

CITY OF FENTON, MISSOURI
625 NEW SMIZER MILL ROAD, FENTON, MO 63026
MINUTES OF THE SPECIAL MEETING OF THE BOARD OF ALDERMEN
THURSDAY, JANUARY 27, 2022
6:30 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 6:30 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 27, 2022.

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

ROLL CALL

City Clerk Jane Hungler called the roll:

Alderman Ralph Cruets - *Present*

Alderman Kevin Yarbrough - *Present*

Alderman Brian Wisbrock - *Present*

Alderman Joe Maurath - *Present (6:42)*

Alderman Chris Clauss - *Present*

Alderman Robin Huels - *Present*

Alderman Tom Heard - *Present*

Alderman Susan Jokerst - *Present*

Seven 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*

Public Works Director Dan Howard - *via video conference*

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

Financial Consultant Tammy Alsop - *via video conference*

Mayor Brasses acknowledged special guests in attendance Gary Siebert and former six (6) term Mayor, Dennis Hancock.

Mayor Brasses stated that he called this Special Meeting for:

- **Discussion regarding the City's allocation of the American Rescue Plan Act (ARPA) funds.**
City Administrator Nikki Finkbiner shared that under the final rule that was issued a few weeks ago, any municipality that receives under \$10 million dollars no longer has to go through a calculation process to show loss of income due to Covid. For one of the categories for eligible funds under ARPA, that calculation was previously required to then be able to spend that calculated amount towards government services. In prior discussions, it was noted that there was significant loss of revenue in the programs at RiverChase due to Covid. However, there has also been a significant loss in sales tax, due to change in the how the County is calculating disbursement as they use a redistribution formula.

If total revenues from the previous calendar year are less than or equal to the amount of such revenues which were collected in 2014, the redistribution will be calculated on a population basis, resulting in a loss of approximately \$1 million dollars. City Administrator Nikki Finkbinder shared the City is to receive \$812,389 and noted half (\$406,195) was already received in 2021. Staff's recommendation with the new ruling is for the Board to consider using the default calculation of ten million now allowed by the final rule and placing the funds in the General Funds account to be allocated for general revenue services for the 2022 budget. The final rule will not be effective until April of 2022. The funds could be earmarked in an Ordinance to be spent toward public safety, road improvement, or some other items. Staff suggests allocation of the funds toward the City's largest contract for public safety which is the St. Louis County Police contract, as Prop P only covers a portion of the contract, or under the Capital Plan for road improvements that are directly paid for by the City, since the funds cannot be used on anything involving Federal match or grant. The City budgets yearly approximately \$700,000 toward slab replacement. The Board could also spend the funds on a combination thereof.

Alderman Wisbrock inquired if ARPA funds could be allocated to the Horan project to help cover gap in original budget of the project and actual cost due to increase of raw material. City Administrator Nikki Finkbinder replied no, as the project is funded through a Federal grant.

Alderman Heard, with the dramatic decline in sales tax revenue due directly to effects of Covid in retail sales during 2020, supports Staff's recommendation.

City Attorney Erin Seele advised a one-time election to use the funds using a full revenue loss calculation or by standard allowance for revenue loss of up to \$10 million decision has to be made. The election choice will be required in the report due by April 2022 but it has not yet been released how the City should document that election. Alderman Huels suggested to review further before making decision of funds allocation. City Administrator Nikki Finkbinder shared with closing of 2021 books; Staff recommends minimally that Board wants to elect to expend the funds in 2022.

After discussion, Alderman Heard made a motion to spend funds in 2022 by standard allowance for revenue loss of up to \$10 million. The motion was seconded by Alderman Yarbrough. Upon a vote being taken, it was announced that the motion was passed unanimously by the Board of Aldermen.

- **Discussion regarding the creation of a "task force" to assist in the development of a draft agreement with the YMCA for the management of RiverChase for consideration by the Board.**

City Attorney Erin Seele explained a "task force" committee is designed to meet, study the issue, and provide recommendations to the Board and is a body subject to Sunshine regulations. Upon discussion, that does not appear to be the desire or need of the City. It appears the request is simply to have a second set of eyes and ears to attend meetings with the City Administrator and report back to the Board. Therefore, it is suggested to appoint two (2) or three (3) members to meet with City Administrator Nikki Finkbinder and the YMCA to have consistency in the meetings and facilitate the information process and keep the Board and citizens informed of the process.

Mayor Brasses shared they would work with City Administrator Nikki Finkbinder as an extra set of eyes so that nothing is overlooked and ask questions. Mayor Brasses recommended:

Tom Heard – due to his excellent communications skills with the Board and grasp of the City's financial matters as the Finance Committee Chairman.

Robin Huels – due to her knowledge of the Parks and Recreation Department and the Parks and Recreation Committee as the sitting Parks & Recreation Liaison.

Chriss Clauss – due to her experience on the Board, long history with Parks & Recreation, and as the Chairwoman of the Community Development and Affairs Committee. Additionally, she is a very active member at RiverChase and has proven she will ask the tough questions.

Alderman Jokerst suggested a more ward diverse representation, as the recommendation has two (2) aldermen from the same ward. Alderman Jokerst supports Alderman Heard with his finance background and Alderman Huels as she is the Liaison for Parks and Recreation. Alderman Clauss would be the second Alderperson from Ward 3 and Ward 1 and 2 would not be represented.

Alderman Huels suggested a fourth person could be considered as it would still be under quorum. City Attorney Erin Seele reminded the Board that a quorum is five (5) members but suggested being cognizant of committee quorums also to avoid any appearance issues.

Alderman Maurath inquired why not apropos for the whole Board to be involved to avoid missing information. He feels everybody has an interest in this and those that cannot make the meeting, information can be forwarded to them. He agrees with Alderman Jokerst, typically the Board does everything by ward so each ward should be represented.

City Attorney Erin Seele commented if everyone wants to be involved, they need to be careful in considering what the suggested purpose of this is. She understood the purpose was to assist City Administrator Nikki Finkbiner to allow more eyes and ears to report back to the Board and not have the entire Board present at every single meeting with the YMCA or to make decisions or recommendations, as doing that is a meeting under Sunshine. Mayor Brasses stated the City is not trying to hide anything; the purpose is just to have additional eyes and ears in the meetings to report back to the Board. City Administrator Nikki Finkbiner runs the day-to-day thus allowing her to negotiate with the YMCA but this would support her with extra eyes and ears.

Alderman Jokerst suggested one (1) alderman per ward be represented, if that ward alderman cannot attend the meeting, then inform the other alderman of that ward of such.

Alderman Heard shared he understands at the root of this, the goals are to provide some diverse opinions, extra eyes and ears, and to have a collaborative environment in a manner that it affords the expediting of conversations and processes. He expressed maybe that can be accomplished with a representative from each ward, if not, maybe there is another way.

Alderman Cruts inquired on the ability to substitute members because for example after the election, Alderman Heard will no longer be on the Board.

Mayor Brasses expressed it could be a representative from each ward attend and if one alderperson in their ward cannot attend the meeting, the other alderperson from that ward could attend, but only one from each ward can be in attendance. If both show up, one would have to leave.

City Administrator Nikki Finkbiner clarified that this will be on the schedule set by Staff, as the meetings with the YMCA will occur during daytime work hours. Coordinating with now multiple schedules will be difficult, so meetings will be set and she will inform alderpersons of that day and time for attendance.

Mayor Brasses asked City Attorney Erin Seele if a motion was necessary. City Attorney Erin Seele replied no, since it appears any alderperson can show up to listen to the information and report back to the Board but to be cognizant of and not violate sunshine. Alderman Huels reiterated do not violate committee quorum either.

ADJOURNMENT

At 6:55 p.m., with no other business before the Board, Alderman Wisbrock made a motion to adjourn. The motion was seconded by Alderman Cruts. 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