

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

CALL TO ORDER

Mayor Bob Brasses called the Board of Aldermen Meeting of the City of Fenton, St. Louis County, Missouri to order at 7:00 p.m. on Thursday, April 7, 2022. The meeting was held at Fenton City Hall and via Zoom Videoconference (RSMo 610.015).

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

ROLL CALL

City Clerk Jane Hungler called the roll:

Alderman Ralph Cruts - *Present*
Alderman Susan Jokerst - *Present*
Alderman Brian Wisbrock - *Present*
Alderman Joe Maurath - *Present*

Alderman Chris Clauss - *Present*
Alderman Robin Huels - *Present*
Alderman Tom Heard - *Present*
Alderman Kevin Yarbrough - *Present - via video conference*

Eight Aldermen were present at the opening of the meeting.

CITY OFFICIALS PRESENT:

Mayor Bob Brasses - *via video conference*
City Attorney Erin P. Seele, Esq.
City Administrator Andrea N. Finkbiner
Public Works Director Dan Howard - *via video conference*
City Clerk Jane Hungler
St. Louis County Police Precinct Captain Kevin Lawson
City Prosecuting Attorney Tim Engelmeyer - *via video conference*
Court Administrator Lauren Rabbitt - *via video conference*

MAYOR'S COMMENTS

The Mayor shared a presentation (attached as part of the minutes) and announced his resignation. Alderman Maurath expressed his appreciation for the Mayor's achievements during his tenure.

Board President Joe Maurath acknowledged Captain Lawson, Deb Abbott-Planning and Zoning Commission member, Mike Abbott-Parks and Recreation Committee member, and Scott Maserang-newly elected incoming Alderman for Ward 4 were in attendance of the meeting.

PUBLIC COMMENTS

There were no public comments.

Board President Joe Maurath suggested to move proposed signage for the RiverChase Facility related to the pending management contract with the YMCA and Employee Benefit Renewals for 2022-2023 topics next on agenda. Alderman Huels made a motion to move proposed signage for the RiverChase Facility related to the pending management contract with the YMCA and Employee Benefit Renewals for 2022-2023 topics next on agenda. The motion was seconded by Alderman Clauss. The motion was passed unanimously by voice vote.

MISCELLANEOUS

- **Discussion regarding proposed signage for the RiverChase Facility related to the pending management contract with the YMCA.**

The Board reviewed proposed signage for and related to RiverChase, as proposed by the YMCA.

Matt Clark, District Vice President-South District, 11039 Music Ave, St. Louis MO, and Steve Mastorakos, Vice President & Communications, 2815 Scott Avenue, St. Louis MO 63103 were present to discuss signage.

Mr. Mastorakos gave an overview of the proposed signage for RiverChase (attached as part of the minutes).

Alderman Huels, Alderman Clauss, and Alderman Jokerst, suggested "RiverChase" needed to be in the logo for the building and entrance illuminated signs. Alderman Clauss expressed her disappointment that the proposal did not incorporate "RiverChase" in the signage. Mr. Clark and Mr. Mastorakos shared they are more than willing to incorporate "RiverChase" into the logo for the building and entrance illuminated signs. Alderman Wisbrock inquired if the side of the building facing the interstate will have an illuminated sign. Mr. Mastorakos replied placing a sign on that side of the building was considered, however with the distance from the highway, the obstruction of the tree line, and cost it was not selected. Alderman Heard also expressed disappointment in proposal and believes it should incorporate "Fenton at RiverChase" into logo for the building and entrance illuminated signs as it is a City of Fenton asset and a branding value for the City. Mr. Mastorakos reminded the Board the more information on the signs, creates a reduction of visibility/space issues and a cost increase, but can present proposals as such. Alderman Yarbrough agreed with Alderman Clauss and Alderman Heard that either "RiverChase" or "Fenton at RiverChase" should be incorporated into the branding. Alderman Maurath suggested "YMCA at RiverChase".

Mr. Mastorakos inquired if the Board preferred one over the other of "RiverChase at YMCA" or "Fenton at RiverChase YMCA". After discussion, Alderman Heard expressed he is in favor of "Fenton at RiverChase". Alderman Clauss expressed in favor of "RiverChase YMCA".

City Administrator Nikki Finkbiner shared she will have to verify that proposed street signage locations are in City easement rights-of-way.

Mr. Clark and Mr. Mastorakos stated they will bring revised proposals for signage back to the Board for review and approval.

- Board President Joe Maurath suggested to move discussions of topics involving Prosecuting Attorney next on the agenda. Alderman Cruts made a motion to move topics involving Prosecuting Attorney next on agenda. The motion was seconded by Alderman Wisbrock. The motion was passed unanimously by voice vote.
- **Consideration of adopting regulations related to Ex Parte and Full Orders of Protection.**
The City's Prosecuting Attorney, Tim Engelmeyer, is requesting that the Board consider adopting regulations related to Ex Parte and Full Orders of Protection, similar to Valley Park code.

Prosecuting Attorney Tim Engelmeyer shared this relates to victims of domestic violence, stalking, or harassment. The Ex Parte or Full Orders of Protection do not give enforcement if orders are violated.

Alderman Jokerst inquired on clarification on 210.057 (c) repeat violation offenses, she believes repeated violation punishment is not enough. Prosecuting Attorney Tim Engelmeyer stated there are state mechanisms that can be sought for heavier punishment if applicable, such as a higher misdemeanor charge or felony charge, however with the state court case load many cases are being sent back to the municipalities for enforcement. The fine stated in the ordinance is the limit of the authority for municipal court. Prosecuting Attorney Tim Engelmeyer further explained with this ordinance there could be enforcement of repeat violations offender can be arrested, held and require a bond or additional restrictions such as ankle monitoring. Alderman Jokerst inquired on clarification on 210.200 (a) ... called to the same address within a twelve (12) hour period..., if it is considered a violation if within a thirteen (13) hour period. Prosecuting Attorney Tim Engelmeyer stated a violation of a court order is a violation and can omit the time constraints on repeat violations. Alderman Jokerst inquired on clarification on 210.200 (d) ...acted in good faith...shall be immune from liability...how to justify good faith if officer not responding to call unbiased. Prosecuting Attorney Tim Engelmeyer expressed he and City Attorney Erin Seele can work to amend language and still retain immunity for example being sued by a person who is arrested for violation of order that has not yet been served. Alderman Jokerst inquired on clarification on 210.200 (i) good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim tampering. Prosecuting Attorney Tim Engelmeyer explained that this is in relation to both parties consenting to counseling session and can amend ordinance to clarify as such.

Alderman Clauss asked for clarification that currently Fenton Precinct Officers cannot enforce Ex Parte or Full Orders of Protection. Prosecuting Attorney Tim Engelmeyer replied in some cases there are other violations that can be utilized to separate a situation. There are state ordinances for violating orders of protection, however, the state does not always prosecute violations and in turn it comes back to the municipality for prosecution. This ordinance would enforce the violation at the municipal level. St. Louis County has a similar ordinance.

Alderman Wisbrock asked Captain Lawson if there was anything additional, he would need in the ordinance to protect the individuals with the order of protection. Captain Lawson replied he believes the ordinance is sufficient as written to support enforcement of violations at the municipal level.

Alderman Yarbrough inquired how emails, phones, or texts are investigated for violation. Prosecuting Attorney Tim Engelmeyer replied it depends on how specific the order of protection is written.

Following discussion, Alderman Cruts made a motion to forward to the April Board of Aldermen meeting the consideration of adopting regulations related to Ex Parte and Full Orders of Protection with amendments as discussed. The motion was seconded by Alderman Wisbrock. Upon a vote being taken, the motion passed unanimously by the Committee.

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

• **Consideration of Employee Benefit Renewals for 2022-2023 as provided by The Daniel and Henry Company.**

Amy DiBlasi and Kathy Pickett, The Daniel and Henry Company (“D&H”), explained the Executive Summary from D&H for the City’s 2022- 2023 Employee Benefits renewal.

Kathy Pickett shared last year there was over an \$80,000 premium reduction for medical. There were alternate proposals marketed this year through UHC, Aetna, Anthem, and Cigna+Oscar and none of them were competitive – the rates are 103.46%, 165.01%, 75.17% and 48.68% retrospectively above the expiring rates and came with some significant changes to the current plan design, therefore those proposals were eliminated.

MEDICAL PLAN

- Currently the City pays 100% of any full-time (eligible) employee’s premium, and 75% of any dependent’s premiums.
- The City budgeted for an estimated 10% rate increase while preparing the 2022 budget.
- Multiple carriers were marketed, and Staff agrees with D&H recommendation to stay on Anthem MEWA plan. As requested by the Board, D&H provided alternate plans for the Board to consider.

Anthem MEWA is the current medical carrier for the City’s medical plans. The initial renewal was requesting a 32.41% increase (\$26,533 /month or \$318,398 /year). However, due to D&H negotiations with Anthem, D&H was able to get the renewal down to a 14.99%, which amounts to an overall increase in the medical of \$23,042 /month or \$276,504 /year with a \$1,000 / \$2,000 deductible in-network, an overall anticipated annual increase of \$37,643 for current participating eligible employees.

Kathy Pickett shared an option is for the City to choose a base plan and the City pays 100% of any full-time (eligible) employee’s premium, if the employee would choose higher plan the employee would pay the difference of the premium.

Several alternate options included a higher deductible were also evaluated

- with a \$2,500 / \$5,000 deductible, amount of \$244,730 for a 2.44% overall increase.
- with a \$2,000 / \$4,000 deductible, amount of \$252,188 for a 5.54% overall increase.

Alderman Jokerst inquired if the City would choose the \$1,000 deductible plan and the employee would choose the \$2,500 deductible option, could the City offer more pay per hour to compensate for the plan difference. City Attorney Erin Seele advised it could be done legally, however it is unclear how the procedure would be processed. Alderman Heard expressed it could be a budget amendment, however what would be the effects budgeting wise if the employee chooses differently next year. Alderman Clauss inquired how employees who do not take City insurance at all would be handled. Alderman Wisbrock inquired on the delta between the plan options. Kathy Pickett current plan renewal per employee for \$1,000 deductible is \$502.63 and \$2,500 deductible is \$445.17 for a difference of \$57.46. Alderman Wisbrock shared it would be approximately .35 cent per month savings, if savings were added to compensation in employee paycheck less taxes, which would not be beneficial to the employee.

Kathy Pickett shared the City could consider changing the City paid / employee paid contribution rate.

Alderman Maurath inquired why the renewal date was mid-year instead of January 1st to coincide with City budget year and if it would be beneficial to change the renewal date. City Administrator Nikki Finkbiner shared would not be financially beneficial in the start because City would have to do six (6) month renewal to align with fiscal year budget. Alderman Maurath asked City Administrator to discuss with Finance Consultant to verify if beneficial for the City to change renewal dates.

Alderman Jokerst and Alderman Cruts expressed they were anticipating a higher premium savings to allow possibility of offering a pay compensation to employees, however they do not want to take anything away from the employees and see no need to change.

Vision, Life, AD&D, and Voluntary Life, STD, LTD is under a multi-year rate guarantee that does not expire until July 1, 2023. Dental and EAP is under a multi-year rate guarantee that does not expire until July 1, 2023.

D&H NAVIGATOR

- The D&H Navigator is a platform that centralizes HR records online and syncs employee data across multiple systems, including payroll, benefits, and time off. As cost of this program is waived for having multiple lines of coverage with D&H, Staff agrees with D&H's recommendation to continue the service.
- The June 1, 2022 Open Enrollment will be done through D&H Navigator.

LEVEL FUNDING FILING ASSISTANCE

- Staff is also requesting that D&H assistance with the 1094 and 1095 filing at a \$5 per form, for a total approx. cost of less than \$500 to the City. This is a time-consuming task for the City's Finance Department during a peak time of year (first of the year in conjunction with W-2's, W-4's and finalizing the year end budget from the previous year). Additionally, D&H already has the needed information to complete the forms and Finance does not.

Following discussion, Alderman Maurath made a motion to forward to the April Board of Aldermen meeting the consideration of Employee Benefit Renewals for 2022-2023 to remain with the same medical renewal Anthem MEWA with a \$1,000 / \$2,000 deductible for \$276,504 /year, continue with no changes in coverage for dental, vision, life, STD, LTD, EAP, and renew the D&H Navigator and Level Funding filing assistance. The motion was seconded by Alderman Huels. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

- **Consideration of an amendment to Section 7.2.2. Performance Evaluation of the City's Personnel Manual.**

A proposed amendment to Section 7.2.2 Performance Evaluation of the City's Personnel Manual per suggestion made at the March 3, 2022 Committee meeting is as follows (with new language bold and underlined):

The Employee's performance evaluation process shall be conducted in a manner which promotes the concepts of continuous improvement and frequent interaction between Employees and their Supervisors.

Performance evaluation criteria shall include performance of duties established for the position in an official job description, general performance characteristics, review of progress toward previously established performance goals and objectives, and other relevant factors relating to the specific position, including established performance standards.

Performance evaluations shall be prepared on an annual basis by Department Heads for each eligible Employee on a form that is approved by the Board. This annual evaluation may be the basis for a pay increase. The performance evaluation for the City Administrator shall be prepared by the Mayor and Chairman of the Personnel Committee for review and approval of the Board, and the performance evaluation of the City Clerk shall be prepared by the City Administrator for review and approval by the Board. The performance evaluation process is dictated by the Employee Evaluation Policy approved by the Board.

All performance evaluations shall be completed, reviewed with employee, and signed by October 31st annually, then all performance evaluations shall be forwarded to the City Clerk, or appointed designee, for filing in the Employee's personnel file. All performance evaluations and related documentation are considered and maintained as closed confidential records.

Alderman Maurath made a motion to forward to the April Board of Aldermen meeting the consideration of amendment to Section 7.2.2. Performance Evaluation of the City's Personnel Manual as discussed and presented by staff. The motion was seconded by Alderman Cruts. Upon a vote being taken, the motion passed unanimously by the Board of Aldermen.

PUBLIC COMMENTS

There were no public comments.

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

- **Consideration of a request for additional Flock License Plate Readers.**

Captain Lawson shared the current nine (9) cameras would remain in their current locations in Gravois Bluffs and additional camera #1 would meet the Memorandum of Understanding (MOU) with the Gravois Bluffs Transportation Development District.

Further discussion and review of other areas within the City of Fenton that would benefit from the deployment of additional Flock Safety System Cameras are:

1. Northbound Gravois Bluffs Circle approaching the Sonic Restaurant at Gravois Bluffs Boulevard;
2. Eastbound Horan Drive near Bowles Avenue;
3. Southbound Gilsinn Lane near South Highway Drive;
4. Southbound Larkin Williams near South Highway Drive;
5. Westbound Rudder Road near South Highway Drive;
6. Eastbound Rudder Road near Yarnell Road;
7. Exit from Westbound 1-44 onto Soccer Park Road, outside Estes Trucking;
8. Westbound North Highway Drive, west of 1-44 Exit;
9. Westbound North Highway Drive, east of Wally's and west of the Bowles exit ramp;
10. Northbound and Southbound Larkin Williams, on opposite side of Fenton City Park entrance;
and
11. Eastbound Gravois Road at the Meramec River Bridge, entering Sunset Hills.

Captain Lawson reminded Board members that the annual fee of \$25,000 for the initial ten (10) cameras would be reimbursed through the MOU agreement. The cost of additional cameras would be \$2,500 per camera and \$250 per camera for installation. City Attorney Erin Seele expressed keeping the Flock system consistent for collaboration, as it is beneficial among law enforcement departments as they can access if they have been granted access. City Administrator Nikki Finkbiner stated benefit of camera locations can be reviewed and changed as needed as contract is an annual contract and can also consider future corporate partnership agreements with other businesses for future renewals. Captain Lawson agreed.

Prosecuting Attorney Tim Engelmeyer voiced he is in favor of the Flock system, as it is very beneficial in the prosecution of violations.

Following discussion, Alderman Cruts made a motion to forward to the April Board of Aldermen meeting the consideration of the request for eleven (11) additional Flock License Plate Readers as discussed. The motion was seconded by Alderman Wisbrock. Upon a vote being taken, the motion passed unanimously by the Committee.

- **Consideration of amendments to Section 135.040 of the Municipal Code related to compensation for the Municipal Judge and Provisional Judge.**

When the Fenton Municipal Code was amended in 2009, the following language from Section 135.040 was omitted:

“The Municipal Judge shall be compensated at such a rate as may be designated by the Board of Aldermen from time to time by Ordinance.”

Staff is requesting the Board to consider amending this Section to reinsert in the omitted verbiage *and* include compensation for the Provisional Judge.

Following discussion, Alderman Cruts made a motion to forward to the April Board of Aldermen meeting the consideration of amendments to Section 135.040 of the Municipal Code related to compensation for the Municipal Judge and Provisional Judge. The motion was seconded by Alderman Jokerst. Upon a vote being taken, the motion passed unanimously by the Committee.

- **Consideration of amendments to the Municipal Code related to a Public Defender.**

Staff is requesting that the Board consider an Ordinance to add a new Section to the Fenton Municipal Code regarding a Public Defender, similar to the City of Creve Coeur’s Code, which is listed below.

“The duties of a public defender shall be to serve as counsel when appointed by the Municipal Judge or the Board to represent persons appearing before the Municipal Court and accused of a violation of the ordinances of the City for which the prosecutor intends to seek a sentence of confinement who demonstrate to the satisfaction of the Municipal Judge that they are unable to employ counsel on their own behalf and should have counsel appointed to represent them. No such person shall be sentenced to any period of confinement unless he/she is represented by counsel. The Public Defender shall be compensated at such rate as may be designated by the Board from time to time by Ordinance. See Court Rules 37.47, 37.50.”

City Attorney Erin Seele explained that this proposed ordinance explains the court rules for a public defender if one is needed as applicable by state law and also covers compensation rate. Court Administrator Lauren Rabbitt shared this will cover cases needing a public defender and their compensation rate.

Following discussion, Alderman Cruts made a motion to forward to the April Board of Aldermen meeting the consideration of amendments to the Municipal Code related to a Public Defender. The motion was seconded by Alderman Jokerst. Upon a vote being taken, the motion passed unanimously by the Committee.

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

- **Discussion regarding the annual Appreciation Dinner.**

Staff would like further direction regarding the Board’s decision to hold the Annual Appreciation Dinner. As there was discussion to hold this event in May, or the possibility of September or October during milder temperatures.

After consideration of the Olde Towne Park utilization for the event, Staff would like to suggest holding this event at Fenton City Park on a Sunday when there are no games scheduled as this will allow full access to restrooms and needed parking. We are anticipating twenty-eight (28) volunteer members (including former members) plus their guest, twenty-eight (28) City Officials (including former officials), plus their guest, bringing the anticipated total to one hundred twelve (112) invited. In prior years, the total of actual attendees was seventy (70) people.

Staff would also like to ask the Board if they want to request one (1) food truck for food service and if the Board would like to consider a vendor for alcohol or open concession stand for beer, water, and soda and the intent of the Board to approve a cost not to exceed as the event has a budget of \$2,500.

Following discussion, Alderman Clauss made a motion hold the annual Appreciation Dinner in Fenton City Park main pavilion on Sunday, September 25, 2022 from 2-5 p.m., and inquire about food trucks, vendor for alcohol service, musical entertainment, and approve a cost not to exceed \$5,000. The motion was seconded by Alderman Heard. Upon a vote being taken, the motion passed unanimously by the Committee.

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

There were no topics for discussion.

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

There were no topics for discussion.

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

- **Request to extend the City’s Comprehensive IT Services agreement for an additional one-year term.**

Staff is seeking permission to continue with the next contract term with Essential Network Technologies (ENT) for an additional one (1) year term which would begin on June 1, 2022 through May 31, 2023 (Note: This will be the final one-year term under the agreement). ENT has confirmed that there will be no price increase to their managed services, at \$5,305 per month (which has not increased since the initial term in 2018).

Following discussion, Alderman Heard made a motion to forward to the April Board of Aldermen meeting the request to extend the City’s Comprehensive IT Services agreement for an additional one-year term. The motion was seconded by Alderman Huels. Upon a vote being taken, the motion passed unanimously by the Committee.

EXECUTIVE SESSION

At 8:55 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, (3) Hiring, firing, disciplining, or promoting employees, and (13) Individually identifiable personal records, performance ratings or records pertaining to employees and or applicants for employment. The motion was seconded by Alderman Heard.

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 9:57 p.m. Alderman Maurath reconvened the meeting at which time, with no other business before the Board, Alderman Heard made a motion to adjourn. The motion was seconded by Alderman Jokerst. 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

DRAFT