the next fiscal year, the report includes list of elected benefits, next year cost, up to six (6) years of contribution rate and funding history. Also, in October annual benefit notifications are sent out. Alderman Maurath asked of the 825 subdivisions participating in LAGERS, how many of those are in St. Louis County. Jeff Pabst answered approximately 90-95. Alderman Maurath asked how much Fenton is currently overfunded. Jeff Pabst replied currently funding percentage for general department is 125.2% overfunded, approximately \$926,000 of \$3.6 million

liability. The actuarial asset value currently is \$4.5 million, actuarial liability value is \$3.6 resulting in the \$926,000 overfunding and based on the overfunding the current contribution rate is 5.9%. If the City was not overfunded, the contribution rate would be 9.4%.

City Clerk Jane Hungler inquired if benefit level was decreased, how would it affect current employees. Jeff Pabst replied decreased level would apply to active employees only for future service credits and any prior service credits would be calculated at current level.

**POLICE/MUNICIPAL COURTS** – *Ald. Cruts, Chairman (Wisbrock, Clauss, Jokerst)*

• **Consideration of adopting regulations related to vehicle tampering and vehicle prowling.**

Recently St. Louis County and other surrounding communities have adopted or are in the process of considering the adoption of legislation related to Vehicle Tampering and Vehicle Prowling. These regulations are being adopted in an effort to deter the uptick in vehicle break-ins.

Drafts of the bills approved by the County in early January were available for review. Based on the above, Staff is seeking direction from the Board as to if they would also like to consider such legislation.

Captain Kevin Lawson explained St. Louis County Councilperson Fitch and Harder introduced amendment at County level as regulations were not addressed in current County Code, had to rely on State charges and most were not being pursued. Captain Kevin Lawson shared Wildwood, Eureka, Manchester, Ballwin, and Ellisville have recently moved forward adopting this regulation by Ordinance for amendment to their Code. Captain Kevin Lawson stated adopting this regulation will help municipal courts prosecute the violation charges.

Alderman Clauss inquired why attempts have to be successive. Captain Lawson explained that regulation defines tampering testing, or successfully open, or attempting to open of more than one (1) vehicle, not just a person trying to open door of a wrong car mistaken identity.

Alderman Huels shared that the City of Des Peres is also considering adopting these regulations. Captain Lawson shared he is in favor of this regulation.

Following discussion, Alderman Cruts made a motion to forward to the January Board of Aldermen meeting the consideration of adopting regulations related to vehicle tampering and vehicle prowling. The motion was seconded by Alderman Jokerst. Upon a vote being taken, the motion passed unanimously by the Committee.

Mayor Brasses suggested to move employee paid time off (PTO) and entry level pay ranges within Public Works topics next on the agenda. There were no objections.

• **Discussion regarding employee paid time off (PTO).**

A proposal PTO for new employees was available for review. This proposal is in lieu of pending Ordinance 4187 passed by the Board in December 2021.

The proposal is based on information from the Bureau of Labor Statistics (BLS) website (direct links were provided), which were quoted as a source of information to support the passage of Bill 2021-103.

Mayor Brasses' proposal is as follows: For all Employees that have not signed an acceptance letter for employment from the City by January 13, 2022, PTO shall be as follows:

Full-Time Employees are eligible to earn PTO based on years of service. Part-time Employees are not eligible for PTO.

Full-Time Employees, upon their first (1<sup>st</sup>) day of employment, will accrue six-and-sixty-seven-hundredths (6.67) hours of PTO. Then after the completion of their Probation Period, they will continue to earn six-and-sixty-seven-hundredths (6.67) hours per month of PTO through December of that year. Thereafter, on January 1 of the following calendar year, Employees will receive their full bank of PTO into each eligible Employee's PTO bank. PTO can be used at the Employee's discretion. Use of PTO must be approved by an Employee's Department Head in advance, when possible. PTO is able to be used through March of the next calendar year. If an eligible Employee still has remaining PTO after March, he/she will be allowed to bank up to five (5) days, capped at two hundred forty (240) hours (six (6) weeks). Any time not used by March and over the cap shall be lost.

<i>Length of Service</i>	PTO In Hours	PTO In Days	PTO In Weeks
0-1 year	80	10	2
1-4 years	120	15	3
5-9 years	160	20	4
10-15 years	184	23	4.6
15+ years	200	25	5

After successfully completing their probationary period, newly hired employees will accrue PTO on a monthly basis during their first year of employment.

The first (1<sup>st</sup>) five (5) years PTO will not be paid out to the Employee upon Separation of Employment. Any time remaining after five (5) years of service, upon Separation From Employment the Employee will be paid out, with a payout maximum of two hundred forty (240) hours.

Mayor Brasses shared a presentation of slides from the Bureau of Labor Statistics (BLS). Mayor Brasses shared he reviewed the BLS that Alderman Maurath referred to at the December 20<sup>th</sup> meeting and the consolidated leave (which provides single amount of time for purposes such as vacation, illness, and personal business) is:

- 1<sup>st</sup> year - fifteen (15) days,
- After five (5) years - twenty (20) days
- After ten (10) years - twenty-three (23) days
- After twenty years - twenty-five (25) days

Mayor Brasses noted that the two (2) weeks of time off for the first (1<sup>st</sup>) five (5) years (as noted in previous Board meetings as a source of information for limiting PTO to two (2) weeks) is only for *vacation* time and does not include sick time off. Per the BLS, *consolidated* leave time (vacation and sick) for the first (1<sup>st</sup>) five (5) years is three (3) weeks (fifteen (15) days) of time off.

Mayor Brasses shared he felt Alderman Maurath may have been overwhelmed with information data and did not include sick time in his proposal. Alderman Maurath voiced he did not want words to be put in his mouth, Fenton does not have sick leave. Alderman Maurath shared prior employees wanted leave changed to PTO vs. vacation/sick so that they could use all paid time off as they wanted without documentation needed for sick leave. The Board approved the change; however, he was opposed to that change. Alderman Jokerst shared she disagrees because employees who do not typically get sick lose available paid time off by only utilizing their vacation pay. PTO levels the ability to utilize that paid time off so that earned time is not lost just because the employee is not sick. Alderman Maurath disagreed. Alderman Clauss stated sick time is not just sick time for employee, it also covers if parent has to take a child to the doctor. Alderman Maurath replied that is why the Family Medical Leave Act (FMLA) is available if illness is long term. Alderman Clauss stated that is not used for doctor visits.

Alderman Heard voiced he is fatigued over the discussions of PTO topic. Mayor Brasses expressed he wanted to present facts that he found on the BLS website that Alderman Maurath had referred to and

an option for the Board to consider due to those facts and prior discussions. Mayor Brassess shared that he had not signed the Bill amending PTO and after reviewing the discussed information he does not feel he should sign the Bill; he is open to receiving views to support and convince him why he should consider signing the Bill. Mayor Brassess further stated he feels two (2) weeks is not competitive, especially with salary paid to employees. He feels if Bill passes it will deter candidates from applying or if they apply and hired, they will not continue employment with the City long term.

Alderman Maurath thanked Mayor Brassess for acknowledging that he reviewed the BLS, however he also looked at many other sites. Alderman Maurath shared that BLS also states employers are not required to provide vacation, holiday, or severance pay. They are benefits given at the employer's discretion. There are many variations/scenarios available. Alderman Maurath stated he feels City has not provided due diligence reviewing all benefits the City offers as a whole. Alderman Maurath expressed to Mayor Brassess if he is considering to veto, then he should veto the Bill.

Alderman Yarbrough shared the reason he voted against the Bill as he agrees with a plan closer to what is being presented tonight vs. plan in the Bill. He shared based on his experience in industry for almost forty-three (43) years, it is salary and benefits associated with salary, such as vacation/paid time off, whether used for personal or sick time, that are the top items to retain an employee in the market today.

Alderman Jokerst expressed with proposed fifteen (15) days and eleven (11) holidays, an employee will have twenty-six (26) days paid days off after the first year. Mayor Brassess replied, if federally mandated holidays are included, yes. Alderman Jokerst stated she is not in support of proposal as it is too generous with paid time off and disappointed he is considering vetoing the Bill.

Alderman Huels shared that she voted for the bill but expressed she was not comfortable with the four (4) to fourteen (14) year level. She is not in favor of four (4) weeks the first year but is open to options.

Alderman Cruts expressed he feels it is important when making comparisons to other cities, as he shared in an email, that all information is needed from that city to compare apples to apples and not cherry-picked information. If Fenton is paying out for benefits and other cities are not, that expense makes it harder for Fenton to give out raises. He voted in favor of Bill with a possible avenue that if PTO reduced, it could bring up wages in the future. He feels younger employees want pay vs. health insurance, and researched State allowing adjustments for groups, if employee does not want health insurance and that adjustment could be put into their wage. As he has been a twenty-five (25) year City resident he appreciates free leaf pickup, trash service, recycling, and all benefits the City offers and the only revenue is sales tax which is decreasing.

After discussion, Alderman Heard called for point of order and suggested to continue to the February Board of Aldermen Committee meeting the consideration regarding employee paid time off (PTO). There were no objections.

- **Entry level pay ranges within Public Works.**

Mayor Brassess shared he gathered information from Public Works Department from job openings, former employee's comments, and pay that is being offered for fast food restaurants for consideration of an increase to Fenton's entry level pay for Public Works positions that require more responsibility and liabilities. Mayor Brassess shared he feels Fenton's salaries are low.

Alderman Jokerst disagrees and noted there are only six (6) reviews on Fenton and reviews on the City of Chesterfield are the same. She feels this information has also been picked and chosen. Alderman Jokerst further stated this is the third or fourth time this topic has been brought to the Board since she has been an alderman over the last three (3) years. She feels cannot keeping reviewing year after year the same topic; she believes should be reviewed every three (3) – five (5) years but not every year. Alderman Jokerst shared as Chesterfield has a population of 47,000, it is not comparable to Fenton;

comparisons have to be apples to apples. She googled and found Fenton's salaries are not below everybody. She is not in favor as she feels information was slanted. Mayor Brasses asked when the last time salary ranges were truly reviewed and amended. Alderman Heard replied in 2018 with CBIZ study. Alderman Jokerst commented the previous Public Works Director Matt Budd requests and City Clerk Jane Hungler conducted a salary study.

Alderman Maurath stated with the information he received in his packet he takes no concrete concern with the information. The former Fenton employee comments were not inclusive with both good and bad and also other cities have similar reviews. If employees feel they are not being compensated by Fenton, there are other municipalities currently hiring. Alderman Maurath expressed in reviewing current Maintenance Worker I job descriptions; the descriptions need to be amended. He believes there are duties listed that are no longer in effect such as street painting, building maintenance/repairs, repair/seal concrete, asphalt, storm lines, and related drainage systems, maintain traffic signals, and no longer use asphalt pavers, arc welders, and tar pots. Other municipalities still perform and use those items, reasoning the difference in a higher pay.

Alderman Huels shared there is possibility to upward movement in positions resulting in an increase to pay. She understood if PTO would be reduced, it would be discussed in future to reallocate the savings of that reduction to pay.

Alderman Cruts expressed it is difficult to justify pay increases based on other municipalities when not able to compare apples to apples.

Alderman Heard stated during his tenure there have been discussions for challenges in salary ranges for some positions within the City. Alderman Heard suggested the Personnel Committee would work together, discuss, gather information, analysis, and bring possible solutions to the Board for consideration.

Alderman Wisbrock shared over the past year Public Works has promoted from within and has not filled positions with new candidates. Public Works Director Dan Howard shared of the applications he has received, many did not have qualifications needed and of those around 36 applications received, he will only be offering two (2) interviews for Maintenance Worker I position.

Mayor Brasses asked Alderman Maurath, Personnel Chair, if the Personnel Committee would take on the task to gather information, analysis, and bring possible solutions to the Board for consideration. Alderman Maurath replied that he already planned to perform that review. Alderman Maurath suggested LAGERS reports need to be shared with the Board as it is a key piece of information that is needed.

**PERSONNEL** – *Ald. Maurath, Chairman (Cruts, Huels, Jokerst)*

• **Consideration of a new job description for a Recreation Associate V - Swim Instructor.**

In an effort to prepare for 2022 programs in the Parks and Recreation Department, Staff reviewed the existing job descriptions, and it was found that a (non-full-time) position for the RiverChase aquatic - Swim Instructor needs to be created due to necessary certification requirements as it does not fall under current Fitness Instructor job description, as follows:

Recreation Associate V at a Recreation Associate V level of pay at \$26.33 (base pay). A copy of the draft job description was available for review.

Alderman Jokerst shared she feels job does not justify Recreation V base pay and certifications are not hard to obtain. Alderman Maurath inquired how many hours are anticipated weekly. City Administrator Nikki Finkbinder replied they are scheduled just a few hours per week. Alderman Maurath inquired what is being charged for the private swim instructions. City Administrator Nikki Finkbinder replied she would research. Alderman Jokerst inquired on position title, as she believes a

swim instructor position is a lower pay, if the position performs private instruction, it does warrant more pay. City Administrator Nikki Finkbiner explained this job description does define the role as a private/semi-private instructor.

Alderman Cruts inquired if discussions to partner with YMCA management are approved, this position would no longer be under City employment, so why create this position with that consideration. Alderman Heard shared that recently the Board approved job description of a Recreation V – Volleyball Official for the same pay. He believes with the number of hours teaching there needs to be an incentive to encourage a person to teach the position.

Following discussion, Alderman Maurath made a motion to forward to the January Board of Aldermen meeting the request of a new job description for a Recreation Association V - Swim Instructor as presented. The motion was seconded by Alderman Huels. Upon a vote being taken, the motion passed unanimously by the Committee.

**COMMUNITY DEVELOPMENT AND AFFAIRS** – *Ald. Clauss, Chairman (Yarbrough, Maurath, Heard)*

• **Discussion regarding regulations for Commercial Vehicles.**

Alderman Clauss shared that Alderman Wisbrock brought forward that there have been complaints received on large commercial vehicles being parked in streets causing safety hazards. There were ordinances from varying surrounding cities for review.

Alderman Wisbrock shared complaints have been from multiple wards. He spoke with St. Louis County Police Officer Dilks regarding those complaints and issues they are experiencing in relation. Some complaints were resolved, and some vehicles are registered to a person not a business. So large box trucks are being parked on streets overnight. Current definition in Fenton Code reads:

"commercial vehicle" means any motor vehicle or trailer which is designed, maintained or used primarily for the transportation of property or which is used primarily for the transportation of passengers for hire, including, but not limited to, tow trucks, dump trucks, flat-bed trucks, stake-bed trucks, step vans, refuse or garbage trucks, buses or any other vehicle or trailer having a gross vehicle weight rating (GRWR) in excess of 14,000 pounds.

It makes it difficult for an officer to determine if registered personally. The ordinances from other municipalities are for review to consider amendments to help better define and identify what a commercial vehicle is.

Alderman Clauss asked City Attorney Erin Seele of her concerns. City Attorney Erin Seele stated she feels Fenton's current definition includes language other municipalities has and adds more to that language and have ability to regulated vehicles that are causing safety hazards.

City Administrator Nikki Finkbiner suggested Staff provide prior minutes to the Board so they can have a better understanding of the amendment that was made to the Code in 2012. As the Board at that time wanted more teeth above and beyond what other municipalities had in their Codes. It is the build of the vehicle for usage that was the reason of the definition.

Discussion ensued between the difference between traffic code regulations affecting what is parked on the streets and zoning code regulations affecting what is parked on a driveway/private property.

Following discussion, Alderman Clauss suggested to continue discussion to the February Board of Aldermen Committee meeting the request for consideration to amend regulations for Commercial Vehicles and have Staff gather prior discussion information in relation to last amendment made in Code for review. There were no objections.

**CAPITAL IMPROVEMENTS** – *Ald. Huels, Chairman (Cruts, Maurath, Heard)*

There were no items for discussion.

**PUBLIC WORKS/FORESTRY** – *Ald. Wisbrock, Chairman (Yarbrough, Clauss, Jokerst)*

• **Request to seek options regarding the City’s Boom Mower.**

The City authorized the purchase of a 2016 John Deere 6100M tractor outfitted with a Tiger BB-22 Boom Mower attachment. Since the time of purchase, it has been observed the tractor and attachment are not a viable piece of equipment for the intended operations in which it was purchased. It has been realized the size of the equipment and overall safety aspect of the operation in close proximity to the roadways and not having the ability to utilize on the lake dams around the City, due to the size and weight, greatly restrict where it can be utilized.

At this time, it is requested to allow the Director of Public Works and the Fleet Maintenance Technician to explore available options for either trade in or place for sale. As this equipment is in top shape and very low hours, a simple “best offer” will not be offered.

Public Works Director Dan Howard shared as the cost was \$123,000 to purchase the boom mower and with the low hours on equipment, he believes he could surplus for \$85 – 90,000. And he would not consider to surplus for less than that. Alderman Wisbrock shared he feels currently with hold on production on equipment due to Covid, the surplus price could be higher.

Following discussion, Alderman Wisbrock made a motion approve the request to seek options regarding the City’s Boom Mower as presented. The motion was seconded by Alderman Jokerst. Upon a vote being taken, the motion passed unanimously by the Committee.

• **Request to seek bids for grass cutting services for certain parcels.**

With the current staffing level at Public Works below what is needed to accomplish weekly activities provided by Public Works, including park and street maintenance along with residential services, it is requested at this time approval to seek bids for contracted grass cutting services of certain City owned parcels for the 2022 mowing season.

The parcels to be advertised for bid include.

- City Government Building Property
- RiverChase Property
- 900 Gregory Lane
- Bud Weil Park
- New Smizer Mill (medians)
- Westside Park
- Valiant Park
- Riverside Park
- Meramec Greenway east of River Road from Coleman Pavilion to I-44
- Opps Lane
- Olde Towne Plaza Park
- Beckman Property

Properties in the list above will be grouped into bundled areas (close proximity) to afford more competitive bidding.

As this item was not included within the 2022 budget, a line item will need to be added at mid-year. Based on the last grass cutting contract numbers from 2017, of the parcels indicated, it is requested to include \$85,000 to the 2022 budget for this service.

Alderman Jokerst inquired about preserving wetlands and prairie areas. Public Works Director Dan Howard replied it would be identified and part of bid process.

Following discussion, Alderman Wisbrock made a motion to approve the request to seek bids for grass cutting services for certain parcels as presented. The motion was seconded by Alderman Jokerst. Upon a vote being taken, the motion passed unanimously by the Committee.

- **Request to renew an agreement with SC Engineering, LLC d/b/a Cochran for on-call, as needed engineering services for another one-year term.**

Currently, the City has an agreement with SC Engineering, LLC d/b/a Cochran (“Cochran”) for on-call, as-needed engineering services as approved by Ordinance 4100 in February 2021. The first (1<sup>st</sup>) term of the agreement is set to expire on February 28, 2022; however, the Board has the option to renew the agreement for another one-year term as provided in the agreement, as follows:

#### **IV. CONTRACT SCHEDULE**

*The initial term of this Contract shall commence on March 1, 2021 and terminate February 28, 2022. This Contract will renew for additional one (1) year terms at the same rates and terms herein if the City provides notice of its intent to renew the contract at least ten (10) days before expiration of the then current term. Such notice may be provided by a simple majority vote of the Board of Aldermen. Provided, however, that Consultant may provide notice to the City of its intent to increase its rates for the next renewal term at least thirty (30) days prior to the expiration of the then-current term and such new rates will be accepted by the City if the City provides notice of its intent to renew the Contract for the next year-term.*

As provided in the above, Cochran has provided the renewal rates for the next term.

Based on the above, discussion ensued regarding whether the Board consider renewing the agreement with Cochran for another one-year term, expiring February 28, 2023.

Following discussion, Alderman Wisbrock made a motion to forward to approve the request to renew an agreement with SC Engineering, LLC d/b/a Cochran for on-call, as needed engineering services for another one-year term. The motion was seconded by Alderman Clauss. Upon a vote being taken, the motion passed unanimously by the Committee.

- **Request to renew an agreement with Fire Tech, LLC for annual maintenance and on-call maintenance and repair services for the City’s sprinkler systems for another one-year term.**

Currently the City has an agreement with Fire Tech, LLC for annual maintenance and on-call maintenance and repair services for the City’s sprinkler systems as approved by Ordinance 4103 in February 2021. The first (1<sup>st</sup>) term of the agreement is set to expire on February 28, 2022; however, the Board has the option to renew the agreement for another one-year term as provided in the agreement, as follows:

#### **IV. CONTRACT SCHEDULE**

*The initial term of this Contract shall commence on March 1, 2021, and terminate February 28, 2022. This Contract will renew for additional one (1) year terms at the same rates and terms herein if the City provides notice of its intent to renew the contract at least ten (10) days before expiration of the then current term. Such notice may be provided by a simple majority vote of the Board of Aldermen. Provided, however, that Consultant may provide notice to the City of its intent to increase its rates for the next renewal term at least thirty (30) days prior to the expiration of the then-current term and such new rates will be accepted by the City if the City provides notice of its intent to renew the Contract for the next year-term.*

As provided for in the above, Fire Tech, LLC has provided renewal rates the next term, as follows:

ANNUAL INSPECTION RATES PER LOCATION		
LOCATION	EXISTING TERM	RENEWAL TERM
900 Gregory Lane	\$218	<b>\$230</b>
700 Rudder Road (Public Works)	\$218	<b>\$230</b>
990 Horan Drive (RiverChase)	\$340	<b>\$350</b>

*It is noted that the above rate increase is only for the annual inspection of each system. The on-call maintenance and repair service rates did not increase.*

Based on the above, discussion ensued regarding whether the Board consider renewing the agreement with Fire Tech, LLC for another one-year term, expiring February 28, 2023.

Following discussion, Alderman Wisbrock made a motion to approve the request to renew an agreement with Fire Tech, LLC for annual maintenance and on-call maintenance and repair services for the City’s sprinkler systems for another one-year term. The motion was seconded by Alderman Clauss. Upon a vote being taken, the motion passed unanimously by the Committee.

**FINANCE** – Ald. Heard, Chairman (Cruts, Maurath, Huels)

- **November 30, 2021, Monthly Financial Report.**  
Alderman Heard summarized the monthly financial report.

**PARK & RECREATION COMMITTEE MEETING JANUARY 10, 2022 – UPDATE/ DISCUSSION**

*Ald. Huels, Liaison*

All recommendations from the Park and Recreation Committee will be forwarded to the next Board Meeting for approval unless otherwise noted.

- **Announcements from the Park and Recreation Committee Meeting:**
  - **The following items were continued to the next Parks and Recreation Committee Meeting:**
    - Discussion regarding possible uses and a name for City owned park parcels located at 725 New Smizer Mill Road and 905 Gregory Lane.  
Alderman Huels suggested placing in newsletter asking people to offer suggestions to name the park. It should have guideline to keep the word “City” in the name and refrain from names after a particular person, company, or organization.
    - Discussion regarding restroom options at Fabick Nature Preserve.  
Current building is not salvageable, Public Works Director Dan Howard suggested removal of current building and install new facilities. Alderman Maurath suggested surplusage current building in lieu of demolition and suggested review plans for the Valiant Park facility and build same facility at Fabick Nature Preserve.
    - Discussion regarding plantings around Westside Park and review/findings by the Missouri Department of Conservation.
  - **The February 7, 2022, Parks and Recreation Committee Meeting will begin at 6:00 p.m. to allow additional time for annual training with the City Attorney.**
- **Other items from the Park and Recreation Committee:**
  - **Consideration of a Parks Master Plan.**  
During the June 10, 2021 Committee Meeting, the Board approved a motion if (the) pending bill (regarding the Parks Master Plan) would not pass, it would be the Board’s desire to have Staff bring the discussion back in six (6) months for reconsideration.

During the Board Meeting on July 22, 2021, Bill 21-24 – An Ord. authorizing the Mayor to execute an agreement with Planning Design Studio, LLC for Fenton Parks and Recreation Master Plan services – did not pass.

Based on the above, Staff is bringing this matter back to the Board of Aldermen for consideration.

Following discussion, Alderman Huels made a motion to forward to the February Board of Aldermen Committee meeting the consideration of a Parks Master Plan. The motion was seconded by Alderman Maurath. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

▪ **Request to reduce required Liability Insurance for ballfield rentals.**

Currently, the City of Fenton requires all teams and organizations to provide proof of insurance in the amount of \$3,000,000 for the rental of sports fields within Fenton City Park and Fenton Sports Complex. Additionally, this amount is required for any organization utilizing the fields for practice.

In review of insurance requirements for teams to enter certain tournaments (i.e., GMB and Game 7) it was found what teams typically carry is \$2,000,000 through the industry.

To ensure that the City is competitive with surrounding facilities, it is requested at this time to reduce the insurance requirement, for sports fields only, from \$3,000,000 to \$2,000,000.

Alderman Maurath asked City Attorney Erin Seele her opinion of risk on reducing liability. City Attorney Erin Seele advised it is standard to have levels at the sovereign immunity level, which increased for 2022 to \$3.1 million, but it is the decision of the City if they want to go below that sovereign immunity level to be competitive. However, the risk is that if a claim is approved, the City would be liable for the gap between insurance coverage and sovereign immunity level. There is exception when it is known to be a dangerous condition as sovereign immunity would not apply, so many of the claims may fall under that category.

Alderman Huels made a motion to extend the meeting thirty (30) minutes. The motion was seconded by Alderman Clauss. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

Following discussion, Alderman Huels made a final motion to approve the request to reduce required Liability Insurance for ballfield rentals. The motion was seconded by Alderman Jokerst. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

**HEALTHAND SAFETY** – *Ald. Jokerst, Chairman (Yarbrough, Wisbrock, Clauss)*

• **Request to apply for the 2022 Managed Deer Hunt through the Missouri Department of Conservation (MDC).**

As requested by the Board in December, below are the numbers provided by MDC regarding the 2021 Managed Deer Hunts in Fabick Nature Preserve:

*Oct. 14- 18, 2021: 15 does, 2 antlered bucks; 17 total*

*Nov. 5- 9, 2021: 13 does, 2 button bucks; 15 total*

*Dec. 9-16, 2021: 7 does; 7 total*

*TOTAL HARVEST 2021: 35 does, 2 button bucks, 2 antlered bucks; 39 total deer*

Based on the above, MDC has suggested that the City consider additional Managed Hunts in 2022.

Based on the above, Staff is seeking permission to apply for the 2022 Managed Deer Hunt through the Missouri Department of Conservation by the application deadline at the end of January of 2022. If approved, the application would be similar to that approved for the 2021 Managed Hunts, as indicated below.

- **Location** - Fabick Nature Preserve (Note: Fabick Nature Preserve contains a total of one hundred twenty-five (125) acres, of which seventy-five (75) acres will be utilized for the hunts).
- **Number of Hunters** - Due to the size of the property, no more than ten (10) hunters will be drawn for the hunts. (Note: This amount is decreased from the twenty (20) hunters allowed in 2021 due to concerns of overcrowding).
- **Pre-Hunt Orientation** - A pre-hunt orientation by MDC will be required for all hunters.
- **Deer Harvest Limit** – The hunt will have a three (3) deer harvest limit, with the following restrictions: only one (1) antlered deer allowed, the first (1<sup>st</sup>) deer harvested must be antlerless.
- **Hunt Area Closure** - Due to the size of the property, the Fabick Nature Preserve will be closed during the hunts.
- **Cooperation with Local Law Enforcement** – Before the hunts, the City will engage cooperation with the St. Louis County Police Department, Fenton Precinct, and create clear protocol.
- **Dates for the Hunts** –
  - Thursday, October 13<sup>th</sup> through Monday, October 17<sup>th</sup> (this avoids conflicts with the Halloween and disruption by leaf pick-up operations).
  - Thursday, November 3<sup>rd</sup> through Monday, November 7<sup>th</sup> (this avoids conflicts with election day, Thanksgiving, Annual Lighting Ceremony, etc.).
  - Thursday, December 8<sup>th</sup> through Thursday, December 15<sup>th</sup> (this is the longest duration, as the weather conditions will limit the use of the park by others, but also only closes the park for one (1) weekend).

Following discussion, Alderman Jokerst made a motion to approve request to apply for the 2022 Managed Deer Hunt through the Missouri Department of Conservation (MDC) as presented. The motion was seconded by Alderman Clauss. Upon a vote being taken, the motion passed unanimously by the Committee. Alderman Jokerst noted for the record that she disagrees with length of third hunt.

- **Update regarding the St. Louis County Floodplain Mapping Project.**  
Public Works Director Dan Howard shared information that the St. Louis County Floodplain Mapping Project is currently in the Produce Preliminary Maps (PMP) portion of the project. The data is now ready to enter FEMA's Quality Review #3 (QR3). Currently, it is anticipated for the Preliminary Issuance Distribution in late April 2022. Review of the data can be accessed on the Outreach site at <http://bit.ly/MOSEMAOutreach>. A user guide to assist in navigating the Outreach Site was available for review. The St. Louis County data is located under the Preliminary icon at the bottom center of the home page.

Public Works Director Dan Howard shared in residential structures there is an anticipated increase from two (2) structures to twenty-six (26) structures in the regulatory 100-year floodplain and they are mainly in Ward 2 Courtney Estates, Riverside, and Parkside. That is mainly due to the 2017 flood and the properties will be required to carry additional flood insurance.

Public Works Director Dan Howard stated he requested the State mail notices/letters to residents affected. Public Works Director Dan Howard also shared the City will be required to adopt the flood maps after they have been approved by State and FEMA.

Alderman Wisbrock inquired on commercial structures. Public Works Director Dan Howard replied it increased from fourteen (14) to thirty-three (33), mainly along Cassens and in Olde Towne. Alderman Maurath asked if there will be buyout funds available. Public Works Director Dan Howard replied he would verify. City Administrator Nikki Finkbiner stated they have revolving funds for residential, the

problem will be benefit cost analysis. City Administrator Nikki Finkbiner and Public Works Director Dan Howard shared applying for the Community Rating System (CRS) program is a very time-consuming task but is beneficial for the City as it would lower rates for all policy holders within the City if approved.

### **MISCELLANEOUS**

- **Consideration of a Memorandum of Understanding (MOU) with the Gravois Bluffs Transportation Development District.**

In response to Staff's conversation with the owners of Gravois Bluffs in regard to 1) The Transportation Development District (TDD) and City of Fenton obligations regarding the maintenance of the rock wall along Gravois Bluffs Boulevard, and 2) the owner's desire to have City owned security cameras in the Gravois Bluffs area, the owner has proposed the Memorandum of Understanding (MOU) for consideration.

As requested by the Board during the November 4, 2021, Committee Meeting, the developer has also provided the following documents:

1. A copy of the Intergovernmental Agreement between the City and the Gravois Bluff Transportation District (2000 and 2001, amended).
2. A contract for proposed TDD work in the spring of 2022, based on and including the Rock Wall Assessment by Midwest Testing as October 21, 2021.
3. Information on TDD work based on Midwest Testing Evaluation in 2019.
4. Email providing current balance in the District Account as of November 24, 2021.
5. Data regarding visits per year to Gravois Bluffs.

City Administrator Nikki Finkbiner stated discussion will be continued to February Committee Meeting as Representative had to leave meeting earlier.

- **Consideration of requests for new Liquor Licenses.**

The below have submitted a request for a new Liquor License:

S & H Sports Group LLC, d/b/a Legacy VTC, 601 Gravois Bluffs Blvd. Suite G, Fenton, MO 63026 has made an application for a liquor license with the City of Fenton for liquor by the drink and Sunday sales, consumption on the premises.

CF Altitude LLC, d/b/a Alta Convenience 6533, 698 Gravois Bluffs Road, Fenton MO 63026 has made an application for a liquor license with the City of Fenton for sell at retail in original package and sell at retail on Sundays 6:00 a.m.-1:30 a.m.

CF Altitude LLC, d/b/a Alta Convenience 6505, 982 South Highway Drive, Fenton MO 63026 has made an application for a liquor license with the City of Fenton for sell at retail in original package and sell at retail on Sundays 6:00 a.m.-1:30 a.m.

The applicants have submitted all needed documents to process the liquor license and meets the qualifications of Section 600.055 of the Municipal Code.

Alderman Maurath made a final motion to approve the new Liquor Licenses with Alta Conveniences licenses to be contingent on final approval of Occupancy Permits. The motion was seconded by Alderman Huels. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

- **Request to renew an agreement with Cardinal Vending, Inc. for Vending Machine Services for another one-year term.**

Currently, the City has an agreement with Cardinal Vending, Inc. for Vending Machine Services, as approved by Ordinance 4096 in February 2021 and amended by Ordinance 4121 in May of 2021. The first (1<sup>st</sup>) term of the agreement is set to expire on February 28, 2022; however, the Board has the option to renew the agreement for another one-year term as provided in the agreement, as follows:

#### **IV. CONTRACT TERM**

*The initial term of this Contract shall commence on March 1, 2021, and terminate February 28, 2022, with a City option to renew for up to two (2) additional one (1) year terms at the rates stated in Exhibit A for the option renewal terms. The City may exercise its renewal options, by motion, duly made, seconded, and approved by the Board of Aldermen at least ten (10) days before expiration of the then current term. Failure of the City to exercise such option shall result in the Contract expiring at the end of the then current term.*

Per Cardinal Vending, and as indicated in Bid Form within the agreement, the City will continue to receive 20% of the net profit from all vending machine sales during the second (2<sup>nd</sup>) term through February 28, 2022. (Please note that Cardinal Vending provides, supplies, and maintains all of the machines located at RiverChase, Public Works, and City Hall and provides the City the payment for the profit once a month). Since May 2021, the City has received \$1,433.68 from Cardinal Vending in profit payments.

Based on the above, Staff suggests that the Board consider renewing the agreement with Cardinal Vending for another one-year term.

Alderman Huels made a final motion to approve the request to renew an agreement with Cardinal Vending, Inc. for Vending Machine Services for another one-year term. The motion was seconded by Alderman Clauss. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

#### **EXECUTIVE SESSION**

At 10:54 p.m., Alderman Clauss made a motion to enter into Executive Session pursuant to Section 610.021: (1) Legal actions, causes of action or litigation...and (3) Hiring, firing, disciplining, or promoting employees...

The motion was seconded by Alderman Wisbrock.

Upon the roll being called, the Board of Aldermen voted as follows:

Alderman Cruts	<i>Aye</i>	Alderman Clauss	<i>Aye</i>
Alderman Yarbrough	<i>Aye</i>	Alderman Huels	<i>Aye</i>
Alderman Wisbrock	<i>Aye</i>	Alderman Heard	<i>Aye</i>
Alderman Maurath	<i>Aye</i>	Alderman Jokerst	<i>Aye</i>

It was announced that the motion was passed unanimously by the Board of Aldermen.

#### **ADJOURNMENT**

At 11:18 p.m., Mayor Brasses reconvened the meeting at which time, with no other business before the Board, Alderman Wisbrock made a motion to adjourn. The motion was seconded by Alderman Clauss. Upon a vote being taken, it was announced that the motion was passed unanimously by the Board of Aldermen.

Respectfully submitted,

Jane Hungler  
City Clerk  
City of Fenton