

**CITY OF FENTON**  
**625 NEW SMIZER MILL ROAD, FENTON, MO 63026**  
**MINUTES OF THE BOARD OF ALDERMEN COMMITTEE MEETING**  
**THURSDAY, FEBRUARY 10, 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, February 10, 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*

Alderman Robin Huels - *Present*

Alderman Tom Heard - *Present*

Alderman Susan Jokerst - *Absent*

Seven Aldermen were present at the opening of the meeting all via 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*

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 slide of an overview of reminders and announcements. Attached as part of these minutes. Mayor Brasses apologized to Alderman Maurath for not following through on what he had intended to; he did not follow through in October with discussing PTO. Mayor Brasses suggested to place discussion for 3<sup>rd</sup> party study on upcoming agenda under Personnel.

## PUBLIC COMMENTS

City Clerk Jane Hungler read into the minutes the emails received regarding comments in relation to Petland. Attached as part of these minutes.

Alderman Cruts read into minutes comment from Mr. and Mrs. Tom Rae 22 Sennawood, Fenton MO – in regard to RiverChase and the possible YMCA management takeover. They wish Milli Matronia to keep her as a personal trainer if the YMCA takes over. She is a one-on-one trainer who helps them greatly. They are currently paid up for approximately three (3) months and want her to be the trainer if the YMCA takes over. They do not want to start over from scratch.

Alderman Cruts shared another comment he received regarding Silver Sneakers are eligible for water classes at other YMCAs and inquired if that would be available at Fenton should the YMCA take over.

Alderman Maurath stated for the record he has had conversations with residents who called him regarding the pet supply company that submitted application. In discussion with City Planner Amy Starck, it is an allowed use, however he is not certain if they will be selling dogs there or not, not sure if part of the application. Not sure if there is anything that needs to be dealt with as far as the State is concerned and will keep up on that. It is an allowed use in that district.

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

Alderman Heard shared there was no financial report for review, as the December monthly financial report is not prepared until after the audit is completed.

- **Request to establish the 2022 Municipal Tax Rate.**

At this time, it is requested that the Board consider forwarding an Ordinance to the February Board Meeting to establish the 2022 Municipal Tax Rate for general revenue purposes at no cents for each one hundred dollars of valuation for all real and personal property.

Alderman Heard made a motion to forward to the February Board of Aldermen meeting the request to establish the 2022 Municipal Tax Rate for general revenue purposes at no cents for each one hundred dollars of valuation for all real and personal property. The motion was seconded by Alderman Huels. Upon a vote being taken, the motion passed unanimously by the Committee.

- **Discussion regarding 800 S. Highway Drive.**

City Attorney Erin Seele shared some background information regarding 800 S. Highway Drive, the former Stratford building, as it is public information that Fenton has been citing them for code violations. As the property is cited, she believes the attorney is here to discuss to see what the Board's thoughts are on this property, if there is any room for collaboration, and see if there is any direction from the Board that he can get.

Alderman Heard reminded Mr. Ettinger that this was a Committee Meeting for discussion and exploration, the Board is not in a position to take action regarding tonight's conversation.

Loren Ettinger, with the law firm Sandberg Phoenix, is representing his long-time clients the Patels. He has known about the Stratford Inn for a long time and the Patels acquired the Stratford Inn a few years ago with the intent of redeveloping it; that was prior to COVID. The intent is still there to do

something with it, but Covid decimated the hospitality industry and their business has been hotels, airport concessions, and restaurants.

The Patels have been talking to the City about redeveloping the property over the last few years and the Patels had given him a copy of a letter that they had sent to Alderman Maurath a couple years ago. There was a couple proposed flags of hotels, proposed development, and discussed some different incentives, such as CIDs, TDDs, and 353 tax abatement. That was about the time COVID was hitting.

So, the Patels came to him to see if he could help them with this project. as he worked with them on other projects such as Woodson Terrace. They got a couple hotels approved where a mobile Home Park was that was in real bad disarray; he knows the Stratford Inn is in disarray, he is aware of the Unsafe Conditions Notice that was provided by the City to the Patels. That is what made him reach out to Tim Engelmeyer and Erin Seele to discuss those issues. When he met with Tim and Erin at his office, they had a very nice, positive, productive conversation.

Mr. Ettinger stated he was trying to keep this informal and for the record he is not asking Board to make any decisions or approve any action. He wanted to reach out to the Board and inform where he is, where the Patel family is, and what they are looking for is to be collaborative going forward.

There are two buckets he is looking to address; one is uses and the other one is incentives.

1. The first bucket really focuses on what kind of uses will the City support for the property. As the family has been in the hotel business there's been a discussion of that but because of COVID, no one really knows when the hospitality business is going to be able to turn around. There have been other uses that they have thought of and other parties have asked if they could acquire the property for other uses. They were under contract at one point, and it was terminated, as the developer came to the City inquiring to do multifamily.

When he met with Tim and Erin, he requested to have some idea of what kind of uses the City would support; only hotels, multifamily, retail, restaurants, or industrial. They would like to get some direction from the City as to what uses the City will support because no one wants to spend all the time and money to try to put together a plan or to get under contract with a buyer and bring before the City if not supported.

2. The second bucket involves incentives. What kind of incentives would the City support to help them get a project going and that comes back to the CID, TDD, and Chapter 353 tax abatement. The property is in total disarray, it is boarded up, vagrants coming in and out, and the recent fire. It utilizes a lot of resources for first responders, and they would like to see something done with it. As he knows the City would too.

The building is a concrete building that is going to be very expensive to raise, there are utility lines that crisscross the property-literally there is a T right through the middle of the property-not aware what environmental issues are at the property, and it could be several years by the time the market comes around for hotels. The Patels are still going to look at doing the Holiday Inn just several 100 yards west of the property. That is not changing, but for purposes of this property, it is very expensive to raise it, to redevelop it, to get the site work to relocate utilities, and they need some incentives from the City to help support the project.

He received a call from Mark Spykerman with Gilmore and Bell. He understands Gilmore and Bell has not been formally engaged by the City, but Mark reached out to him because there was some discussion with Gilmore and Bell about engaging them to advise the City on incentives. So that is a collateral issue that could be discussed.

It was his understanding that the Board, the City, will support a stay of enforcement on the Unsafe Conditions Notice they received but unsure how long the City is willing to stay. He wanted to at least

get this conversation going because that was one thing they would be looking to do is to stay enforcement of it while they are trying to figure out where they are going with the project.

Erin did mention having cameras installed. The Patels did have cameras installed, but they were immediately stolen. They are willing to discuss other security measures, but sometimes certain things look worse than even the solution such as putting up a fence. People cut fences and climb over them anyway.

And then overall, when they come back with a plan, they need to discuss what kind of zoning is involved, special use permit, conditional, etc.

Alderman Heard expressed the City has property zoned in HP-1 District and there a multiple of allowed uses, not just hotel. Alderman Heard suggested match the City's Comprehensive Plan and as the uses are defined in the Code. Regarding incentives, the City's preponderance in past is not to offer subsidy funding. Not saying it is not possible, but the Board just forwarded request to continue 0% property tax so he is not sure the City has much to offer. He then commented Alderman Maurath sits on the planning and zoning commission and invited his thoughts.

Alderman Maurath agreed with Alderman Heard's analogy. He believes with this issue, the City has been pretty steadfast in its zoning and comprehensive plan. The City has a very good comprehensive plan. Also, he agreed with Alderman Heard that hotels are not the only use for that property. He shared he believes the answer to the question what will the City allow, is in the zoning ordinance. If the City starts piecemealing that creates problems. As far as the funding, he believes anybody that would purchase that building had to realize the condition that it was in. Personally, as he has been on the Board for a while, the City has not been very active in any kind of incentives as there are over 650 businesses in our industrial area and the City did not help fund them. As Alderman Heard stated, the City does not have any special taxes that that we impose. He believes the City has a pretty good comprehensive plan and it needs to be followed. Not just the Patels but everybody else in the hotel industry is having problems and have suffered but believes that will come back at some point in time.

Alderman Heard pointed out one glaring use not allowed in the HP-1 is residential and he feels multi-family residential would not be a use the Board would look upon favorably. He suggested trying to fit into the approved uses in the HP-1 or something that is very tangent to those uses. Alderman Heard expressed the City would like to see the property developed or redeveloped.

Alderman Huels shared there are several Members on this Board that were presented with Chapter 353 and it was voted on and was not something that the City was willing to do at that time; as Alderman Heard and Alderman Maurath stated there are many uses in the HP-1 that could potentially fit very well within this property and she believes those avenues should be explored.

Alderman Cruts expressed that City would work with them in conjunction with what the zoning is to make it work. And as Alderman Heard stated, the City would like to see this developed into something and get rid of the eyesore and the problems with health and safety.

Alderman Clauss agreed with Alderman Heard. The City has been presented with financing options and have been very reluctant to accept any of those. The City definitely would like to see something refurbished in that area and with the ability to work within the code, she expressed the Board is open to suggestions.

Mayor Brasses shared he would like to see development. Hopefully one day it will be back to full glory again, or whatever the endeavor is, but it does have to meet with City's comprehensive plan.

Mr. Ettinger expressed that he appreciated all the comments. There was nothing that he did not expect that he was going to hear. He inquired why the City does not support multifamily, and if there was an overarching reason why.

City Attorney Erin Seele shared as she stated at their meeting, the City recently went through their comprehensive plan and uses and the Planning and Zoning Commission recommended those uses. The uses were supported by the Board. There is a kind of line where residential is not mixed with commercial and/or industrial. There are not mixed uses in Fenton, they have a gradual development. That is the flow that the City has had and has kept. They did not think that residential should mix with the industrial or commercial areas, as you can see with the way the City is developed; there are buffers in between commercial, gradually to residential to protect that residential area. There are minutes of the comprehensive plan review and adoption that speak to it better.

Alderman Maurath shared as City Attorney Erin Seele mentioned, there were public meetings and the public does not want residential there. He believes the City is pretty diverse. The process was very painstaking, took a lot of time and energy on Staff and as well as Elected Officials and the public.

Mr. Ettinger stated for the record, these are conversations that they have had over the last couple years on their side of the table, so to speak, what they hear and what goes on in Fenton. He and Erin had a very good, frank conversation about things, and she was very kind to set up for him to come to the meeting tonight. There was nothing said tonight that he did not expect to hear, but at least wanted to share their thoughts and gather the Boards thoughts firsthand.

#### **PARK & RECREATION COMMITTEE MEETING FEBRUARY 7, 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:**
  - **Gary Johnson was re-elected as the Chairperson, Eric Robeck was re-elected as the Vice-Chairperson, and Deb Rogers was elected as the Secretary.**
  - **The Parks and Recreation Committee will continue discussions regarding:**
    - **Controlled burns in Bud Weil Park to assist with Honeysuckle removal.**
    - **Possible uses and access to City owned park parcels located at 725 New Smizer Mill Road and 905 Gregory Lane.**
  - **City Attorney Erin Seele provided the annual training for the Parks and Recreation Committee.**
- **The Park and Recreation Committee recommended the following:**
  - **Approval of temporarily naming City owned park parcels located at 725 New Smizer Mill Road and 905 Gregory Lane “Bud Weil Annex”.**
  - **Approval to have the existing shed in the Fabick Nature Preserve torn down/removed or possibly sold and have the City’s contracted engineer (Cochran) provide a cost estimate to revise the City’s existing bathroom plans (Exhibit A) and provide a cost estimate for the construction for a new restroom.**

Alderman Maurath suggested to surplus the current shed.

- **Approval to have Eric Robeck continue conversations with the Public Works Director and City Administrator regarding planting trees around Westside Park Lake.**

Alderman Huels suggested the Board support the arborists suggestions.

- **Approval of a request by Scott George for “No-Mow-Zones” and coordination with Public Works for maintenance of the same, as indicated in attached Exhibit B.**

Alderman Huels shared grass cutting contract will designate “no-mow-zones”.

- **Approval of a request by Scott George for permission to organize volunteers for native planting and weeding/honeysuckle removal activities in the parks in areas indicated in attached Exhibit B, with coordination and approval by the Public Works Director, and have the City purchase or donate supplies in an amount not to exceed \$500.**

City Administrator Nikki Finkbiner noted that donation was recommended.

- **Approval of a request by Scott George for funding for native seed purchase for City parks, not to exceed \$250 and as provided in attached Exhibit C.**

Alderman Huels made a final motion to approve request by Scott George for funding for native seed purchase for City parks, not to exceed \$250 and as provided in Exhibit C. The motion was seconded by Alderman Heard. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

- **Approval of a request by Scott George to have the Public Works Department remove the fence in Bud Weil Park to assist with honeysuckle removal.**

- **Other items from the Parks and Recreation Department:**

- **Request to seek bids for food services for the City’s concession stands.**

Staff is seeking permission to seek bids for food services, including delivery, at the City Park and Fenton Sports Complex concession stands, and possibly the RiverChase concession stand (as a bid alternate). This will reduce the amount of time spent by staff shopping for needed food and associated supplies for the concession stands (similar to the contract the City has for the fountain beverage services).

Following discussion, Alderman Huels made a final motion to approve request to seek bids for food services for the City’s concession stands. The motion was seconded by Alderman Clauss. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

## **PLANNING & ZONING COMMISSION MEETING FEBRUARY 1, 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-SUP-01:** A Petition by Bennett Rehab Services dba Apex Network Physical Therapy for a Special Use Permit to operate a Medical Office (physical therapy) at 524 Old Smizer Mill Road. The parcel is addressed as 400 Old Smizer Mill Road and is zoned “C-1” Commercial District.

**Conditions of Approval:**

1. This Special Use Permit is solely for Bennett Rehab Services dba Apex Network Physical Therapy, to operate an outpatient physical therapy clinic at 524 Old Smizer Mill Road, as indicated on the site plan provided with the application and dated December 30, 2021.
2. Compliance with all other applicable Code and Ordinance requirements.

Alderman Maurath noted that in April 2016 the Board granted a special use permit for the same company at 54 Fenton Plaza. That special use permit does not follow them to a new location. This is the same company, just at a new location.

## **HEALTH/SAFETY – Ald. Jokerst, Chairman (Yarbrough, Wisbrock, Clauss)**

There were no items for discussion.

## **MISCELLANEOUS**

- **Intergovernmental Cooperative Agreement for multi-use trail on and adjacent to the I-44/Meramec Bridge.**

Intergovernmental Cooperative Agreement (Kirkwood, Sunset Hills, and Fenton) for maintenance of the multi-use pedestrian bridge and trail on and near the I-44/Meramec Bridge for consideration. Said agreement has been approved by MoDOT and is required as part of the grant agreement with the Municipal Park Grant and is also required by the Missouri Highways and Transportation Commission.

Alderman Maurath commented there are two (2) cities on east side of the bridge to split maintenance cost at their approaches and only Fenton on the west side and if there were concerns with the split. Public Works Director Dan Howard shared he does not have concerns. There were prior discussions of parking lot on Fenton side, but due to height of the bridge in relation to ground level, it was not in MoDOT's specs to allow for that parking lot to be constructed. Fenton is liable for just the path; it comes off the 44 bridge and down to the crossing on Yarnell. Whereas Sunset Hills and Kirkwood have to maintain the parking lot being constructed along with the path. They have to plow the parking lot. Fenton does not have any other facilities except for a path so it seems like a fair tradeoff. Public Works Director Dan Howard believes restrooms on both sides were removed and the maintenance of the pedestrian portion of the bridge would be a shared cooperation between the three (3) cities. City Administrator Nikki Finkbiner shared maintenance funding would be requested through MoDOT and the Meramec Rivers Greenway but will confirm the same. The bridge maintenance is MoDOT responsibility. The final path approaches will be completed by MoDOT.

Following discussion, Alderman Huels made to forward to the February Board of Aldermen meeting the Intergovernmental Cooperative Agreement for multi-use trail on and adjacent to the I-44/Meramec Bridge. The motion was seconded by Alderman Maurath. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

- **Consideration of readopting regulations requiring pre-payment or pre-approval for fuel purchases.**

With the adoption on the new Code of Ordinances, including a Zoning Code, as approved through Ordinance 4185:

*All ordinances of a general and permanent nature of the City adopted on final passage on or before August 26, 2021, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of this ordinance.*

Upon review, it has come to attention that Ordinance 4018 "Amending Article XIV, Miscellaneous Offenses, Of Chapter 205, Offenses, By Enacting A New Section 205.685 Relating To Requiring Prepayment Or Preapproval For Fuel Purchases" as approved at the March 19, 2020 Board of Aldermen Meeting, was not submitted for codification.

Staff is recommending to re-adopt Ordinance "Amending Article XIV, Miscellaneous Offenses, Of Chapter 205, Offenses, By Enacting A New Section 205.685 Relating To Requiring Prepayment Or Preapproval For Fuel Purchases" for codification.

Alderman Wisbrock made a motion to forward to the February Board of Aldermen meeting the consideration of readopting regulations requiring pre-payment or pre-approval for fuel purchases. The motion was seconded by Alderman Clauss. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

- **Consideration of acceptance of a bid for 2022 Grass Mowing Services.**

The City sent the notice to bid for the 2022 Grass Mowing Service to ten (10) companies and placed the notice to bid in the newspaper for advertisement. Two (2) companies requested the bid documents.

The City held a mandatory pre bid meeting on Tuesday February 1, 2022 at 700 Rudder Rd. Top Care Landscaping and Nelson Land Service were present.

On February 9, 2022, the City held the bid opening for the 2022 Grass Mowing Services. Two (2) bids were submitted, opened, and publicly read. The bids were based on thirty (30) cuttings per year. Top Care Lawn Service submitted the lowest responsive bid at \$5,530.00 per cutting for the even (11) parcels bid. For an overall total, if thirty (30) cutting occurred, of \$165,900.00 for the first term. If subsequent renewals were to be awarded, (up to two (2) renewals) Top Care was also lower on the renewal increases.

Public Works Director Dan Howard shared after further review; he has an additional option to keep some parcels in-house. He pulled time sheets for the busy cutting season for 2021, typically May – June, as they are typically the highest cutting season, to compare what it cost the City to cut parcels vs. what was submitted in the bids. The numbers include all expenses, wages with benefits, equipment, truck, and trailer. Typically, there are three (3) workers on the crews for the parcels bid. Here are the averages for the two (2) months pulled for nine (9) of the parcels:

	<u>City</u>	<u>Top Care</u>
Old Town Park and Pavilion	\$ 300.00	\$ 630.00
Riverchase	\$ 880.00	\$ 1,085.00
Valiant Park	\$ 250.00	\$ 405.00
Westside Park	\$ 285.00	\$ 240.00
Bud Weil Park	\$ 280.00	\$ 370.00
Opps Lane	\$ 125.00	\$ 210.00
Riverside Park	\$ 100.00	\$ 140.00
City Hall	\$ 280.00	\$ 525.00
900 Gregory	\$ 150.00	\$ 140.00
Weekly cost	<u>\$ 2,650.00</u>	<u>\$ 3,745.00</u>
Cuttings	30	30
Cutting season cost	\$ 79,500.00	\$ 112,350.00

Meramec Greenway was not included in this due to the stretch included in the bid is typically cut on a sporadic basis as needed. The New Smizer Mill medians are typically cut when City Hall is cut.

Alderman Cruts inquired if City cost includes fuel cost. Public Works Director Dan Howard replied it did not but would be a minimal cost. Alderman Heard asked if this is a sustainable option due to staff shortage. Public Works Director Dan Howard expressed department was able to maintain in 2021 with above average rainfall resulting in more cuttings due to grass growing quicker however, there were other projects that were not able to be completed due to staff shortage. A benefit of in-house is more control as City can change cutting day for special events such as weddings in park.

Mayor Brasses inquired on subcontractor fulfilling obligations with labor shortages. Public Works Director Dan Howard replied during mandatory pre bid meeting it was discussed. Both assured him if either were awarded the contract, they would be able to complete on a weekly basis. If they do not perform work, they do not get paid.

After discussion, Alderman Wisbrock made a to approve Top Care Lawn Service and subcontract grass cutting services for the 2022 season. The motion was seconded by Alderman Maurath. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

Alderman Wisbrock inquired if invoicing will include date and times of their cuttings for each parcel, for liability reasons. Public Works Director Dan Howard replied he will inquire if they can include time on invoicing.

- **Consideration of request for a Liquor License from Wally's Operating Company, LLC.**

Wally's Operating Company LLC, 950 Assembly Parkway, Fenton, MO 63026 has made an application for a liquor license with the City of Fenton at retail in original package and sell at retail on Sundays.

The applicant has submitted all needed documents to process the liquor license and meets the qualifications of Section **600.055**; contingent on receiving their final Occupancy Permit.

Alderman Maurath made a final motion to approve Liquor License from Wally's Operating Company, LLC contingent on receiving their final Occupancy Permit. The motion was seconded by Alderman Wisbrock. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

- **Request to accept a contractor bid for the Allen Road Improvement Project.**

The bid opening for the Allen Rd STP-4989(611) project was held on November 2, 2022. Six (6) contractors submitted bids for the project with Pavement Solutions submitting the lowest bid of \$773,159.14. With this being a Federally Funded project, there is a DBE (Disadvantage Business Enterprise) goal that is set by MoDOT's External Civil Rights Division. The goal for construction for the Allen Rd Project was set at 16%. Pavement Solutions submitted the lowest bid but only had 9.4% DBE participation. In following the LPA (Local Public Agency) manual, the request for concurrence of award, including the bids from the first and second lowest bidder, was forwarded to the MoDOT External Civil Right Division for review.

MoDOT contacted Pavement Solutions to allow for a good faith effort to either explain why they could not meet the DBE goal or to obtain additional subcontracted work to obtain the goal. Through a letter sent to Pavement Solutions dated January 14, 2022, MoDOT's determination was Pavement Solutions did not make adequate good faith effort to meet the goal. MoDOT set a deadline of January 20, 2022 for Pavement Solutions to request a hearing for appeal. Pavement Solutions did not request a hearing.

The City received communication from MoDOT on February 7, 2022, requesting a submittal of concurrence of award to the second lowest bidder Spencer Contracting. Spencer Contracting submitted a responsive bid, including the 16% DBE goal. Their bid was \$887,504.60.

The federal share for this project, including design and construction is \$436,400. \$47,779.52 in federal funds were reimbursed to the City for design leaving \$388,620.48 in reimbursable funds for construction. With Spencer Contracting submitting a bid of \$887,504.60, the City will be responsible for \$498,884.12, approximately \$437,523.66 above what was anticipated when the grant was applied for in 2017.

Due to the condition of the roadway and the need for drainage improvements along with a new surface, it is recommended at this time to allow for the submittal of the concurrence of award to MoDOT for Spencer Contracting to perform the construction for Allen Road.

Alderman Yarbrough made a motion to accept a Spencer Contracting bid for the Allen Road Improvement Project. The motion was seconded by Alderman Clauss. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

- **Update/discussion regarding CAP 205 funding for a feasibility study and potential implementation of flood control projects for the Meramec River.**

Some great news coming out of Continuing Authorities Program (CAP) as Congress has appropriated funds under the Infrastructure Investment and Jobs Act (IIJA) for performing a feasibility study for the Meramec River at Fenton under Section 205.

One thing to note is that this project is completely separate from the ongoing Planning Assistance to States study on the Yarnell Creek. They are cost-sharing that with the City for \$122,100 each. That is also a planning-only study, which does not lead to a construction project with the Corps.

CAP Section 205 authorizes the study and potential implementation of small flood control projects. The great thing about the CAP program is that once a feasibility study is completed, the Corps does not have to go back to Congress for additional construction authority. They would only need appropriation for the cost-sharing of a federal project (Cost-share for a Section 205 construction project is 65% federal and 35% nonfederal).

The first \$100K of funding in a CAP Section 205 study is 100% federal. They have received the first \$50K of this to perform a Federal Interest Determination (FID). The FID looks to see if there is at least one (1) alternative that at a very high level appears to have a benefit-to-cost ratio of at least 1.0 (aka a "positive" FID). They are currently performing the FID, which is anticipated to be completed between March and April. If there is a positive FID, then they will request the second \$50K in fully federal funds, which is used for producing a Project Management Plan (PMP) and Review Plan (RP) and negotiating and coordinating a Feasibility Cost Sharing Agreement with the sponsor (the City of Fenton). That will take a couple of months.

Based on other feasibility studies being performed in the Meramec Basin, they anticipate a \$400K feasibility study, which would be cost-shared 50% federal and 50% nonfederal. This would mean that upon executing the FCSA, the City would be committing to \$200K, which realistically could be broken up into two (2) separate payments if needed (one (1) payment by around Summer of 2022 and another in 2023).

They are being asked by their Division and HQ how much funds they could reasonably execute in FY22, so the goal is to tell them around \$100K of cost-shared funds in 2022 and another \$100K in 2023.

Staff is inquiring if the City is still desiring to continue with participation in CAP 205 and the cost sharing requirement as outlined.

Alderman Maurath inquired if cost seemed high compared to surrounding areas. City Administrator Nikki Finkbiner replied cost was based on Eureka study. Alderman Maurath asked what Eureka received in their study. City Administrator Nikki Finkbiner shared she would need to inquire and believes it still an ongoing process.

Alderman Clauss inquired on anticipated suggestions the study may have that would give Fenton control to elevate flooding in City, as Fenton cannot control what happens upriver, especially with new developments. City Administrator Nikki Finkbiner replied may be dredge an additional basin or a levy. It depends on the study; it would be the discretion of the Board as to what actions they would want to take. City Administrator Nikki Finkbiner noted the Olde Town area is flood prone. Public Works Director Dan Howard agreed.

Alderman Wisbrock commented there are several properties being added to the list of floodplain properties with the new maps that will be coming out. There are approximately twenty-five (25) residential homes that will now be required to buy flood insurance. Also, the study may help show the affects to Fenton from the developments of surrounding areas upriver.

Alderman Maurath shared he would like to see Eureka’s study and suggested continuing with this study and keep mindful of cost. Public Works Director Dan Howard shared he believes it will go hand in hand with Yarnell Creek Study as both studies are completed by U.S. Army Corps of Engineers. Public Works Director Dan Howard expressed anything that the City can do to try to minimize flooding in the future should be done, within reason. Alderman Heard, Alderman Cruts, Alderman Yarbrough, and Alderman Huels shared they agree with comments and expressed they were in favor of continuing participation.

After discussion, Alderman Maurath made a final motion to approve to continue with participation in CAP 205 funding for a feasibility study and potential implementation of flood control projects for the Meramec River. The motion was seconded by Alderman Wisbrock. Upon a vote being taken, it was announced that the motion was passed unanimously by the Board of Aldermen.

**EXECUTIVE SESSION**

At 8:50 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>Absent</i>

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

**ADJOURNMENT**

At 9:54 p.m. Mayor Brasses reconvened the meeting at which time, with no other business before the Board, Alderman Clauss made a motion to adjourn. The motion was seconded by Alderman Wisbrock. 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